

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

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IN RE:	)	
	)	
JUDI L. WEIBEN (S33572)	)	CASE NUMBER: 95-102
Salesperson	)	
	)	STIPULATION AND
	)	CONSENT ORDER
First Realty LTD.	)	
3501 Westown Parkway	)	
West Des Moines, Iowa 50266	)	

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On this 18<sup>TH</sup> day of APRIL, 1996, the Iowa Real Estate Commission and JUDI L. WIEBEN, 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 salesperson license to practice real estate on February 2, 1993 as evidenced by license number S33572, as evidenced by license number S33572 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.

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 pay a civil penalty in the amount of \$175.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.**

**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 21<sup>st</sup> day of MARCH, 1996.

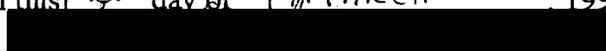


JUDI L. WIEBEN, Respondent

State of IOWA )

County of POLK )

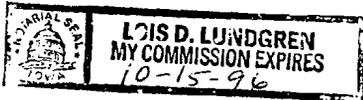
Signed and sworn to before me on this 21 day of MARCH, 1996, by



Notary Public, State of Iowa

Printed Name: Lois D. LUNDGREN

My Commission Expires: 10-15-96



**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
- cc: Susan Boe, Attorney for Respondent

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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.

JUDI L. WEIBEN was at all material times during the following events, a licensed real estate salesperson and she is currently assigned to First Realty LTD. West Des Moines, Iowa. Her license number is S33572.

COUNT I

The Respondent is charged with engaging in unethical conduct or a practice harmful or detrimental to the public by directly soliciting an owner to discuss the negotiation a listing agreement knowing, or having reason to know that the owner had a written unexpired exclusive right to sell listing with another broker, in violation of Iowa Code section 543B.29(3) (1995), and Iowa Administrative Code Chapter 193E, sections 1.23(3) and 4.40(19).

### CIRCUMSTANCES OF THE COMPLAINT

1. In July, 1995, Sharon (Forbes) Vaughan, owner of the property located at 409 N. E. Grant, Ankeny, Iowa discussed listing her property with First Realty LTD. through an agent other than the Respondent. Ms. Vaughan did not enter into a listing agreement.
2. On September 26, 1995, Sharon (Forbes) Vaughan entered into an exclusive listing agreement with Equi-Save, 1000 73rd Street, Suite 22, Des Moines, Iowa, a licensed real estate firm, through Cheryl Framton, listing agent, to sell her property located at 409 N. E. Grant, Ankeny, Iowa.
3. On November 16, 1995, Respondent mailed a letter signed by the Respondent, on First Realty letterhead, dated November 16, 1995, to Ms. Shari Vaughan, 409 N. E. Grant, Ankeny, Iowa. The letter stated "Just wanted to drop you a line and check on activity of your property located at 409 N. E. Grant Street. I am amazed that your house has not sold yet. I am currently working with numerous buyers in this price range and when you are serious about selling your property please give me a call. I would love the opportunity to assist with the sale." The letter did not contain language to disregard if the property is listed.
4. Respondent was familiar with the neighborhood and "farms" it "quite frequently." An Equi-Save for sale sign was in the yard at 409 N. E. Grant, Ankeny, Iowa.
5. Before making this direct personal solicitation, the Respondent did not exercise reasonable care to determine if the property was listed, or in lieu of a determination, did not include a disclaimer in the solicitation to disregard if the property is listed.

### FINDING OF PROBABLE CAUSE

On January 25, 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 18<sup>th</sup> day of APRIL, 1996.



Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission