

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

IN RE:)	
)	
)	CASE NUMBER: 97-015
DENNIS E. LEAHY (S36615))	
Salesperson)	STIPULATION AND
)	CONSENT ORDER
310 7 TH Street)	
Independence, Iowa 50644)	

On this 23rd day of APRIL, 1998, the Iowa Real Estate Commission and, 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. Respondent has a right to a hearing on the charges, but waives his right to a 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 contested case hearing.
2. The Respondent was issued a salesperson license to practice real estate on September 13, 1991, as evidenced by license number S32251, which is in full force and effect through December 31, 1999.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.
5. Respondent denies each and every allegation in the Statement of Charges, but will agree not to contest the Consent Order and the remedies contained herein.
6. 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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7. 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.

8. 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) (1998).

9. 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.

10. 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 25th
day of MARCH, 1998.

[Redacted Signature]

DENNIS E. LEAHY, Respondent

State of Iowa

County of Black Hawk

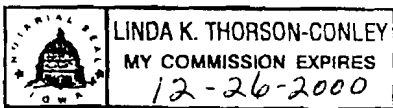
Signed and sworn to before me on this 25 day of March, 1998, by

[Redacted Name]

Notary Public, State of Iowa

Printed Name: Linda K. Thorson-Conley

My Commission Expires: 12-26-2000



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 23rd day of APRIL, 1998.

[Redacted Signature]

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:)	
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)	CASE NUMBER: 97-015
DENNIS E. LEAHY (S36615))	
Salesperson)	
)	STATEMENT OF
310 7 th Street NE)	CHARGES
Independence, Iowa 50644)	
)	

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.

DENNIS E. LEAHY is, and was at all material times during the following events, licensed salesperson, his license number is S36615.

COUNT I

The Respondent is charged with making substantial misrepresentation and engaging in unethical conduct or practice harmful or detrimental to the public by knowingly making deceptive, untrue or fraudulent representations, in violation of Iowa Code section 543B.29(3) (making deceptive, untrue or fraudulent representations and engaging in conduct that is harmful or detrimental to the public), and 543B.34(1), (3) (pursuing a continued and flagrant course of misrepresentation), and (8) (1997), and IAC 193E, section 4.40(19).

COUNT II

The Respondent is charged with making willful and repeated violations of Iowa Real Estate License law, in violation of Iowa Code section 543B.29(8) and 543B.34 (8) (1997), and IAC 193E, section 4.40(19).


CIRCUMSTANCES OF THE COMPLAINT

1. The Respondent was actively licensed and assigned to Russell C. Hayes, a sole-proprietor broker in Waterloo, Iowa, from February 13, 1996 until February 25, 1997.
2. On or about January 31, 1997, Respondent went to the Super 8 Motel, Toledo, Iowa, owned by Richard Backes and Dennis Van Den Berg, advised the desk manager that the business had been sold and requested the financial records.
3. The desk manager contacted Richard Backes, one of the owners and determined that the property had not been sold and further that it was not for sale.
4. On or about February 20, 1997, Respondent went to The Park Inn, Waterloo, Iowa, owned by Richard Backes and Dennis Van Den Berg, and approached guests asking why they chose to stay there and advised persons leaving a business meeting that the motel had been sold.
5. Richard Backes and Dennis Van Den Berg, the owners of the two properties, did not solicit the services of the Respondent, nor did they enter into any type of verbal or written agreement for his services. Respondent had contacted Richard Backes and was advised to contact Jim Hughes Real Estate, Independence, Iowa, as this broker handles all of their real estate needs.

FINDING OF PROBABLE CAUSE

On November 6, 1997, 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.

Dated this 23rd day of APRIL, 1998.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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