

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

IN RE:)	CASE NUMBER: 88-026
Raymond F. Rolf (S17485))	
Salesperson)	
)	
Betty M. Rolf (B21555))	INFORMAL SETTLEMENT
Broker-Associate)	
)	
Preferred Triad Realty, Ltd.)	
123 West Main Street)	
Marshalltown, IA 50158)	

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Raymond F. Rolf and Betty M. Rolf 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. Raymond F. Rolf and Betty M. Rolf are, and were at all times during the following events, licensed real estate agents. Raymond's license number is S17485 and Betty's license number is B21555.
3. Raymond F. Rolf listed the property of Daleen Jo Brink at 203 North Fourth Street, Marshalltown, Iowa on October 1, 1987.
4. The listing agreement shows the property as having 220 electrical service.
5. Hunt Electric of Marshalltown states that 220 wiring exists from the house to the pole and is owned by Iowa Electric.
6. Mike A. and Barbara Mull had to hire an electrician to re-wire from the meter to the main fuse cabinet in order to have 220 volt service in the house. The expense for this service was \$774.14.

7. 193E Iowa Administrative Code Section 1.23(117) states:

"All listing agreements shall be in writing, properly identifying the property and containing all of the terms and conditions under which the property is to be sold, including the price, the commission to be paid, the signatures of all parties concerned and a definite expiration date. It shall contain no provision requiring a party signing the listing to notify the broker of the listing party's intention to cancel the listing after such definite expiration date."

8. Iowa Code Section 117.29(2)(1989) 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."

9. Iowa Code Section 117.34(1)(1989) 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:

1. Making a substantial misrepresentation."

AGREED ORDER

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

1. Salesperson Raymond F. Rolf and Broker-Associate Betty M. Rolf have the right to a hearing on this matter, but waive their right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. Salesperson Raymond F. Rolf and Broker-Associate Betty M. Rolf are hereby reprimanded.

3. This Informal Settlement shall be made a part of the permanent records of Salesperson Raymond F. Rolf and Broker-Associate Betty M. Rolf and may 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 Salesperson Raymond F. Rolf and Broker-Associate Betty M. Rolf.

4. Failure to comply with the provision of this Agreed Order shall be considered prima-facie evidence of a violation of Iowa Code Section 117.29(3) and 117.34(2)(1989). However, no action may be taken against a 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. 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.

FOR THE SALESPERSON:

Dated this 9th day of AUGUST, 1989.

[Redacted Signature]

Raymond F. Rolf

Signed and sworn to before me this 9th day of AUG, 1989.

[Redacted Signature]

Notary Public, State of Iowa

FOR THE BROKER-ASSOCIATE

Dated this 9th day of AUGUST, 1989.

[Redacted Signature]

Betty M. Rolf

Signed and sworn to before me this 9th day of AUG, 1989.

[Redacted Signature]

Notary Public, State of Iowa

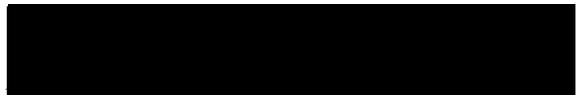
FOR THE COMMISSION:

Signed this August 17 day of _____, 1989.



Marlys Mielsen, Chairperson

Executed this 17th day of August, 1989.



Kenneth L. Smith
Executive Secretary