

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

IN RE:)	
)	
)	CASE NUMBER: 95-097
KENNETH R. NYE (B13566))	
Broker Associate)	STATEMENT OF CHARGES
)	
SCP, INC.)	
1951 51st Street)	
Cedar Rapids, Iowa 52403)	

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.

KENNETH R. NYE, license number B13566, was at all material times during the following events, a licensed real estate broker associate in Cedar Rapids, Iowa. KENNETH R. NYE is currently licensed as a broker associate assigned to SCP, Inc., in Cedar Rapids, Iowa, a licensed real estate corporation, license number F03741.

COUNT I

The Respondent is charged with failure to obtain required signatures on a listing contract, in violation of Iowa Code sections 543B.29(3) (1995), and 193E IAC 1.23 and 4.40(10).

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CIRCUMSTANCES OF THE COMPLAINT

1. On August 11, 1995, Respondent listed the property located at 985 Valley View Drive, Marion, Iowa, on behalf of seller Pamela McKinney.
2. The listing expired on October 11, 1995.
3. On October 13, 1995, Respondent submitted a new listing to the MLS, for the property to the MLS which purported to contain the signature of Pamela McKinney. Ms. McKinney did not sign the listing agreement. Respondent signed Ms. McKinney's name to the listing agreement and a dispute arose thereafter as to whether anyone authorized Ms. McKinney's signature.
4. The listing agreement was canceled by Respondent's broker on October 23, 1995.

FINDING OF PROBABLE CAUSE

On March 7, 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.

Dated this 18th day of APRIL, 1996.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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1918 SE HULSIZER
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IN RE:)	
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KENNETH R. NYE)	CASE NUMBER: 95-097
Broker Associate)	
)	STIPULATION AND
)	CONSENT ORDER
SCP, INC.)	
1951 51st Street)	
Cedar Rapids, Iowa 52403)	

On this 18th day of APRIL, 1996, the Iowa Real Estate Commission and KENNETH R. NYE, 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 license to practice real estate on September 15, 1996 as evidenced by license number B13566, which is in full force and effect through December 31, 1996.

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.

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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) (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 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.

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FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 12 day of April, 1996.



~~KENNETH R. NYE, Respondent~~

State of Iowa

County of Linn

Signed and sworn to before me on this 12th day of April, 1996, by



Notary Public, State of Iowa

Printed Name: Tina M. Freese

My Commission Expires: 12/8/97

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 18 day of April, 1996.



Theresa A. Loffredo, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General