



### CIRCUMSTANCES OF THE COMPLAINT

1. Respondent's license history indicates that between August 10, 2001 and December 12, 2002, the license was active status and assigned to Mid-America Referral Company, West Des Moines, Iowa.
2. On or about December 12, 2002, Respondent's salesperson license was renewed and issued as inactive status. A felony conviction was disclosed in item # a of the renewal application and a supplemental letter dated December 4, 2002 was attached.
3. A copy of the "Complaint and Affidavit" and "Judgment and Sentence" for State of Iowa vs. Rick Howard Phippen, Criminal No. FECR 025144, were obtained from the Dallas County Iowa Clerk of the District Court. The court documents indicate that on March 28, 2002, in the Iowa District Court For Dallas County, Respondent plead guilty and was convicted of the crime of Sex Abuse 3<sup>rd</sup> Degree in violation of Iowa Code sections 709.1 and 709.4(2(a)(4)).
4. On March 28, 2002, Respondent was committed to the custody of the Director of the Department of Corrections for a period of not more than ten (10) years. Respondent was additionally fined \$1000, ordered to pay victim restitution in an amount to be determined, and the No Contact Order previously ordered was continued.
5. Respondent remains incarcerated at the Mt. Pleasant Correctional Facility, Medium Security Unit, Mt. Pleasant, Iowa.

### FINDING OF PROBABLE CAUSE

On February 27, 2003 the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Dated this 17<sup>th</sup> day of APRIL, 2003.

  
Roger L. Hansen, Executive Officer  
Iowa Real Estate Commission

**BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 SE HULSIZER  
ANKENY, IOWA**

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IN RE:	)	CASE NUMBER: 02-107
	)	
RICK H. PHIPPEN	)	STIPULATION
Salesperson (S40982)	)	AND
	)	VOLUNTARY SUSPENSION
MT. PLEASANT CORRECTIONAL FACILITY	)	OF
MEDIUM SECURITY UNIT	)	SALESPERSON LICENSE
1200 E. WASHINGTON	)	No. S40982
MT. PLEASANT, IA 52641-1804	)	
	)	

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On this 17<sup>th</sup> day of APRIL, 2003, the Iowa Real Estate Commission and **RICK H. PHIPPEN**, each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order.

2. The Respondent has a right to a hearing on the charges, but waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

3. The Respondent was issued a real estate salesperson license on n November 7, 2000, which is in full force and effect until December 31, 2005.

4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

6. The Respondent admits each and every allegation in the Statement of Charges.

7. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.

8. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

9. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2003).

10. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

11. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

**IT IS THEREFORE ORDERED** that the Respondent's real estate salesperson license number S40982 is **SUSPENDED**. The suspension shall be for an indefinite period of time and effective the date the Commission accepts this stipulation.

**IT IS FURTHER ORDERED** that any application to reinstate shall be made in compliance with 193 IAC 7.38 and 193E IAC 18.15. The Commission will not consider any written application to lift the suspension until such time as the Respondent is no longer incarcerated and provides satisfactory documentation and other supportive information to demonstrate compliance with all terms and conditions of supervision requirements, including but not limited to evaluations, treatment, and payment of fines and restitution.

**THE RESPONDENT ACKNOWLEDGES** that when making a determination on a qualifying written application to lift the suspension, the Commission will consider the nature of the offense, any aggravating or extenuating circumstances which are documented, the time lapsed since the offense, conviction, conduct, and any other factors the commission deems relevant. Character references may be required.

**RESPONDENT FURTHER ACKNOWLEDGES** that as a pre-condition to reapplication the Respondent must submit adequate proof to verify that restitution has been paid in full. Also note that if reapplication is considered in the future it would be as a salesperson starting over as if never licensed.

**THE RESPONDENT FURTHER ACKNOWLEDGES** that the suspended license must be renewed when required or it will expire.

**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by **RICK H. PHIPPEN** on this 2 day of April, 2003.

[Redacted Signature]

**RICK H. PHIPPEN**, Respondent

State of Iowa )  
County of Henry ) ss

Signed and sworn to before me on this 2nd day of April, 2003, by

[Redacted Signature]



Notary Public, State of Iowa  
Printed Name: Terry Moore  
My Commission Expires: 2-15-06

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 17th day of April, 2003.

[Redacted Signature]

**James E. Hughes**, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General