

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

IN RE:)	CASE NUMBER: 90-047
)	
Kathleen D. Hinn (B04700))	
Broker)	
)	INFORMAL SETTLEMENT
Hinn, Inc. (F02033))	
Firm)	
)	
1 Oak Lane Hwy 71 South)	
P. O. Box 449)	
Spirit Lake, Iowa 51360)	

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Kathleen D. Hinn, Hinn, Inc. 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. Kathleen D. Hinn is, and was at all times during the following events, a licensed Broker. Her license number is B04700.

3. Hinn, Inc. is, and was at all times during the following events an Iowa Corporation holding license number F02033.

4. On May 8, 1990, May 14, 1990 and June 6, 1990, the trust account of Hinn, Inc. was examined by Ron Rasmussen of the Department of Inspections and Appeals.

5. Auditor Ron Rasmussen noted that the trust account had an overage of \$8,743.33 on June 6, 1990.

6. Broker Hinn was unable to identify the owners of the \$8,743.33.

7. On February 25, 1991 and February 26, 1991, the trust account of Hinn, Inc. was examined by Ron Rasmussen of the Department of Inspections and Appeals.

8. On February 26, 1991, the trust account of Hinn, Inc. had a shortage of \$20.10. \$20.10 of Personal Funds was deposited into the trust account by the Broker to eliminate the shortage.

9. On February 26, 1991, the trust account still contained \$2,743.33 of Unidentified Funds.

10. Iowa Administrative Code Section 1.27(117) states:

Trust account. Earnest payments, rents collected, property management funds, and other trust funds received by the broker shall be deposited in an identified "trust" account in a bank, savings and loan association, savings bank, or credit union located in Iowa. A broker shall maintain in the broker's office a general ledger for the trust account and an account ledger for each account or transaction which shall provide a complete record of all moneys received on real estate transactions, rents and management funds, including the sources of the money, the date of receipt, depository, and date of deposit; and when a transaction has been completed, the final disposition of the moneys. The notification to the commission of the name, depository, and address of the broker's trust account shall include the account number.

AGREED ORDER

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

1. Kathleen D. Hinn and Hinn, Inc. 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. Kathleen D. Hinn agrees to properly maintain trust account records including the General Ledger, Individual Ledgers for all transactions, Personal Funds Ledger and an Interest Card.

3. Kathleen D. Hinn agrees to do a monthly trust account reconciliation as a preventive measure against trust account irregularities.

4. Kathleen D. Hinn shall take twelve hours of real estate continuing education in "Trust Account and Closing Procedures". This course must be approved as a "Broker Pre-license Course". [See Iowa Administrative Code Section 3.2(3)(117)]. These hours shall be in addition to all other real estate continuing education required by law for license renewal. The original Certificate of Attendance for the course must be submitted to the commission no later than May 29, 1992 as evidence that this requirement has been fulfilled. The Certificate of Attendance must come under a cover letter addressed to the Commission's Executive Secretary and must be referred to as case number 90-047.

5. This Informal Settlement shall be made part of the permanent record of Kathleen D. Hinn and Hinn, Inc. and shall 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 the broker and the firm.

6. 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)(1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1989).

7. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter.

FOR THE BROKER:

Dated this 20th day of May, 1991.

[Redacted Signature]

Kathleen D. Hinn

Signed and sworn to before me this 20th day of May, 1991.



[Redacted Signature]

Notary Public, State of Iowa
My commission expires 3/23/92

FOR THE FIRM:

Dated this 20th day of May, 1991.

[Redacted Signature]

Hinn, Inc.

Signed and sworn to before me this 20th day of May, 1991.

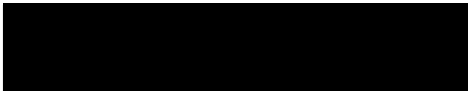


[Redacted Signature]


Notary Public, State of Iowa
My commission expires 3/23/92

FOR THE COMMISSION:

Signed this 20 day of JUNE, 1991.


~~By JERRY DUGGAN~~ Chairperson
JERRY DUGGAN,

Executed this 20th day of JUNE, 1991.


Roger L. Hansen
Executive Secretary