

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

IN RE:)	
)	
Sheila K. THOMPSON)	CASE NUMBER: 94-026
Salesperson)	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.

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

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by negotiating 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, in violation of Iowa Code section 543B.29(3), 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, sections 1.23(1) and 4.40(19).

CIRCUMSTANCES OF THE COMPLAINT

1. While associated with Century 21 United Realty, Herman Dierks Broker, Respondent listed the following properties: a.) October 1, 1993, 629 12th Avenue North, Clinton, Iowa, Herbert and Mildred Prehn, owners; b.) November 24, 1993, 936 10th Avenue South, Clinton, Iowa, J. R. and Mary Zirkelbach, owners; c.) November 24, 1993, 722 13th Avenue South, Clinton, Iowa, Gary Buikema, owner; and d.) January 1, 1994, 507 18th Avenue North, Clinton, Iowa, Amy Jo Stone, owner.

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2. On January 21, 1994, the Respondent's association with Broker Herman Dierks was terminated.
3. On January 24, 1994, Respondent's license was reissued to Howes and Jefferies Realtors.
4. On January 24, 1994, Respondent telephoned property owners Prehn, Zirkelbach, Buikema, and Stone, to inform each that she was no longer with Century 21 United Realty, Herman Dierks Broker, and was now associated with Howes and Jefferies Realtors.
5. On January 24, 1994, Respondent informed owners Prehn, Zirkelbach, Buikema, and Stone, that their listing belonged to her former broker Herman Dierks, Century 21 United Realty, and advised how to cancel the listing.
6. On or about January 24, 1994, Respondent supplied a prepared cancelation notice form to owners Prehn, Zirkelbach, Buikema, and Stone, for them to sign and return to her at Howes and Jefferies Realtors.
7. The following signed cancelation forms were received by Howes and Jefferies Realtors and personally delivered by a representative of Howes and Jefferies to Century 21 United Realty on or about January 26, 1994: Prehn, dated January 25, 1994; Zirkelbach, dated January 26, 1994; Buikema, dated January 26, 1994; and Stone, dated January 26, 1994.
8. On January 31, 1994, Respondent obtained an exclusive listing for Howes and Jefferies Realtors on the Zirkelbach, Buikema, and Stone properties and forwarded the information to the multiple listing service.
9. On February 1, 1994, Respondent obtained an exclusive listing for Howes and Jefferies Realtors on the Prehn property and forwarded the information to the multiple listing service.
10. For a period of time the local multiple listings service included information on duplicate exclusive listings for the properties.
11. Respondent advertised one or more of these properties in the Clinton Herald on January 31, 1994 and February 1, 1994.

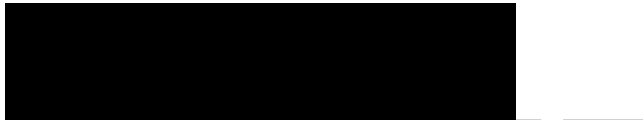
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12. The Respondent later canceled these listings after the owners alerted her to the problems with cancelation of their listings with Herman Dierks, Century 21 United Realty.

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

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN RE:)	
)	
Sheila K. THOMPSON (S22236))	CASE NUMBER: 94-026
Salesperson)	
)	STIPULATION AND
Howes & Jefferies Realtors)	CONSENT ORDER
345 5th Ave. S.)	
P.O. Box 1064)	
Clinton, Iowa 52732-4510)	
)	

On this 14th day of DECEMBER, 1994, the Iowa Real Estate Commission and SHEILA K. THOMPSON 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 the 1st day of March, 1984, as evidenced by license number S22236 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 does not admit each and every allegation in the Statement of Charges, but agrees the Commission could find, upon hearing, 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) 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.

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

[Redacted Signature]

Sheila K. Thompson, Respondent

State of IOWA)

County of CLINTON)

Signed and sworn before me on this 13th day of December, 1994, by Sheila K. Thompson.

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: Stacy L. Bohle
My Commission Expires: 9/8/97

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

[Redacted Signature]

Jerry F. Duggan, Chairperson
Iowa Real Estate Commission

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

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