

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

IN RE:

Steve Spohr (S26433)
Salesperson

CASE NUMBER: 87-077

INFORMAL SETTLEMENT/
CANCELLATION OF LICENSE

INTRODUCTION

Pursuant to 700 Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between the Iowa Real Estate Examining Board (Board) and Steve Spohr. The Board and Spohr agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Iowa Real Estate Examining Board has jurisdiction of this matter under Iowa Code Chapters 17A, 117, and 258A as well as the administrative rules found in Chapter 700 of the Iowa Administrative Code.
2. License number S26433 was issued to Steve Spohr based on his application for license and a personal check for the license fee.
3. After the license was issued, the State Treasurer's Office notified the Board that the personal check Spohr gave to pay the license fee was returned non-sufficient funds.
4. The Board's Executive Secretary sent a letter to Spohr by certified mail notifying Spohr of the non-sufficient funds check and asking for remittance.

5. The return receipt for this correspondence was signed for by Steve Spohr.
6. No remittance was received from Spohr nor did he contact the Board office.
7. The Board's Executive Secretary forwarded this information to the Department of Inspections and Appeals who issued a "notification of complaint" letter to Spohr.
8. No response was received to this letter.
9. The board voted to hold a hearing.
10. A Notice of Hearing and Complaint was sent to Spohr at the same address as the previous two letters.
11. Spohr states that:
 - A. He had been out of town for an extended period of time.
 - B. The Notice of Hearing and Complaint is the first notification he received that his check had been returned or even that he had been issued a license.
 - C. A relative had signed his name to the return receipt for the certified mail.
12. Iowa Code Section 117.34 states the Board "may suspend or revoke any license issued under the provisions of this chapter, at any time if the licensee has by a false or fraudulent representation obtained a license. . ."

AGREED ORDER

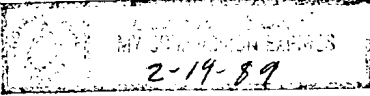

1. A date and time for an administrative hearing on this matter has been set, and Spohr has received proper notice of this hearing. He waives this and all attendant rights by settling this complaint informally.

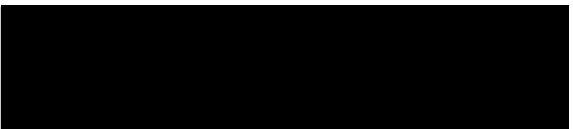
2. Spohr submits license S26433 which is currently on an inactive status for cancellation. This cancellation will be effective the day this document is signed by the Board's chairperson.
3. Spohr must attend the salesperson pre-license course and pass the salesperson examination again before reapplying for license.
4. This settlement is subject to the approval of the Board and if the Board 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. The hearing will be rescheduled if this settlement is not approved and accepted by the Board.

Dated this 15 day of Feb., 1988.



Steve Spohr

Signed and sworn to before me this 15 day of Feb. 1988.

 
Notary Public, State of Iowa


James R. Berry, Chairperson
Iowa Real Estate Examining Board

Executed this 25th day of February, 1988.


Kenneth L. Smith, Executive Secretary
Iowa Real Estate Examining Board