

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

IN RE:)	
)	
JAMES J. HEHER (B04625))	CASE NUMBER: 97-110
Broker Associate)	
)	STATEMENT OF
First Realty LTD)	CHARGES
3501 Westown Parkway)	
West Des Moines, Iowa 50266)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1997).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

JAMES J. HEHER is, and was at all material times during the following events, a licensed broker associate assigned to First Realty LTD, a licensed real estate firm in West Des Moines, Iowa, license number F01527. His license number is B12372.

COUNT I

The Respondent is charged with making misleading, deceptive, or fraudulent representations in the practice of the profession and engaging in a practice harmful or detrimental to the public by signing the buyer's signature to the Property Settlement Services Agreement, accepting the services and the additional cost, in violation of Iowa Code sections 543B.29(3) and 543B.34(1) and (11) (1998) and 193E IAC sections 1.42(6)(e)(h), 1.50(543B) and 4.40(19).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about June 24, 1998, the Respondent, without authorization or approval, signed the name of Cyrus J. Rustin, buyer, on a Property Settlement Services Agreement with Midland Escrow Services, Inc.
2. The Respondent also checked the box accepting the services of Midland Escrow Services, Inc. at an additional cost of \$150.00 to Cyrus J. Rustin, buyer.
3. Respondent backdated the signature to June 23, 1998.

FINDING OF PROBABLE CAUSE

On April 23, 1998, 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 4th day of JUNE, 1998.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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First Realty LTD)
3501 Westown Parkway)
West Des Moines, Iowa 50266)

CASE NUMBER: 97-110

STIPULATION AND
CONSENT ORDER

On this 4th day of JUNE, 1998, the Iowa Real Estate Commission and JAMES J. HEHER, each hereby agrees 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 his 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 January 14, 1980, as evidenced by license number B04625, 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. 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.

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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) (1997).

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 HEREBY 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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 5th
day of May, 1998.



JAMES J. HEHER, Respondent

State of Iowa
County of Polk

Signed and sworn to before me on this 5th day of May, 1998, by



Notary Public, State of Iowa
Printed Name: Pat Steffen
My Commission Expires: 3/15/99

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 4th day of JUNE, 1998.



Terry W. Rogers, Chair
Iowa Real Estate Commission