

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

IN RE:)	
)	
BLAINE L. HOIEN)	CASE NO. 94-051
Broker)	
)	
1723 Hill Avenue)	
Spirit Lake, Iowa 51360)	STATEMENT OF CHARGES
)	
Respondent)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1993).

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

BLAINE L. HOIEN, is and was at all material times during the following events, a licensed real estate broker, licensed as a Sole-Proprietor. His license number is B01213.

COUNT I

The Respondent is charged with failing to obtain a written authorization from the property owner to rent or lease property, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, sections 1.30 and 4.40(10).

CIRCUMSTANCES OF THE COMPLAINT

1. On June 15, 1993, a licensee assigned to the Respondent leased property belonging to Michael and Eunice Crawford, located at 1604 Lakeshore Drive, Okoboji, Iowa, to Robin Carlson, for \$500.00 per month rent and a \$500.00 security deposit.
2. On July 15, 1993, check #9258 in the amount of \$250.00 and check #9256 in the amount of \$500.00 were issued by Hoiem Realty to Michael Crawford. These checks cleared the bank on July 29, 1993.
3. On July 15, 1993, check #9257 in the amount of \$250.00 was issued by Hoiem Realty to Hoiem Realty. This check cleared the bank July 16, 1993.
4. Respondent failed to obtain the written authorization of the owners to lease the property in question.
5. Respondent, in this transaction prepared lease forms, collected rents, accepted rental commissions, and/or attempted eviction proceedings on behalf of other persons without written property management agreements.

FINDING OF PROBABLE CAUSE

On July 13, 1994, 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 3rd day of NOVEMBER,
1994.



Rogez L. Hansen
Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Lonnie B. Saunders, Attorney for Respondent
832 Lake Street P O Box E
Spirit Lake, Iowa 51360

94-051

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	
BLAINE L. HOIEN)	CASE NO. 94-051
Broker)	
)	
1723 Hill Avenue)	STIPULATION
Spirit Lake, Iowa 51360)	AND
)	CONSENT ORDER
Respondent)	
)	

On this 3rd day of NOVEMBER, 1994, the Iowa Real Estate Commission and BLAINE L. HOIEN 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 the 13th day of January, 1953, as evidenced by license number B01213 which is in full force and effect through December 31, 1995.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction of 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(8) and 272C.3(2)(a) (1993)

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.

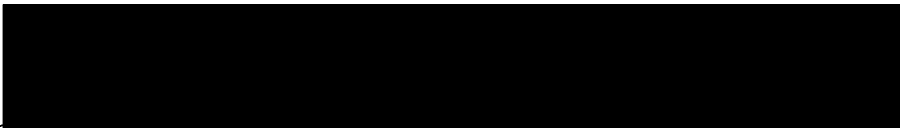
THEREFORE, IT IS HEREBY ORDERED that the Respondent is Reprimanded.

IT IS FURTHER ORDERED that Respondent shall take twelve (12) hours of real estate continuing education in "Property Management" 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 Elective 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 94-051.

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.

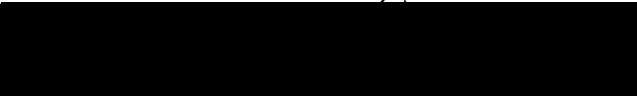
This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 26 day of AUGUST, 1994.


Blaine L. Hoiem, Respondent

State of Iowa)

County of Dickinson)

Signed and sworn before me on this 26 day of August, 1994, by Blaine L. Hoiem.


Notary Public, State of Iowa
Printed Name: Lonnie B. Saunders
My Commission Expires: _____

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 3rd day of NOVEMBER, 1994.


Jerry F. Duggan, Chairman
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Lonnie B. Saunders, Attorney for Respondent
832 Lake Street P O Box E
Spirit Lake, Iowa 51360