

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

IN RE:	*	
JOHN A. HULSHOF (B11506) Broker	*	CASE NO. 90-023
	*	
P.O. Box 205 Little Rock, IA 51234	*	INFORMAL SETTLEMENT

Pursuant to Iowa Code § 17A.10 (1991) and 193E Iowa Admin. Code § 4.12(117), this informal settlement is entered into between John A. Hulshof and the Iowa Real Estate Commission. The parties agree as follows:

1. The Commission has jurisdiction over this matter under Iowa Code chapters 17A, 117 and 158A (1991) as well as the regulations found in chapter 193E of the Iowa Administrative Code.

2. John A. Hulshof is, and was at all times material hereto, a licensed real estate broker. His license number is (B11506). His business address is P.O. 205, Little Rock, Iowa, 51234.

3. On December 27, 1988, John A. Hulshof filed an application for a corporate license and branch office license. Mr. Hulshof listed himself as broker in charge for both offices which were located in Little Rock and Rock Rapids, respectively.

4. On January 11, 1989, a license was issued for the Little Rock office with John A. Hulshof as broker in charge. Mr. Hulshof did not receive a branch office license for the Rock Rapids office.

5. On June 20, 1990, the Department of Inspections and Appeals examined the trust account of Broker Hulshof, and the examination revealed that all of his records were kept at the Rock Rapids office. Further, the examination revealed that all advertising and phone numbers used in the advertising were directed to the Rock Rapids office.

6. Iowa Code § 117.31 states:

117.31 Place of Business.

Every real estate broker, except as provided in § 117.22, shall maintain a place of business in this state. If a real estate broker maintains more than one place of business within the state, a duplicate license shall be issued to such broker for each branch office maintained. Provided, that if such broker be a copartnership, association, or corporation, a duplicate shall be issued to the members or officers thereof, and a fee determined by the real estate commission in each case shall be paid for each duplicate license.

7. 193E Iowa Admin. Code § 2.14(3) states:

2.14(3) Branch office.

A resident Iowa real estate firm or proprietor maintaining a branch office shall display two branch office licenses in that location. One branch office license is issued in the name of the firm or proprietor and one is issued in the name of the designated broker or broker associate assigned to supervise the branch office. (Exception: The proprietor who supervises a branch office location is required to display only one branch office license in that location.) The main office and every branch office shall be directly supervised by a broker or broker associate assigned to that location as the broker-in-charge. No broker or associate broker shall be the broker-in-charge in more than one location.

STIPULATED ORDER

IT IS THEREFORE ORDERED, adjudged and decreed by the Iowa Real Estate Commission as follows:

1. John A. Hulshof has a right to a hearing on this matter, but waives a right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. John A. Hulshof shall complete twelve (12) hours of real estate continuing education in "Iowa Real Estate License Law and Commission Rules" within twelve (12) months of the signing of this Informal Settlement. This requirement may be satisfied by completing two six (6) hour classes in "Iowa License Law" provided that the classes have different course numbers and instructors. In addition, such hours shall not be taken by correspondence courses. Such hours shall be taken in addition to all other real estate education hours required by law. Proof of compliance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this Informal Settlement by the Commission. A certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case number 90-023.

3. John A. Hulshof hereby agrees that he will not in the future establish a branch office in violation of Iowa Code § 117.31 and 193E Iowa Administrative Code § 2.14(3).

4. This Informal Settlement shall be made part of the permanent record of John A. Hulshof and shall be considered by

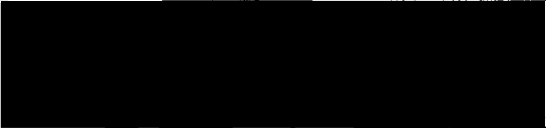
the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law violations by the broker.

5. Failure to comply with the provisions of this Informal Settlement shall be considered prima facie evidence of a violation of Iowa Code §§ 117.29(3) and 117.34(2) (1991). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code § 117.35 (1991).

6. This Informal Settlement is subject to the approval of the Commission. If the Commission fails to approve this agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter. If approved by the Commission, this agreement shall be deemed and agreed upon disposition of a contested case proceeding and will dispose of all matters contained in case number 90-023.

FOR THE BROKER:

Dated this 30th day of August, 1991.



John A. Hulshof

Signed and sworn to before me this 30 day of August, 1991.



Notary Public, State of Iowa

FOR THE COMMISSION:

Dated this 19 day of SEPTEMBER, 1991.



Gerry F. Duggan, Chairperson

Executed this 19 day of SEPTEMBER, 1991.



Roger L. Hansen
Executive Secretary