

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

IN RE:)	CASE NUMBER: 87-076
Edward C. Hill (B11263))	
Broker-Associate)	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 Edward C. Hill 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. Edward C. Hill is, and was at all times during the following events, a licensed broker-associate. His license number is B11263.

3. While licensed to and acting for Broker A, Broker-associate Hill listed properties in Des Moines at 5136 Ingersoll #5, 5209 S.E. 9th, and 3336 Vilura Parkway. Salesperson Mike Hanlon was also named on these listings as a listing agent.

4. On or about October 16, 1987, Broker-associate Hill requested in writing that Broker A return his license to the Commission. Another real estate company, Broker B, had already requested Broker-associate Hill's license to be issued to them. At this point, Broker-associate Hill believed he was licensed to Broker B. Commission records show that his license was not actually transferred until October 27, 1988.

5. On or about October 18, 1987, Broker-associate Hill and Salesperson Hanlon visited the owners of each of the three properties mentioned in paragraph #4. Broker-associate Hill announced to each owner that he was leaving Broker A and joining Broker B. These three owners wrote letters asking that their listing contracts with Broker A be cancelled.

6. Salesperson Hanlon, since he was a co-listing agent on each listing and still licensed to Broker A, prepared cancellation notices for each of the three properties and sent these notices to the MLS.

7. The management of Broker A neither knew nor approved of the cancellation of these listings. Accordingly, Broker A notified each of the three owners in writing to inform them that their listings with Broker A were still in force. Hill states that he had been in a managerial position with Broker A and that he believed Broker A would honor these cancellations, as it had done in the past.

8. Believing that he was licensed to Broker B, Broker-associate Hill entered into new listing contracts with these owners on behalf of Broker B.

9. Iowa Code Section 117.34(1987) prohibits a licensee from:

6. Representing or attempting to represent a real estate broker other than the licensee's employer, without the express knowledge and consent of the employer.

10. 193E Iowa Administrative Code Section 1.23(1)(117) states:

A real estate salesperson or broker shall not negotiate a sale, exchange, lease or listing contract of real property directly with an owner if it is known that the owner has a written unexpired contract in connection with the property which grants an exclusive right to sell to another broker, or which grants an exclusive agency to another broker.

11. A listing contract is the property of the broker and the broker must approve cancellation of listings. A salesperson or broker-associate may not cancel a listing except with the authority of the employing broker.

AGREED ORDER

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

1. Edward C. Hill will abide by the provisions of Iowa Code Chapter 117 and related rules, in particular rule 1.23(1) and Iowa Code Section 117.34(6).

2. Edward C. Hill is **REPRIMANDED** and **WARNED** that:

- A. As a broker-associate, he is acting on behalf of the broker who holds his license. Accordingly, he is required to act in his broker's best interests and to keep his broker informed of his activities.
- B. He may not act for a broker until his license has been issued to that broker. If he has doubt about the status of his license, he should consult the Professional Licensing Division of the Iowa Department of Commerce.

3. Edward C. Hill shall pay a civil penalty of \$500.00. He shall deliver a check payable to The Iowa Real Estate Commission no later than September 30, 1988 to satisfy this requirement.

4. Edward C. Hill 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 #87-076.

5. This Informal Settlement shall be made a part of the permanent record of Broker-associate Hill 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 him.

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 87-076.

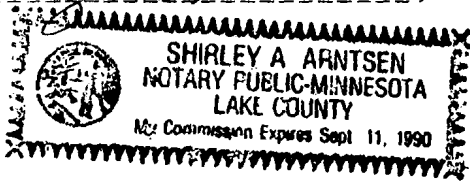
FOR THE LICENSEE:

Dated this 12th day of August, 1988.

[Redacted Signature]

Edward C. Hill
Broker-associate

Signed and sworn to before me this 12th day of August, 1988.



[Redacted Signature]

Notary Public, State of ~~Iowa~~

Dated this 16th day of August, 1988.

[Redacted Signature]

Kasey Kincaid, Attorney for
Edward C. Hill

FOR THE COMMISSION:

Signed this 18th day of August, 1988.

[Redacted Signature]

James R. Berry, Chairperson

Executed this 18th day of August, 1988.

[Redacted Signature]

Kenneth L. Smith
Executive Secretary