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

IN RE:)
Darlene Jones (B01385),)
Broker)
CASE NUMBER: 87-064)
INFORMAL SETTLEMENT)

Pursuant to Iowa Code Section 17A.10(1987) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Darlene Jones 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(1987) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
2. Darlene Jones is, and was at all times during the following events, a licensed broker. Her license number is B01385.
3. A seller's employee erroneously informed Broker Jones that the exclusive listing another broker had on its property had expired. The listing was actually still in force.
4. One of Broker Jones' salespeople wrote an offer on the property and that offer was presented to the seller.
5. The day after the offer was presented, the seller contacted Broker Jones to inform her that the other broker's listing had not expired. The listing had five more days to run.
6. Broker Jones did not inform the other broker that she had received an offer on his listing. Broker Jones states she had promised the seller's employee that she would not disclose any information about the transaction to any person other than the buyers.
7. The day after the other broker's listing expired, Broker Jones wrote and submitted an offer from the same buyers. This offer was accepted by the seller, and the transaction has closed.

87-064 (1)

8. Iowa Code Section 117.29 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:"

"3. ...engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established."

9. Broker Jones engaged in unethical conduct by failing to inform the other broker that she had received an offer on his exclusively listed property.

10. In her defense, Broker Jones states that she was unaware the Iowa real estate license law required her to so inform the listing broker. Had she been aware of this requirement, she would have informed the other broker of the offer she received.

AGREED ORDER

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

1. A date and time for an administrative hearing has been established for this matter, and Broker Jones has received proper notice of this hearing. She waives her right to hearing and all attendant rights by entering into this Informal Settlement.

2. Broker Jones shall pay a civil penalty of \$750.00. Payment shall be made to the Iowa Real Estate Commission no later than October 31, 1988 to satisfy this requirement.

3. Broker Jones shall be placed on PROBATION for six months commencing on the date this document is signed by the Commission's Chairperson. If she violates or fails to comply with any real estate law or rule during this period of probation, she will be afforded the same administrative procedures as any licensee not on probation. However, if the Commission after hearing finds her guilty of a violation of the real estate license law, the Commission may consider her probationary status in assessing the penalty.

4. Broker Jones shall take twelve hours of real estate continuing education in "Real Estate Law, Contract Law, and Agency Law." This course must be approved as a "broker prelicense course" (See 193E Iowa Administrative Code Section 3.2[3][117]). These hours shall be in addition to all other real estate continuing education hours required by law for license renewal. The original certificates of attendance for the course must be submitted to the Commission no later than September 30, 1989 as evidence that this requirement has been fulfilled. The

certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to Case #87-064.

5. 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)(1987). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1987).

5. This Informal Settlement shall be made a part of the permanent record of Broker Jones and shall be considered by the Commission in determining the nature and severity of the disciplinary sanction to be imposed for any future license law violation by her.

6. The within settlement is subject to approval of the Commission. If the Commission fails to approve this settlement, it shall be of no force or effect on either party and shall 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 number 87-064.

FOR THE LICENSEE:

Dated this 8th day of September, 1988.



Darlene Jones
Broker

Signed and sworn to before me this 8th day of September, 1988.



Notary Public, State of Iowa

Dated this 8th day of September, 1988.



Christopher F. O'Donohoe
Attorney for Darlene Jones

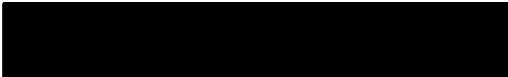


FOR THE COMMISSION:

Signed this 14th day of September,
1988.


James R. Berry, Chairperson

Executed this 14th day of September,
1988.


Kenneth L. Smith
Executive Secretary

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 hereinafter their respective addresses disclosed on the pleadings on Sept 15 1988


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