

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

COPY

IN RE:

JAMES E. ROCK

Salesperson (S33007)

975 SUNNYSIDE AVENUE

MISSOURI VALLEY, IA 51555

CASE NUMBER: 02-022

STATEMENT
OF
CHARGES

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapter's 17A, 543B, and 272C (1999).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

JAMES E. ROCK was at all material times during the following events, a licensed salesperson with Leroy Burbridge, a licensed sole-proprietor broker, license number B26208, in Woodbine, Iowa, or an inactive status licensed salesperson. His license, number S33007, has been on inactive status since March 3, 1998, except for a brief period, February 14, 2002 to March 29, 2002, and is in full force and effect through December 31, 2003.

COUNT I

The Respondent pled guilty in the Iowa District Court For Harrison County Iowa on October 4, 1999 and was adjudged guilty on November 22, 1999, to Theft in the First Degree, Iowa Code Sections 714.1(3) and 714.2(1), in violation of Iowa Code sections 543B.29(5), 543B.34(8) and 543B.34(11) (1999).

02-022

CIRCUMSTANCES OF THE COMPLAINT

1. On or about May 16, 1999, a Trial Information was filed in the Iowa District Court for Harrison County Iowa, Criminal Number FECR007179, charging the Respondent with nine separate counts of Theft First Degree by deception obtaining the transfer of possession, control or ownership of varying sums of money ranging from \$173,000 to \$6000.
2. On October 4, 1999, pursuant to a Plea Agreement, the Respondent entered a guilty plea to Theft First Degree contained in count VII of the Trial Information. Counts I, II, III, IV, V, VI, VIII, and IX were dismissed.
3. On November 22, 1999, the Respondent was sentenced. He was ordered committed to the custody of the Director, Iowa Department of Corrections, for a term not to exceed ten years. Respondent was also ordered to enter into a plan of restitution in the amount of \$339,000 as set forth in the nine counts contained in the trail information.

FINDING OF PROBABLE CAUSE

On August 29, 2002 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 16th day of JANUARY, 2003.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

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) (2002).

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.

THEREFORE IT IS ORDERED that the Respondent's Iowa Real Estate Salesperson License number S33007 is **SURRENDERED**.

RESPONDENT ACKNOWLEDGES that the effective date of the surrender shall be the date this Stipulation is accepted by the Commission.

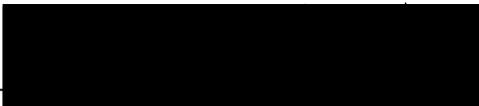
RESPONDENT ALSO ACKNOWLEDGES that if salesperson license number S33007 is issued to a sponsoring broker, it must be returned to the Iowa Real Estate Commission upon notification that this Stipulation has been accepted by the Commission.

RESPONDENT FURTHER ACKNOWLEDGES that Iowa law allows Respondent to reapply for an Iowa Real Estate license if the surrender or revocation took place two (2) years (or longer) prior to reapplication AND that reapplication for an Iowa Real Estate license may or may not be granted by the Iowa Real Estate Commission and that the violations of law admitted herein may provide a basis for denial.

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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by JAMES E. ROCK on this _____ day of _____, 2002.



JAMES E. ROCK, Respondent

State of _____)

County of _____)

Signed and sworn to before me on this _____ day of _____, 2002, by

Notary Public, State of Iowa

Printed Name: _____

My Commission Expires: _____

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 16th day of JANUARY, 2003.



James E. Hughes, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General