

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

IN RE:)	
)	
TERRI LYNN HOGAN-MERRELL)	CASE NUMBERS: 98-023 & 98-024
Salesperson (S34114))	
)	STIPULATION AND
)	CONSENT ORDER
SC P Inc.)	
1951 51 st Street)	
Cedar Rapids, Iowa 52402)	

On this 3rd day of SEPTEMBER, 1998, the Iowa Real Estate Commission and TERRI LYNN HOGAN-MERRELL, 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 her 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 July 22, 1993, as evidenced by license number S34114, which is in full force and effect through December 31, 1998.

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.

98-023 + 98024

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 that the Respondent shall pay a civil penalty in the amount of \$ 750.00 (\$500.00 in case 98-023 plus \$250.00 in case 98-024) to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED that Respondent shall take eight (8) hours of real estate continuing education in "Contract Law and Contract Writing," the course must be approved as a "Broker Pre-License Course." These hours can not be used for other real estate continuing education required by law for license renewal. 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 certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 98-023.

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 22
day of Aug, 1998.



TERRI LYNN HOGAN-MERRELL, Respondent

State of Iowa

County of Linn

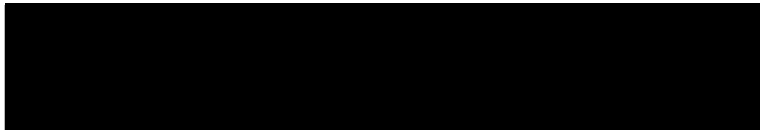
Signed and sworn to before me on this 22 day of August, 1998, by



Notary Public, State of Iowa
Printed Name: Jenny K. Tursi
My Commission Expires: 11/24/99

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 3rd day of SEPTEMBER, 1998.



Terry W. Rogers, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
TERRI LYNN HOGAN-MERRELL)	CASE NUMBERS: 98-023 & 98-024
Salesperson (S34114))	
)	STATEMENT OF
SC P Inc.)	
1951 51 st Street)	CHARGES
Cedar Rapids, Iowa 52402)	

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.

TERRI LYNN HOGAN-MERRELL is, and was at all material times during the following events, a licensed salesperson in Cedar Rapids, Iowa. Her license number is S34114.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by preparing a purchase agreement that did not accurately represent the buyer's down payment terms, in violation of Iowa Code sections 543B.34(8) and 543B.29(3) (practice harmful or detrimental to the public)(1997) and 193E - IAC sections 1.28(2) and 4.40(19) (1998).

COUNT II

The Respondent is charged with failing to carry errors and omissions insurance and engaging in activities requiring a license when the license is on inactive status, in violation of Iowa Code sections 543B.47 and 543B.29(9) (1997) and 193E - IAC sections 6.1(543B), 6.1(2) 4.40(1) and 4.40(19) (1998).

CIRCUMSTANCES OF COMPLAINT 98-023

1. On or about August 18, 1997, Respondent listed property she owned located at 119 W. Post Road NW, Cedar Rapids, Iowa for \$ 89,950.00.
2. On or about September 16, 1997, Respondent prepared and accepted an offer for \$ 96,500.00 for herself as buyer and seller. The offer provided, "This sale subject to buyer finding investor to buy contract within 14 days from day offer is accepted. Buyers to have \$ 9,600.00 down at closing."
3. Respondent knew the subsequent buyers, Tim and Mary Crain did not have the \$ 9,600.00 down payment and planned to give the investor \$ 9,600.00 from her proceeds. No investor was found and the transaction did not close.

CIRCUMSTANCES OF COMPLAINT 98-024

1. Commission records indicate that on November 22, 1995 Respondent paid a penalty to reinstate her license due to failure to comply with the errors and omissions insurance requirement.
2. Commission records indicate that Respondent did not have errors and omission insurance coverage from January 1, 1996 to May 13, 1996 because her check to the insurance carrier dated January 17, 1996 was returned to her because of non-sufficient funds.
3. Respondent was involuntarily on inactive status due to failure to comply with the errors and omissions insurance requirement from June 7, 1996 until December 4, 1996.
4. On January 13, 1997 Respondent paid a penalty to reinstate her license due to failure to comply with the errors and omissions insurance requirement.
5. Respondent continued to engage in activities requiring a license during the periods when she did not have errors and omissions insurance coverage and her license was on inactive status.