

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

IN RE:)	
)	
BRYAN JOHNSON (S30916))	CASE NUMBER: 99-108
Salesperson)	
)	STATEMENT OF
)	CHARGES
IOWA REALTY CO. INC. (F00710))	
3501 WESTOWN PKY)	
WEST DES MOINES, IA 502661007)	

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.

BRYAN JOHNSON was at all material times during the following events, a licensed real estate salesperson with Iowa Realty, Inc., a licensed real estate firm in West Des Moines, Iowa, license number F00710. His license, number S30916, is in full force and effect through 12-31-2001.

COUNT I

The Respondent is charged with filing a false affirmation of continuing education for a 1999 real estate salesperson renewal application, in violation of Iowa Code sections 543B.15(5), 543B.29(1) and (3) (1999), and Iowa Administrative Code Chapter 193E, sections 3.3(5), 3.3(5)(b), and 3.3(5)(d).

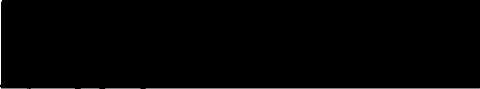
CIRCUMSTANCES OF THE COMPLAINT

1. On December 21, 1998, the Commission received the Respondent's salesperson license renewal application which included the Continuing Education Reporting Form on the reverse side. The Continuing Education Reporting Form was completed indicating completing of the hours required to renew on active status. The affirmation was signed affirming that the information provided was true and correct.
2. In August, 1999, Respondent was selected for random audit. In response, Respondent could not supply the records to support the validity of all of the credits he had claimed on the renewal and he admitted that he had provided false information.
3. Information subsequently provided, indicates at the time the Respondent filed the renewal application, he actually only had eighteen (18) of the thirty-six (36) hours of continuing education required to renew on active status.
4. After being selected for audit, the Respondent completed the additional twelve (12) hours of mandatory education and the six (6) hours of elective education during September and October, 1999.
5. Respondent continued to practice real estate during this time.

FINDING OF PROBABLE CAUSE

On November 10, 1999 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.

Executed this 25th day of MAY, 2000.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

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1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
BRYAN JOHNSON (S30916))	CASE NUMBER: 99-108
Salesperson)	
)	STIPULATION AND
)	CONSENT ORDER
IOWA REALTY CO. INC. (F00710))	
3501 WESTOWN PKY)	
WEST DES MOINES, IA 502661007)	
)	

On this 25th day of MAY, 2000, the Iowa Real Estate Commission and BRYAN JOHNSON, 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 salesperson license to practice real estate on June 20, 1990 as evidenced by license number S30916, which is in full force and effect through December 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.
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 that the Respondent shall pay a civil penalty in the amount of \$ 1000.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission. The civil penalty must be submitted to the Iowa Real Estate Commission under a cover letter addressed to the Commission's Executive Secretary and must refer to case 99-108.

IT IS FURTHER ORDERED that within six (6) months of acceptance of this Stipulation and Consent Order by the Commission, the Respondent shall submit proof to the Commission that he has successfully passed the Iowa Salesperson Examination. The original examination passing score certificate must be submitted to the Iowa Real Estate Commission under a cover letter addressed to the Commission's Executive Secretary and must refer to case 99-108.

IT IS FURTHER ORDERED that should the Respondent fail to successfully pass the Iowa Salesperson Examination and submit the required proof within six (6) months of acceptance of this stipulation by the Commission, his license shall be suspended for an indefinite period until such time as he successfully passes the examination and submits the required proof to the Commission.

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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by BRYAN JOHNSON on this 27 day of April, 2000.




BRYAN JOHNSON, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 27 day of April, 2000, by



Notary Public, State of Iowa

Printed Name: MARY FLORA

My Commission Expires: 7-30-2001

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 25th day of MAY, 2000.



Evelyn B. Rank, Chair
Iowa Real Estate Commission

cc: Susan Boe, Attorney for Respondent
Pam Griebel, Assistant Attorney General

99-108