

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

IN RE:)	
)	
)	CASE NUMBER: A99-004
GREGORY K JOHNSON (B01364))	
Broker)	STIPULATION AND
)	CONSENT ORDER
W. 314 Central)	
Estherville, Iowa 51334)	

On this 27th day of JANUARY, 2000, the Iowa Real Estate Commission and GREGORY K JOHNSON, 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 broker license to practice real estate on October 03, 1978, as evidenced by license number B01364, which is in full force and effect through December 31, 2000.
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.

CIRCUMSTANCES OF THE COMPLAINT

1. On July 30, 1999 Iowa Real Estate Commission Field Auditor Frank Hansen, conducted an audit of the trust account records of Gregory Johnson, Estherville, Iowa.
2. The audit found earnest money in the Yost/Egeland transaction was not deposited until fourteen (14) days after offer was accepted and in the Hunter/ Huntley transaction the earnest money was not deposited until thirteen (13) days after the offer was accepted.
3. Respondent indicated the check in the Yost/Egeland transaction was held at the buyer's request as they did not have funds in the account to cover the check. The purchase agreement was written by a licensee assigned to the Respondent and it did not indicate that the earnest money was not immediately cashable. The Respondent failed to adequately supervise the assigned licensee.
4. A prior audit had been conducted February 5, 1997 by Iowa Real Estate Commission Field Auditor Michael Sharp. That audit found instances when the earnest money was not deposited within five day banking days as required.

FINDING OF PROBABLE CAUSE

On November 10, 1999 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 27th day of JANUARY, 2000.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

Cc. Pam Griebel, Assistant Attorney General

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IN RE:)	
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GREGORY K. JOHNSON (B01364))	CASE NUMBER: A99-004
Broker)	
)	
W. 314 Central)	STATEMENT OF
Estherville, Iowa 51334)	CHARGES
)	

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.

GREGORY K. JOHNSON, license number B01364, was at all material times during the following events, a licensed real estate sole-proprietor broker in Estherville, Iowa.

COUNT I

The Respondent, is charged not timely depositing earnest money deposits as required on several occasions, in violation of Iowa Code section 543B.29(10) (1999), and 193E IAC sections 1.27(1)(a) and 4.40(6)(a).

COUNT II

The Respondent, is charged with engaging in a practice harmful or detrimental to the public by failing to adequately supervise a salesperson associated with him, in violation of Iowa Code sections 543B.29(3) (engaging in a practice harmful or detrimental to the public) 1999 and 193E IAC sections 2.16(543B) and 4.40(19).

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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

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by GREGORY K JOHNSON on this 7 day of January, 2000.

[REDACTED]
GREGORY K JOHNSON, Respondent

State of IA

County of Emmet

Signed and sworn to before me on this 7th day of Jan., 2000, by



[REDACTED]
Notary Public, State of Iowa

Printed Name: MARI L. POTTER

My Commission Expires: 5-19-2000

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 27^E day of JANUARY, 2000.

[REDACTED]
~~EVELYN RANK~~ Russell D. Nading, Chair
VICE CHAIR Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General