

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

IN RE:)	
)	
)	CASE NUMBER: 99-078
DAVID G. SIEPERDA)	
Broker (B15946))	STATEMENT OF
)	CHARGES
SIEPERDA INSURANCE AND REAL ESTATE)	
413 FIRST STREET AVENUE)	
P O BOX 590)	
ROCK RAPIDS, IA 512461913)	

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.

DAVID G. SIEPERDA was at all material times during the following events, a licensed Broker/Officer in charge of Sieperda Insurance and Real Estate, a licensed real estate firm, license number F04212, in Rock Rapids, Iowa. His license number is B15946.

COUNT I

Respondent is charged with allowing a salesperson to operate an unlicensed branch office, failing to properly supervise a salesperson, allowing a salesperson to act as a broker without a broker's license, and advertising an unlicensed branch, in violation of Iowa Code sections 543B29(3), (7), (8), 543B.31, 543B.34(3) and 543B.62(3)(b) (1999) and IAC 193E--2.14, 2.16 and 4.54(19).


CIRCUMSTANCES OF THE COMPLAINT

1. On or about July, 1999, Respondent moved Sieperda Insurance and Real Estate, from at 203 S. 2nd Avenue, to 413 First Avenue, Rock Rapids, Iowa.
2. Respondent continued to advertise the 203 S. 2nd Avenue location. Real estate and farm management business was conducted at this location.
3. Respondent allowed a salesperson licensed with the firm to displayed a copy of his broker license and a copy of the salespersons license at the 203 S. 2nd Avenue location.
4. When the Respondent acquired Harold R. Attig, Jr. as a salesperson, he was aware that Attig had been disciplined previously, in case 94-083, for advertising and conducting a farm management business as a broker without a broker license.
5. As a licensed broker, the Respondent either knew, or should have known, that he was operating an unlicensed branch office and a salesperson can not function as a broker without a broker license.

FINDING OF PROBABLE CAUSE

On January 27, 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 13th day of APRIL, 2000.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

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

IN RE:)	
)	
DAVID G. SIEPERDA)	CASE NUMBER: 99-078
Broker (B15946))	
)	STIPULATION
SIEPERDA INSURANCE AND REAL ESTATE)	AND
413 FIRST STREET AVENUE)	CONSENT ORDER
P O BOX 590)	
ROCK RAPIDS, IA 512461913)	

On this 13th day of APRIL, 2000, the Iowa Real Estate Commission and DAVID G. SIEPERDA, 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 broker license on January 1, 1997 as evidenced by license number B15946, 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**.

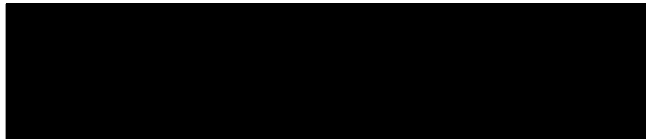
IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$ 250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED that the Respondent shall personally attend the eight (8) hour Commission approved continuing education course "Law Update." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 99-078.

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 DAVID G. SIEPERDA on this 7th day of April, 2000.



DAVID G. SIEPERDA, Respondent

State of IOWA)

County of LYON)

Signed and sworn to before me on this 7th day of April, 2000, by




Notary Public, State of Iowa

Printed Name: James E. Heberkorn

My Commission Expires: 8/24/2001

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 13th day of APRIL, 2000.



Russell D. Nading, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
James E. Haberkorn, Attorney for Respondent