

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

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IN RE:	)	
	)	
FLANNERY HOMES, INC (F02479)	)	CASE NUMBER: A94-010
	)	
LARRY E. FLANNERY (B03935)	)	
Broker	)	STIPULATION AND
	)	CONSENT ORDER
1401 8th N	)	
Fort Dodge, Iowa 505013334	)	

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On this 27<sup>th</sup> day of July, 1995, the Iowa Real Estate Commission and LARRY E. FLANNERY 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. On September 3, 1985, the Respondent converted his broker license to an Officer/Broker license with Flannery Homes, Inc., as evidenced by license number B03935 which is in full force and effect through December 31, 1997. Respondent remains licensed with Flannery Homes, Inc., Fort Dodge, Iowa, a licensed real estate firm license number F02479. Respondent was at all material times the designated broker in charge of Flannery Homes, Inc.
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) (1994).

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 FURTHER ORDERED that Respondent shall take twelve (12) 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 A94-010.

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.

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 26<sup>th</sup> day of June, 1995.

[Redacted Signature]

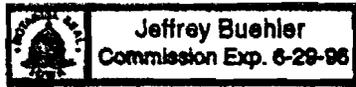
LARRY E. FLANNERY, Broker/Respondent

State of Iowa )

County of Webster )

Signed and sworn to before me on this 26<sup>th</sup> day of June, 1995, by

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: Jeffrey Buehler

My Commission Expires: 6-29-96

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 27<sup>th</sup> day of July, 1995.

[Redacted Signature]

Theresa A. Loffredo, Chairperson  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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1401 8th N	)	
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	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1994).

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

LARRY E. FLANNERY is and was at all times during the following events, a licensed real estate broker. His license number is B03935. LARRY E. FLANNERY is licensed as broker/officer and designated broker of Flannery Homes Corporation, Coralville, Iowa, a licensed real estate firm, license number F02479, .

COUNT I

The Respondent is charged with maintaining a trust account with a negative balance of \$307.10, in violation of 543B.29(3) and 543B.34 (8) (1994), and Iowa Administrative Code Chapter 193E, sections 1.30(7)(c) and 4.40(5).

COUNT II

The Respondent is charged with allowing the running balance of the trust account to go below the total of the refundable security deposits being held, resulting in a negative balance in the Security Deposit Individual Ledger, in violation of 543B.29(3) and 543B.34 (8) (1994), and Iowa Administrative Code Chapter 193E, sections 1.30(7)(e) and 4.40(5).

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COUNT III

The Respondent is charged with managing property without a written agreement, in violation of Iowa Code sections 543B.29(2) and (3) and 543B.34(8) (1994) and Iowa Administrative Code Chapter 193E, sections 1.30, 1.30(7)(d), and 4.40(6).

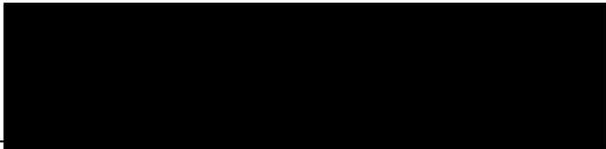
CIRCUMSTANCES OF THE COMPLAINT

1. On December 27, 1994, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Flannery Homes Corporation.
2. Respondent's trust account was found to have a negative balance of \$307.10.
3. Respondent's trust fund balance dropped below the total of the refundable security deposits balance, which resulted in a negative balance of the Security Deposit Individual Ledger.
4. Respondent had no written property management agreements for properties being managed.

FINDING OF PROBABLE CAUSE

On April 12, 1995, 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 27 day of JULY, 1995.

  
Roger J. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

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