

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

IN RE:)	
)	
)	CASE NUMBER: 94-024
EDWARD A. HOWES (B04766))	
Broker)	STATEMENT OF CHARGES
)	
Howes & Jefferies Realtors)	
345 5th Ave. S.)	
P.O. Box 1064)	
Clinton, Iowa 52732-4510)	
)	
)	

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.

Edward A. Howes was at all material times during the following events a licensed real estate broker in charge of Howes and Jefferies Realtors, F0065900, Clinton, Iowa. His license number is B04766.

Sheila K. Thompson was at all material times during the following events a licensed real estate salesperson licensed with Howes and Jefferies Realtors, Clinton, Iowa. Her license number is S22236.

COUNT I

The Respondent is charged with failure to properly supervise a salesperson in violation of Iowa Administrative Code Chapter 193E, section 2.16, by knowingly permitting Sheila K. Thompson to negotiate a listing contract of real property directly with an owner knowing the owner had a written unexpired listing contract in connection with the property which granted an exclusive right to sell to another broker.

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CIRCUMSTANCES OF THE COMPLAINT

1. From at least January 24, 1994, Respondent was aware of and condoned the actions of salesperson Sheila K. Thompson outlined in the attached Statements of Charges in Case No.94-026.
2. For a period of time, Respondent authorized continued attempts to sell the properties described in Case No. 94-026 through the multiple listings, newspaper advertising and duplicate signs in owners' yards after being informed that the exclusive written listing contracts with Century 21 United Realty had not been cancelled by the broker.

FINDING OF PROBABLE CAUSE

On June 2, 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 14th Day of DECEMBER, 1994.


Roger L. Hansen,
Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Randy Hefner, Attorney for Respondent

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) and 543B.34(2) (1993). However, no action may be taken against Respondent without a hearing.

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.


Howes, Edward
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This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 13th day of December, 1994.


Edward A. Howes, Respondent

State of IL)

County of COOK)

Signed and sworn before me on this 13 day
of December, 1994, by .



Notary Public, State of Iowa
Printed Name: John N. Natsis
My Commission Expires: 3/10/97

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 14th day of DECEMBER, 1994.


Jerry F. Duggan, Chairperson
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Randy Hefner, Attorney for Respondent

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