## BEFORE THE IOWA REAL ESTATE COMMISSION 1918 S.E. HULSIZER ANKENY, IOWA

IN RE: William D. Dolph (S19531) Salesperson	) CASE NUMBER: 89-004 )
909 N.E. Grant - Apt 306 Ankeny, IA 50021	) INFORMAL SETTLEMENT ) ))

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between William D. Dolph 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 Chapters 17A, 117, and 258A(1989) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
- 2. William D. Dolph is, and was at all times during the following events, a licensed salesperson. His license number is \$19531.
- 3. William D. Dolph agreed to manage properties owned by Tresa Gardella beginning February 1, 1988 and ending March 31, 1988.
- 4. William D. Dolph failed to provide a breakdown of the total rents collected, deposits, receipts for bills paid and utility bills to Tresa Gardella.
- 5. William D. Dolph received numerous letters requesting the documentation regarding the properties he managed for Tresa Gardella.
- 6. William D. Dolph provided most of the documentation requested by Tresa Gardella after phones calls and letters from Tresa Gardella's Attorney.

Case Number: 89-004 Page 2

7. Iowa Code Section 117.29(2) states:

A license to practice the profession of real estate broker and salesperson may be revoked or suspended when the licensee is guilty of the following acts or offenses:

- 2. Professional incompetency.
- 8. Iowa Code Section 117.34(8) states:

The real estate commission may upon its own motion and shall upon the verified complaint in writing of any person, if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes out a prima-facie case, request the department of inspections and appeals to investigate the actions of any real estate broker, real estate salesperson, or other person who assumes to act in either capacity within this state, and may suspend or revoke a license issued under this chapter at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

8. Being unworthy or incompetent to act as a real estate broker or salesperson in such manner as to safeguard the interests of the public.

Case Number: 89-004 Page 3

## AGREED ORDER

By agreement it is therefore ORDERED, ADJUDGED, and DECREED by the Iowa Real Estate Commission as follows:

- 1. William D. Dolph has the right to a hearing on this matter, but waives his right to a hearing and all attendant rights by freely entering into this Informal Settlement.
  - William D. Dolph is hereby REPRIMANDED.
- 3. This Informal Settlement shall be made a part of the record of William D. Dolph and shall be considered by the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law violations by the Salesperson.
- 4. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of a violation of Iowa Code Sections 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 Section 117.35(1989).
- 5. This settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter.
- 6. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter.

## FOR THE SALESPERSON:

Dated this day	of June, 1990.
	William D. Dolph
Signed and sworn to before me	this day of
RENE LOCKER MY COMMISSION EXPIRES  4-3-91	Notary Public, State of Iowa
FOR THE COMMISSION:	
Signed this $2/$ day	of <u>June</u> , 1990.
Executed this 22 day	of June, 1990.
PROOF OF SERVICE  The undersigned curtifies that the feregoing lestrement was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, he envelopes addressed to each of the attorneys of record hereia at their respective addresses disclosed on the pleadings, on	K. Marie Thayer, Administrator