

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) (2005).

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 discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

11. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 05-111.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **Kirk Brownlee Stauss** on this 24 day of JANUARY, 2006.

[Redacted Signature]

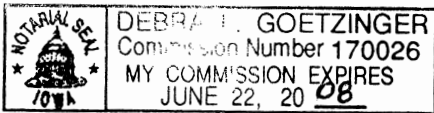
Kirk Brownlee Stauss, Respondent

State of Iowa

County of Dickinson

Signed and sworn to before me on this 24th day of January, 2006, by

[Redacted Signature]



[Signature]
Notary Public, State of Iowa
Printed Name: Debra L. Goetzinger
My Commission Expires: 6-22-2008

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 2ND day of MARCH, 2006.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:)	CASE NUMBER: 05-111
)	
Kirk Brownlee Stauss)	STATEMENT
Broker Associate (B38506))	OF
)	CHARGES
DOWDEN-HINN REALTY)	
2916 HWY 71)	
SPIRIT LAKE, IA 51360)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2005).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

Kirk Brownlee Stauss was at all material times, during the following events, a licensed Broker/Associate with Dowden-Hinn Realty, a licensed real estate firm (F02033), in Spirit Lake, Iowa. His license, number B38506, in full force and effect through 12-31-2005.

COUNT I

The Respondent engaged in an unethical practice which is harmful or detrimental to the public; and knowingly made a misleading, deceptive, or untrue representation in the practice of real estate by advertising in such a manner as to mislead the general public in violation of Iowa Code sections 543B.29(3) and (7), 543B.34(1) and (3) (2005), and 193E IAC 10.1(2) and 193E IAC 18.14(5)(s).

COUNT II

The Respondent engaged in an unethical practice which is harmful or detrimental to the public; and knowingly made a misleading, deceptive representation in the practice of real estate by allowing the advertising a home for sale using signage that did not include agency designation in violation of Iowa Code sections 543B.29(3), 543B.34(1) and (3) (2005) and 193E IAC 10.1(2) and 193E IAC 18.14(5)(h).

CIRCUMSTANCES OF THE COMPLAINT

COUNT I

1. Prior to August 23, 2005, Respondent distributed literature in the Iowa great lakes area that included the total number of residential properties sold in the great lakes area since the year 2002.
2. Said advertising was designed in such a manner that it appears that the Respondent was responsible for the sale of all of the residential properties which is misleading to the public.


COUNT II

1. The Respondent listed a property located at 2722 Okoboji Blvd, West Okoboji, Iowa, on June 16, 2005.
2. During the course of this listing, a sign was placed on the property indicating the property was for sale, however, the sign included only the office phone number for the Respondent, and no agency designation, which is misleading to the public.

FINDING OF PROBABLE CAUSE

On December 14, 2005, 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 2ND day of MARCH, 2006.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission