

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
)	CASE NUMBER 04-136
SCOTT E. THOMAS, SR.)	
Salesperson (S36888))	STIPULATION
)	AND
Associates Realty, LLC (F04864))	ORDER
1225 Jordan Creek Pkwy)	
West Des Moines, IA 50266)	

On this 14th day of DECEMBER, 2005, the Iowa Real Estate Commission and **SCOTT E. THOMAS, SR.**, 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 real estate Salesperson license on April 1, 1996, which is in full force and effect through December 31, 2007.
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. Respondent does not admit to the allegations in the Statement of Charges, but agrees to resolve the charges by entering into this Consent Order.
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.

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) (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 \$ 1,000 within thirty (30) days of acceptance of this stipulation by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-136.

IT IS FURTHER ORDERED that the Respondent shall personally attend the Commission approved eight (8) hour commission approved education course: "Contract Law and Contract Writing" and the twelve hour (12) course: "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificates of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-136.

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 **SCOTT E. THOMAS, SR.**
on this 5th day of December, 2005.


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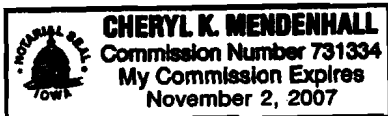
SCOTT E. THOMAS, SR., Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 5th day of December, 2005, by





Notary Public, State of Iowa

Printed Name: Cheryl K. Mendenhall

My Commission Expires: November 2, 2007

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 14th day of DECEMBER, 2005.



James E. Hughes, Chair
Iowa Real Estate Commission

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
)	CASE NUMBER: 04-136
SCOTT E. THOMAS, SR.)	
Salesperson (S36888))	STATEMENT
)	OF
Associates Realty, LLC (F04864))	CHARGES
dba Century 21 Associates Realty)	
1225 Jordan Creek Pkwy)	
West Des Moines, IA 50266)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

SCOTT E. THOMAS, SR. was at all material times, during the following events, a licensed Salesperson with Associates Realty, LLC, (F04864) in West Des Moines, Iowa. His license, number S36888 was issued April 1, 1996 and is in full force and effect through 12-31-2007.

COUNT I

The Respondent is charged with engaging in practices that are unethical and harmful or detrimental to the public by attempting to alter the commission to be paid pursuant to a contractual agreement between the seller and broker, without the written agreement of the listing broker, in violation of Iowa Code section 543B.29(3) (unethical practice harmful or detrimental to the public) (2003) and 193E--IAC sections 11.3(1), 11.1(5), 11.1(6), 11.3(8), 11.3(9), and 18.14(5)(s).


CIRCUMSTANCES OF THE COMPLAINT

1. On or about August 9, 2004 the property located at 506 E. 20th Street S, Newton, Iowa, was listed by an agent with RE/MAX of Newton for \$94,000. Agents for RE/MAX had shown the property to a prospective buyer, who wanted to make an offer on this property. The Respondent had made contact with the buyer via an inquiry through Lending Tree.
2. On or about August 9, 2004, Respondent drafted an offer for \$94,000 with a 6% credit paid by the seller that was faxed to RE/MAX. Subsequent negotiations were ongoing during the next several days. Respondent prepared an offer increasing the price to \$99,640 with the seller paying 6% for the buyer's financing through Equity Funding. On or about September 13, 2004, Respondent caused an addendum to be prepared advising the buyer wanted Respondent to receive a 6.5% commission with 3% credited to the buyer for lending. Respondent faxed the addendum to RE/MAX.
3. On or about September 14, 2004, Respondent sent an e-mail to the RE/MAX agent explaining how the deal must be done, including a 10% commission with 6.5% paid to the Respondent who will give the buyer 3% for financing. Ultimately, the transaction failed to close.
4. By adding a 3.5% commission paid to the Respondent in the offer, and by adding a 10% commission to be paid with 6.5% commission be paid to the Respondent in the addendum, both dated on or about September 9, 2004, the Respondent interfered with the contractual agreement between the seller and listing brokerage and any commission split between brokers should be in a separate document.

FINDING OF PROBABLE CAUSE

On April 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 14th day of DECEMBER, 2005.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission