

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 Southeast Hulsizer
Ankeny, Iowa

IN RE:)	Case No. 90-002
)	
Ronald L. Kelley (B04981))	INFORMAL SETTLEMENT
Broker)	
)	

Pursuant to Iowa Code § 17A.10 (1989) and 193E Iowa Administrative Code § 4.12(117), this informal settlement is entered into between Ronald L. Kelley and the Iowa Real Estate Commission (Commission). The Parties agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Commission has jurisdiction of this matter under Iowa Code ch. 17A, 117 and 258A (1989) as well as the Administrative Rules found in chapter 193E of the Iowa Administrative Code.

2. Ronald L. Kelley is, and was at all times during the following events, a licensed real estate broker. His license number is B04981.

3. Ronald L. Kelley is the broker in charge and officer with Equity Associates, Inc., realtors in Cedar Rapids, Iowa.

4. On December 19, 1989, Ronald L. Kelley pled guilty in the United States District Court, Northern District of Iowa, Case No. CR89-08 to the following:

Conspiracy to distribute and possess with the intent to distribute or distribute to a person or persons under twenty-one (21) years of age, or make a building, room and enclosure available for use of unlawful storage, distribution and use of a controlled substance.

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5. Ronald L. Kelley was sentenced by Judge David R. Hansen, United States District Court, Northern District of Iowa, to serve 30 months at the Federal Prison Camp in Yanktown, South Dakota, to pay a fine of \$2500 and to forfeit his home and a 1986 Corvette automobile. Ronald L. Kelley began serving the prison sentence on February 7, 1990.

6. Iowa Code § 117.29(5) (1989) states:

License to practice the profession of real estate broker and sales person may be revoked or suspended when the licensee is guilty of the following acts or offenses:

5. Conviction of a felony related to the profession or occupation of the licensee or conviction of the felony that would affect the licensee's ability to practice the profession of real estate broker and sales person. A copy of the record of conviction or plea of guilty is conclusive evidence.

AGREED ORDER

By agreement it is therefore ordered, adjudged and decreed by the Iowa Real Estate Commission as follows:

1. Ronald L. Kelley has the right to a hearing on this matter, but waives the right to a hearing and all attendant rights by entering this informal settlement.

2. By pleading guilty to a felony in the United States District Court for the Northern District of Iowa and being sentenced to a term of incarceration of 30 months, Ronald L. Kelley violated Iowa Code § 117.29(5).

3. The license of Ronald L. Kelley is hereby SUSPENDED for a period of two years; however, within seven days of his release from the federal correction facility, Mr. Kelley shall notify the commission of his release in writing and on the date of receipt of that notice, the suspension shall be stayed and Mr. Kelley shall be placed on probation for the remainder of the two-year period. During the period of probation, the Real Estate Commission upon reasonable notice may require Mr. Kelley to appear before them for the purpose of apprising the commission of his activities in the practice of real estate.

4. Within one year following his release from the federal correctional facility, Mr. Kelley shall attend twelve hours of real estate education and provide the Board with a written notification of his attendance. Mr. Kelley must personally attend these classes rather than taking correspondence courses.

5. Ronald L. Kelley agrees that his brokers license may not be relied upon by Equity Associates, Inc., realtors in Cedar Rapids, Iowa, during the period of his suspension and that the realty corporation will redesignate the broker in charge within ten days of this decision.

6. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of the violation of Iowa Code §§ 117.29(3) and 117.34(2) (1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code § 117.35 (1989).

7. This settlement is subject to the approval of the Commission, and if the Commission fails to approve this settlement, it will be of no force or effect on either the Commission or the licensee, and it will not be admissible for any purposes at any further proceedings in this matter. If approved by the Commission, the settlement will be deemed an agreed upon disposition of a contested case initiated by the Commission and will dispose of all matters contained in the complaint for Case No. 90-002.

Dated this 21st day of August, 1990.

[Redacted Signature]

RONALD L. KELLEY

Signed and sworn to before me on this 21st day of August, 1990.

[Redacted Signature]

NOTARY PUBLIC

This 20th day of September, 1990.

[Redacted Signature]

E. JOE ANN LUTZ, CHAIRPERSON

Executed this 21st day of September, 1990.

[Redacted Signature]

KAY MARIE THAYER, ADMINISTRATOR

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on September 21, 1990

[Redacted Signature]

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