

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

| | | |
|-----------------------------|---|----------------------|
| IN RE: |) | |
| |) | |
| |) | CASE NUMBER: 96-006 |
| DOUGLAS A. LEHMAN (B12372) |) | |
| Broker |) | STATEMENT OF CHARGES |
| |) | |
| 710 14th Street |) | |
| Sioux City, Iowa 51105-1211 |) | |
| |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

DOUGLAS A. LEHMAN is, and was at all material times during the following events, a licensed sole-proprietor broker in Sioux City, Iowa. His license number is B12372.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to obtain a written escrow agreement, in violation of Iowa Code sections 543B.29(3) (1995), and 193E IAC sections 1.27(9), and 4.40(6(d)).

COUNT II

The Respondent is charged with engaging in a practice harmful or detrimental to the public by releasing money prior to closing without the written consent of the parties, in violation of Iowa Code sections 543B.29(3) and 543B.34 (8) (1995) and 193E IAC sections 1.27(7) and 4.40(6)(b).

COUNT III

The Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to disclose in writing an interest in the transaction, in violation of Iowa Code sections 543B.29(3) (1995) and 193E IAC sections 1.9 and 4.40(19).

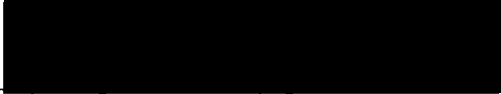
CIRCUMSTANCES OF THE COMPLAINT

1. On June 13, 1995, Respondent listed 80 acres in Kingsley, Iowa, belonging to his aunt, Thelma Karnes, for \$165,900.
2. On October 14, 1995, Helen Moyle entered into a purchase agreement with Karnes to purchase the home and 10 acres on contract for \$42,000 .
3. On November 7, 1995, Ken Krieg, entered into a purchase agreement with Karnes to purchase the remaining 70 acres, more or less, on contract for \$1,125 per acre.
4. When the Karnes/Moyle transaction failed to close, Respondent returned the \$1000 earnest money deposit to Moyle without the written permission of Karnes.
5. At closing in the Karnes/Kreig transaction on December 20, 1995, Respondent withheld \$500 from the proceeds "for future expenses" without obtaining a written escrow agreement.

FINDING OF PROBABLE CAUSE

On April 17, 1996, 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 22nd day of AUGUST, 1996.


Roger V. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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| IN RE: |) | |
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| |) | CASE NUMBER: 96-006 |
| DOUGLAS A. LEHMAN (B12372) |) | |
| Broker |) | STIPULATION AND |
| |) | CONSENT ORDER |
| 710 14th Street |) | |
| Sioux City, Iowa 51105-1211 |) | |

On this 22nd day of AUGUST, 1996, the Iowa Real Estate Commission and DOUGLAS A. LEHMAN, 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 was issued a broker's license to practice real estate on the 1st day of January, 1960, as evidenced by license number B16436 which is in full force and effect through December 31, 1998.
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 Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
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.
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.

96-006

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) (1995).

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 that the Respondent shall take eight (8) hours of real estate continuing education in "Trust Account and Closing Procedures" and (8) hours of real estate continuing education in "Contract Law and Contract Writing" these hours may be used for real estate continuing education required by law for license renewal. The courses must be approved as a "Broker Pre-License Course." Original certificates 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 96-006.

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.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 10 day of July, 1996.



DOUGLAS A. LEHMAN, Respondent

State of Iowa)

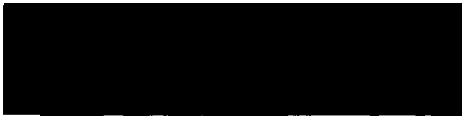
County of Woodbury)

Signed and sworn to before me on this 10 day of July, 1996, by



Notary Public, State of Iowa
Printed Name: Norma Townsend
My Commission Expires: 11-16-97

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 22nd day of AUGUST, 1996.



Evelyn Rank, Chairperson
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General