

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

IN RE:)	
)	
)	CASE NUMBER: 96-058
ROBERT M. HACKNEY (S33212))	
Salesperson)	STATEMENT OF
)	CHARGES
Iowa Realty Co. Inc. (F00710))	
3501 Westown Pky)	
West Des Moines, Iowa 50266-1007)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

ROBERT M. HACKNEY is, and was at all material times during the following events, a licensed salesperson assigned to Iowa Realty Co. Inc. a licensed real estate firm, license number F00710, in West Des Moines, Iowa and working in the Cedar Rapids, Iowa branch office. His license number is S33212.

COUNT I

The Respondent is charged with making misleading, deceptive, or fraudulent representations in the practice of the profession and engaging in a practice harmful or detrimental to the public by producing a fraudulent loan denial letter, in violation of Iowa Code sections 543B.29(3) and 543B.34(1) and (11) (1995), and 193E IAC section 4.40(19).

96-058


CIRCUMSTANCES OF THE COMPLAINT

1. On June 3, 1996, Respondent wrote an offer for Anthony Miksa to purchase the property located at 3324 Oakland Road, NE, Cedar Rapids, Iowa, for \$35,000.00, with \$500.00 earnest money. The sale was conditioned upon financing on a 95% conventional loan with the 203k program. The seller accepted the offer the same date.
2. On June 5, 1996, another offer was accepted on the property, Respondent and Miksa contacted Jeff Vint, with Residential Mortgage Network, Inc. and determined that Miksa did not qualify for financing because there was no conventional 203 program and he did not qualify for the FHA 203k program as he did not have enough money to escrow for needed repairs. Mr. Vint indicated that he would send a letter stating that Miksa would be unable to get financing on the property.
3. On June 10, 1996, Respondent wrote a letter on Residential Mortgage Network, Inc. letterhead to Miksa indicating that he was unable to obtain financing and signed Jeff Vint's name to the document.
4. When the listing agent, Paul Canas, was notified of the letter, he contacted Mr. Vint, who informed him that he did not write the letter.
5. On June 12, 1996, Mr. Vint did write the financing denial letter to Miksa.

FINDING OF PROBABLE CAUSE

On September 26, 1996, 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 14th day of NOVEMBER, 1996.


Roger ~~Z~~. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)

ROBERT M. HACKNEY (S33212))
Salesperson)

Iowa Realty Inc. (F0071))
3501 Westown Pky)
West Des Moines, Iowa 50266-1007)

CASE NUMBER: 96-058

STIPULATION AND
CONSENT ORDER

On this 14th day of NOVEMBER, 1996, the Iowa Real Estate Commission and ROBERT M. HACKNEY, 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 was issued a salesperson license to practice real estate on August 27, 1992, as evidenced by license number S33212, which is in full force and effect through December 31, 1997.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
6. 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.

96-058

7. 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.

8. 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) (1995).

9. 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.

10. 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 HEREBY ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED that the Respondent shall personally attend the six (6) hour real estate continuing education course on "Ethics" in addition to the real estate continuing education required by law for license renewal. The course must be a Commission approved course. Original certificate of attendance must be submitted to the Iowa Real Estate Commission within six (6) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 96-058.

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 the Respondent on this 5
day of Nov., 1996.

[Redacted Signature]

ROBERT M. HACKNEY, Respondent

State of Iowa)

County of Linn)

Signed and sworn to before me on this 5th day of November, 1996, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: WILLIAM A. GRABE

My Commission Expires: 4-25-98

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 14th day of NOVEMBER, 1996.

[Redacted Signature]

RUSSELL D. NADINE, Evelyn Rankin Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General