

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

IN RE:)	
)	
DAVID T. SOLLENBARGER)	CASE NUMBER: A95-079
Broker (B18036))	
)	STATEMENT OF CHARGES
4015 Cottage Grove Avenue)	
Des Moines, Iowa 50311-3509)	

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.

DAVID T. SOLLENBARGER is and was at all times during the following events, a licensed real estate broker. His license number is B18036. DAVID T. SOLLENBARGER was licensed as sole-proprietor broker in Des Moines, Iowa, until January 2, 1996, when his license was placed on inactive status..

COUNT I

The Respondent is charged with (1) having a negative balance of \$375.52 in the Reilly & Coenen property management trust account and (2) having a negative balance ranging from -\$11.50 to -\$366.50 in the Evon Rau property management trust account between October 30, 1995 and December 29, 1995, in violation of 543B.29(3) (1995) and Iowa Administrative Code Chapter 193E-- sections 1.30(7)(a), 1.30(7)(f), and 4.40(6).

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CIRCUMSTANCES OF THE COMPLAINT

1. On April 21, 1995, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of David T. Sollenbarger.
2. Respondent was found to have a negative balance in the Reilly & Coenen property management trust account of -\$375.52.
3. On April 16, 1996 Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of David T. Sollenbarger.
4. Respondent was found to have a negative balance in the Evon Rau property management trust account from October 30, 1995 to December 29, 1995 ranging from -\$11.50 to -\$366.50.

FINDING OF PROBABLE CAUSE

On August 22, 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 12th day of DECEMBER, 1996.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

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IN RE:)	
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DAVID T. SOLLENBARGER)	CASE NUMBER: A95-079
Broker (B18036))	
)	STIPULATION AND
)	CONSENT ORDER
4015 Cottage Grove Avenue)	
Des Moines, Iowa 50311)	

On this 2nd day of December 1996, the Iowa Real Estate Commission and DAVID T. SOLLENBARGER 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 8th day of August, 1990, as evidenced by license number B18036 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 voluntary Stipulation and Consent Order.
5. Respondent does not admit to all allegations in the Statement of Charges, but agrees upon hearing the Commission could find one or more violations of law.
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.

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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) (1996).

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 these hours shall be in addition to all other real estate continuing education required by law for license renewal. The course must be approved as a "Broker Pre-License Course." 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 certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case A95-079. If the Respondent remains on inactive status during the period this educational requirement is due, Respondent may delay compliance until such time as he seeks a return to active status. Respondent shall not be returned to active status, however until this educational requirement is satisfied and the civil penalty described below has been paid.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission, or prior to Respondent's reinstatement to active status, whichever shall later occur.

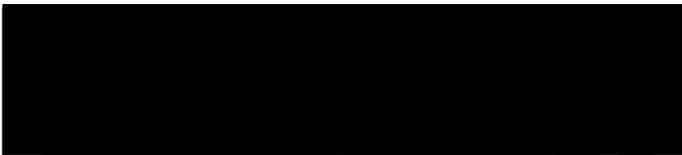
IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

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FOR THE BROKER:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 2ND day of December, 1996.



DAVID T. SOLLENBARGER, Respondent

State of IOWA

County of POLK

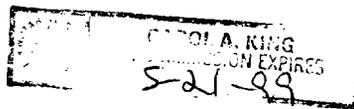
Signed and sworn to before me on this 2nd day of December, 1996, by



Notary Public, State of Iowa

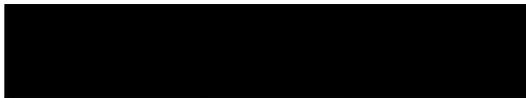
Printed Name: Carol A. King

My Commission Expires: 5-21-99



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 12 day of December, 1996.



Evelyn Rank, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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