

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

| | | |
|------------------------------------|---|---------------------|
| IN RE: |) | |
| |) | |
| |) | CASE NUMBER: 99-076 |
| HAROLD R. ATTIG, JR. |) | |
| Salesperson (S23515) |) | STATEMENT OF |
| |) | CHARGES |
| SIEPERDA INSURANCE AND REAL ESTATE |) | |
| 413 FIRST STREET AUENUE |) | |
| P O Box 590 |) | |
| ROCK RAPIDS, IA 512461913 |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1999).

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

HAROLD R. ATTIG, JR. is, and was at all material times during the following events, a licensed salesperson with Sieperda Insurance and Real Estate, a licensed real estate firm, license number F04212, in Rock Rapids, Iowa. His license number is S23515.

COUNT I

Respondent is charged with advertising and operating an unlicensed branch office without proper notice to and supervision by his broker in 1999, and acting in the capacity of a broker without proper licensure, following similar charges and discipline in 1994, in violation of Iowa Code sections 543B.1, 543B.6, 543B29(3), (7), (8), and 543B.62(3)(b) (1999) and IAC 193E--2.14 and 4.54(19).


CIRCUMSTANCES OF THE COMPLAINT

1. Respondent was licensed with Sieperda Insurance and Real Estate, David Sieperda, broker. The firm was located at 203 S. 2nd Avenue, Rock Rapids, Iowa.
3. On or about July, 1999, Sieperda Insurance and Real Estate moved locations to 413 First Avenue, Rock Rapids, Iowa.
4. Respondent remained at the 203 S. 2nd Avenue address. Respondent advertised and conducted Attig Farm Management business from this unlicensed location.
5. Respondent indicated that he displayed a copy of his license and a copy of his employing broker's license at the 203 S. 2nd Avenue location.
5. Respondent had been disciplined previously, in case 94-083, for conducting a farm management business as a broker without a broker license.

FINDING OF PROBABLE CAUSE

On January 27, 2000 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.

Executed this 25th day of MAY, 2000.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

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| IN RE: |) | |
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| |) | CASE NUMBER: 99-076 |
| HAROLD R. ATTIG, JR. |) | |
| Salesperson (S23515) |) | STIPULATION |
| |) | AND |
| SIEPERDA INSURANCE AND REAL ESTATE |) | CONSENT ORDER |
| 413 FIRST AVENUE |) | |
| P O BOX 590 |) | |
| ROCK RAPIDS, IA 512461913 |) | |
| |) | |

On this 25th day of MAY, 2000, the Iowa Real Estate Commission and HAROLD R. ATTIG, JR., 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 has a right to a hearing on the charges, but waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
3. The Respondent was issued a real estate salesperson license on January 18, 1985 as evidenced by license number S23515, which is in full force and effect through December 31, 2002.
4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.
6. The Respondent admits each and every allegation in the Statement of Charges.
7. 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.

8. 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.

9. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (1999).

10. 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.

11. 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 ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$ 1000.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED AND AGREED 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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by HAROLD R. ATTIG, JR. on this 2nd day of May, 2000.

[Redacted Signature]

HAROLD R. ATTIG, JR., Respondent

State of IOWA)

County of LYNN)

Signed and sworn to before me on this 2nd day of May, 2000, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: James E. Haberkorn

My Commission Expires: 8/24/2001

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 25th day of MAY, 2000.

[Redacted Signature]

EVELYN RANKIN ~~Russell D. Nading~~, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
James E. Haberkorn, Attorney for Respondent