

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

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IN RE:	)	
	)	
VERN C. OLIPHANT (B02076)	)	CASE NUMBER: 92-008
BROKER	)	
	)	STATEMENT OF CHARGES
3746 N CENTER POINT ROAD	)	
TODDVILLE, IA 52341	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 117, and 258A (1991).

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

Vern C. Oliphant is, and was at all times during the following events, a licensed real estate broker. His license number is B02076. Vern C. Oliphant is a sole-proprietor located in Toddville, Iowa.

COUNT I

The Respondent is charged with failing to comply with the Order of the Iowa Real Estate Commission executed July 20, 1990, in violation of Iowa Code sections 117.29(2), 117.34(8) and 258A.3(2)a.

CIRCUMSTANCES OF THE COMPLAINT

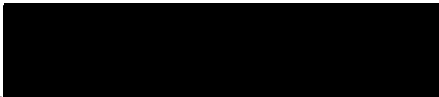
1. On July 20, 1990 the Iowa Real Estate Commission executed the attached order on case 89-018 which is incorporated by this reference into this Statement of Charges.

2. Pursuant to the order of July 20, Respondent's license was suspended for six months, but suspension stayed, and Respondent was placed on eighteen (18) months probation with the following conditions:

- a. Respondent to cooperate with periodic, unannounced special audits of his trust accounts by auditor sent by the Commission
  - b. Respondent to complete an additional twelve (12) hour broker prelicensing course in "Trust Accounts and Closing Procedures", within thirteen (13) months of issuance of the order.
3. The Findings of Fact, Conclusions of Law and Decision and Order in case 89-018 was executed by the Commission on July 20, 1990, and Respondent was sent a copy of the Order with cover letter by certified mail on July 20, 1990.
  4. Respondent failed to comply with the terms of the order by August 20, 1991.
  5. After being contacted by the Executive Secretary, Respondent requested additional time to complete the required additional education.
  6. On November 21, 1991, the Commission voted to allow Respondent until January 1, 1992 to complete the required additional education, agreed to accept the extra 6 hour non-broker course on trust account rules that Respondent submitted to renew his license in partial satisfaction of the order and granted Respondent permission to complete the remaining 6 hours needed to comply with the order by taking a non-broker trust account course, by correspondence if necessary.
  7. The Respondent was notified of the Commission's decision by mail on October 21, 1991, and this is also attached and incorporated by this reference.
  8. Respondent has not complied with the Commission's order of July 20, 1990 as modified by the letter of October 21, 1991.

#### FINDING OF PROBABLE CAUSE

On October 17, 1991 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.

  
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Roger L. Hansen, Executive Secretary  
for the Iowa Real Estate Commission

2-18-92  
Date

BEFORE THE IOWA REAL ESTATE COMMISSION  
OF THE STATE OF IOWA

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IN THE MATTER OF:	)	
	)	
VERN C. OLIPHANT (B02076)	)	CASE NO. 92-008
BROKER	)	
	)	STIPULATION AND
	)	CONSENT ORDER
RESPONDENT	)	
	)	

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On this 18<sup>th</sup> day of FEBRUARY, 1993, the Iowa Real Estate Commission and Vern C. Oliphant, 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 license to practice real estate on the 9th day of May, 1962 as evidenced by license number B02076 which is in full force and effect through December 31, 1993.
3. The Iowa Real Estate Commission has jurisdiction over the parties and the 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 117.29(3), 117.34(11) (1991) and 258A.3(2)(a).

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 Respondent's license to practice real estate is suspended for a maximum period of two years, effective; however, when the Respondent has submitted to the Commission an original course certificate for the remaining six (6) hours of trust account education and has fully complied with the commission's letter of October 21, 1991 in Case 89-018, the suspension shall be lifted.

IT IS FURTHER ORDERED that the Respondent shall sign the reverse side of his license and all other licenses that may be assigned to him and return them to the Iowa Real Estate Commission, 1918 SE Hulsizer, Ankeny, Iowa 50021, by delivering or mailing by certified mail no later than midnight, the last day of the month the Commission accepted this Stipulation.

IT IS FURTHER ORDERED that for the two year period beginning on December 1, 1992 through December 1, 1994 or until the Commission finds that its educational requirements have been met, the Respondent shall not engage in any activities for which a license is required under Iowa Code Chapter 117.

IT IS FURTHER ORDERED 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 23 day of January 1993, 1993.

[Redacted Signature]

VERN C. OLIPHANT  
Respondent

Subscribed and Sworn to before me on this 23 day of January, 1993.

[Redacted Signature]

Notary Public

Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 18<sup>th</sup> day of FEBRUARY, 1993.

[Redacted Signature]

E. JOE ANN LUTZ, Chairperson  
Iowa Real Estate Commission