

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

IN RE:)	
)	
STEVEN J. PERERA)	CASE NUMBER: 00-094
Salesperson (S28083))	
)	STIPULATION
4912 SINGING HILLS BLVD)	AND
SIoux CITY, IA 51106)	ORDER
)	

On this 14th day of DECEMBER, 2000, the Iowa Real Estate Commission and STEVEN J. PERERA, 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 March 17, 1994, which is in full force and effect through December 31, 2002.

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 \$ 500.00 to the Commission prior to the license being reissued to active status. The license shall not be reissued to active status until this requirement is satisfied.

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 STEVEN J. PERERA on this 1st day of December, 2000.

[Redacted Signature]

STEVEN J. PERERA, Respondent

State of Iowa

County of Wade

Signed and sworn to before me on this 1st day of December, 2000, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: [Redacted]

My Commission Expires: May 4th 2002



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 1st day of December, 2000.

[Redacted Signature]

Evelyn M. Rank, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
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)	CASE NUMBER: 00-094
STEVEN J. PERERA)	
Salesperson (S28083))	STATEMENT OF
)	CHARGES
4912 SINGING HILLS BLVD)	
SIoux CITY, IA 51106)	
)	

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.

STEVEN J. PERERA was at all material times, during the following events, a licensed salesperson with John Hejhal, a licensed sole-proprietor real estate broker (B11152) in Sioux City, Iowa. His license, number S28083, has been on inactive status since June 15, 2000. The license is in full force and effect through 12-31-2002.

COUNT I

The Respondent is charged with filing a false affirmation of continuing education for a 1999 real estate salesperson renewal application and failing to provide information relative to a complaint to the Commission when requested, 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)(b), 3.3(5)(d), and 4.54(9) and (19).

CIRCUMSTANCES OF THE COMPLAINT

1. On January 31, 2000, Respondent filed application to renew his salesperson license. The application included the Continuing Education Reporting Form on the reverse side which reported adequate education to be renewed to active status. The affirmation, dated January 25, 2000 was signed by the Respondent affirming that the information provided was true and correct.
2. During March, 2000, the Respondent notified by certified mail that he had been selected for audit of his continuing education courses. He failed to send copies of the course certificates to confirm that the credits he claimed were actually completed within the sixty (60) days as required.
2. On or about June 7, 2000, Respondent's broker, John Hejhal, responded and returned respondent's license to the Commission to be placed on inactive status.
3. Respondent's reporting form indicated all courses were taken during 1998 and 1999 and provided by Iowa Real Estate Seminars, Waterloo, Iowa. On or about June 7, 2000, Susan Griffel, Education Director, contacted Iowa Real Estate Seminars owner, Mr. Brad Hanes. Mr. Hanes indicated that Respondent only completed one course, the six (6) hour "Exceptions to the Rules" on December 9, 1999. and an eight (8) hour "Law Update" course completed December 10, 1999. He further indicated he had no record of Respondent taking any courses during the years 1999, 1998, or 1997.
4. On July 7, 2000, a request for information was sent to the Respondent by regular mail to the John Hejhal, broker. Mr. Hejhal indicates in his response that he delivered the correspondence from the Commission to the Respondent on Sunday, July 16th. No response was received from the Respondent. On July 26, 2000, a second request for information was sent by certified mail to the Respondent's home address. No response was received and the certification was returned unsigned. On October 2, 2000, a letter was sent to the Respondent advising the Commission had found probable cause to file charges and a proposed settlement would be offered. The letter was not returned.
5. The Respondent knew that he had not completed the courses he reported on the reporting form.

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FINDING OF PROBABLE CAUSE

On September 28, 2000 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 14th day of DECEMBER, 2000.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

00-094