

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

IN RE:)	CASE NUMBER: 88-040
)	
Sharon Shook (B16924))	
Broker)	
)	INFORMAL SETTLEMENT
1322 Pierce Street)	
Sioux City, Iowa 51105)	

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Sharon Shook 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. Sharon Shook is, and was at all times during the following events, a licensed real estate agent with Shooks Homeland Realty. Her license number is B16924.
3. Sharon Shook is currently employed with Ron McManamy's Homeland Realty Company of Sioux City, Iowa.
4. Sharon Shook listed the property of Mark J. and Susan E. Halliday at 3401 19th Street, Sioux City, Iowa on June 16, 1986.
5. Sharon Shook made an incorrect assumption that the property was serviced by city water and sewer.
6. The listing agreement shows the property as having city water and city sewer.
7. After moving into the house, Frank and Sandra Cummings discovered there was a septic tank instead of a city sewer hook-up and that the septic system was not working properly.

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8. Iowa Code Section 117.34(1)(1989) states:

"The real estate commission may upon its own motion and shall upon the verified complaint in writing of any person, if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes out a prima-facie case, request the Department of Inspections and Appeals to investigate the actions of any real estate broker, real estate salesperson, or other person who assumes to act in either capacity within this state, and may suspend or revoke a license issued under this chapter at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

1. Making a substantial misrepresentation."

AGREED ORDER

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

1. Broker-Associate Sharon Shook has the right to a hearing on this matter, but waives her right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. By making an incorrect assumption that the property was serviced by city water and sewer, Broker-Associated Sharon Shook made a substantial misrepresentation.

3. Broker-Associated Sharon Shook is hereby REPRIMANDED.

4. This Informal Settlement shall be made part of the permanent record of Broker-Associate Sharon Shook 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 Broker-Associate Sharon Shook.

5. 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).


6. 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-ASSOCIATE:

Dated this 10th day of May, 1990.


Sharon Shook

Signed and sworn to before me this 10th day of
May, 1990.



Notary Public, State of Iowa
4-13-92

FOR THE COMMISSION:

Signed this 17th day of May, 1990.


E. Joe Ann Lutz, Chairperson

Executed this 21 day of May, 1990.


K. Marie Thayer,
Administrator