

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
)	CASE NUMBER: 00-077
LEO PECK)	
Broker (B32472))	STIPULATION
)	AND
)	ORDER
3103 MIDDLE RD.)	
Davenport, IA 528033543)	

On this 25th day of OCTOBER, 2001, the Iowa Real Estate Commission and LEO PECK, 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 reciprocal real estate broker license on October 05, 1995. The license was on inactive status from 01/12/2000 until it expired 12/31/2000.
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 attached hereto.
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) (1999).

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 is **Reprimanded**.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

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IN RE:)

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STATEMENT OF
CHARGES

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 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.

LEO PECK is, and was at all material times during the following events, a licensed Sole-proprietor broker in Davenport, Iowa. His license, number B32472, expired December 31, 2000.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to obtain written approval from his client for all repairs, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) (1999), and Iowa Administrative Code Chapter 193E section 4.54(19).

CIRCUMSTANCES OF THE COMPLAINT

1. In February 1997, Respondent listed the property owned by Betty Doughty located at 1512 Harrison, Davenport, Iowa, for \$64,500. Doughty resides in Wilson, North Carolina.
2. On April 8, 1998, Respondent re-listed the property for a six month time period. On August 31, 1998 the listing was amended to reflect a \$ 69,900 price and amended again on December 26, 1998 to reflect a \$79,900 price and June 30, 1999 expiration date.


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3. On January 24, 1997, Respondent provided Doughty with a list of needed repairs and an estimate of costs for him to do the work, totaling \$5,997.78. On June 18, 1997, Respondent received a signed authorization from Doughty raising the costs for him to do the repairs to \$6,797.78. Thereafter, Respondent contends that he received oral authorizations from Doughty to do additional repairs at additional cost as needed.
4. The Respondent sent Doughty a bill dated April 27, 1999, totaling \$23,860.00 for materials and his labor for the repairs to the property. This billing is approximately \$17,062.22 beyond those authorized in writing by Doughty. On April 27, 1999, Respondent filed a \$23,860.00 Mechanic's Lien on the property. Doughty disputed the extent and the amount of the expenses incurred and retained an attorney.
5. Respondent filed suit to foreclose the Mechanics Lien. The suit entered into a Stipulation of Facts and the same was presented to the Court which found that the equities of the cause were with Respondent Peck, and that he was entitled to judgment in the sum of \$15,000, together with interest of 7% per year from and after April 27, 1999, and that he was entitled to have Special Execution issued for sale of the subject property in order to recover the full amount of judgment, including interest. By agreement of the parties, Doughty was given until April 1, 2001, to pay said judgment without interest in order to avoid foreclosure sale.

FINDING OF PROBABLE CAUSE

On March 08, 2001 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 25th day of OCTOBER, 2001.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission