

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

IN RE:)	
)	
)	CASE NUMBER: 99-066
LELAND C SHELTON (B16907))	
Broker)	STIPULATION AND
)	CONSENT ORDER
712 SOUTH FIRST STREET)	
CHARITON IA 50049)	
)	

On this 27th day of JANUARY, 2000, the Iowa Real Estate Commission and LELAND C SHELTON, 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 broker license to practice real estate on May 23, 1978 as evidenced by license number B16907, which is in full force and effect through December 31, 2001.
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 within thirty (30) days of acceptance of this Stipulation and Consent Order by 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 LELAND C SHELTON on this 13th day of January, 2000.



LELAND C SHELTON, Respondent

State of Iowa)

County of Lucas)

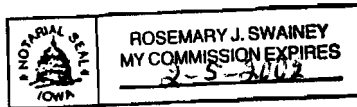
Signed and sworn to before me on this 13th day of January, 2000, by



Notary Public, State of Iowa

Printed Name: Rosemary J. Swainey

My Commission Expires: 2-5-2002



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 27th day of JANUARY, 2000.

EVELYN RANK
VICE CHAIR



~~Russell D. Nading, Chair~~
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
)	
LELAND C SHELTON (B16907))	CASE NUMBER: 99-066
Broker)	
)	STATEMENT OF
712 SOUTH FIRST STREET)	CHARGES
CHARITON IA 50049)	

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.

LELAND C SHELTON was at all material times during the following events, a licensed sole-proprietor broker in Chariton, Iowa. His license, number B16907 is in full force and effect through 12-31-2001.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by allowing alterations to be made on the property prior to closing, and providing the key to the buyers and allowing them to move into the property prior to closing without the written agreement of the owner, in violation of Iowa Code sections 543B29(3) (practice harmful or detrimental to the public) and 543B.34(8)(1999) and IAC 193E-- 4.40(19).

99-066

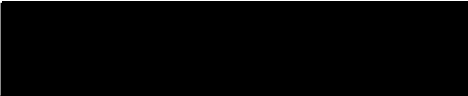
CIRCUMSTANCES OF THE COMPLAINT

1. On or about June 13, 1999 the Respondent purchased at auction the property located at 303 West Street, Russell, Iowa, owned by Louise E. Thomas, for \$11,250. Respondent listed the property June 24, 1999 for a one year period without the permission of the owner and without indicating the listing is subject to obtaining title.
2. Respondent allowed carpenters into the property to make alterations on June 28, 1999 without the permission of the owner.
3. On or about June 29, 1999 Respondent prepared a purchase agreement for the property Red Haw Inc. seller and Candy Ninmann and Tracey w. Burns, buyers, for \$24,900. The purchase agreement did not provide for the sale to be contingent upon seller obtaining title to the property. Respondent is President of Red Haw, Inc. On or about July 2, 1999, Respondent provided the buyers with a key to the property to access the property to conduct cleaning and activities other than the measuring authorized by owner
4. The Thomas/Red Haw Inc. and the Red Haw, Inc./Ninmann-Burns closings were scheduled for July 9, 1999. When the Thomas/Red Haw Inc. closing was delayed, the Red Haw, Inc./Ninmann-Burns transaction could not be held. On July 12, 1999, both transactions closed. Respondent allowed Ninmann and Burns to move into the property on July 9, 1999, prior to closing, without the permission and written occupancy agreement of the owner, Louise E. Thomas. The buyers paid no rent during this time, and the utilities were still in the name of Louise E. Thomas, owner.

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 27th day of JANUARY, 2000.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission