

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

COPY

IN RE:)	
)	
NORMAN J. THOMAS (B13121))	CASE NUMBER: 98-022
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
1220 Tyler Court)	
Iowa City, Iowa 522402827)	

On this 29th day of JANUARY, 1999, the Iowa Real Estate Commission and NORMAN J. THOMAS, each hereby agrees 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. Respondent has a right to a hearing on the charges, but waives his right to a 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 contested case hearing.

2. The Respondent was issued a broker license to practice real estate on January 1, 1986, as evidenced by license number B13121, which is in full force and effect through December 31, 2000.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

4. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

5. Respondent admits each and every allegation in the Statement of Charges and agrees not to contest the Consent Order and the remedies contained herein.

6. 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.

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7. 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.

8. 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) (1997).

9. 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.

10. 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 HEREBY ORDERED that the real estate broker license of the Respondent is hereby **SUSPENDED** for a period of three years; however, within seven days of his release from the correctional facility, Respondent shall notify the commission in writing of his release and on the date of receipt of that written notice, the suspension shall be stayed and the Respondent shall be placed on probation for the remainder of the three year period. The suspension shall be effective on the date this agreement is accepted and signed by the Commission.

IT IS FURTHER ORDERED that the Respondent shall comply with all recommended treatment programs and sign all consents to release information required for the Commission and the Commission's Executive Secretary to secure copies of medical records concerning Respondent's alcohol treatment if necessary.

IT IS FURTHER ORDERED that during the period of probation, the Iowa Real Estate Commission upon reasonable notice may require Respondent to appear before them for the purpose of apprising the Commission of his activities in the practice of real estate.

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 the Respondent on this 21
day of December, 1998.

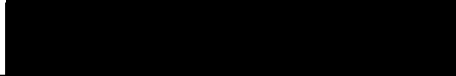


NORMAN J. THOMAS, Respondent

State of IOWA)

County of JOHNSON)

Signed and sworn to before me on this 21st day of DECEMBER, 1998, by



Notary Public, State of Iowa

Printed Name: DAVID E. BROWN

My Commission Expires: Sept. 28, 2001

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 28th day of JANUARY, 1999.



Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
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)	CASE NUMBER: 98-022
NORMAN J. THOMAS)	
Broker (B13121))	STATEMENT OF
)	CHARGES
1220 Tyler Court)	
Iowa City, Iowa 522402827)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1997).

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

NORMAN J. THOMAS was at all material times during the following events, a licensed real estate sole-proprietor broker in Iowa City, Iowa. His broker license, number is B13121, expired 12-31-97 and was not reinstated until 4-22-98. It remains in full force and effect through 12-31-2000.

COUNT I

The Respondent is charged with habitual intoxication in violation of Iowa Code section 543B.29(4) (1997).

COUNT II

Respondent is charged with conviction of crimes involving moral turpitude in violation of Iowa Code sections 543B.15(3) and 543B.29(5) (1997).

COUNT III

Respondent is charged with being unworthy or incompetent to act as a real estate broker in view of his current incarcerated status in violation of Iowa Code sections 543B.34(8) (1997).

COUNT IV

Respondent is charged with failing to respond to Commission requests for information concerning complaints in violation of Iowa Code section 543B.34(10) and 193E IAC 4.40(9) (1997).

COUNT V

Respondent is charged with practicing real estate on an expired license in violation of Iowa Code sections 543B.1, 543B.29(3) (practice harmful or detrimental to the public), and 543B.29(7).

CIRCUMSTANCES OF THE COMPLAINT

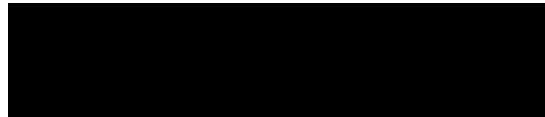
1. The Respondent was at all material times a licensed sole-proprietor real estate broker in Iowa City, Iowa.
2. Respondent's broker license expired 12-31-97 and he continued to engage in the real estate property management business without a license.
3. Respondent failed to respond to a request for information sent certified March 12, 1998 that was returned unclaimed. He also failed to respond to requests June 3, 1998 that were sent both certified mail and regular mail. He also failed to respond to a July 20, 1998 certified request.
4. On February 6, 1998, in Johnson County District Court (No. OW CRO44832), Respondent plead guilty to "Count I: While Under the Influence of Alcohol or a Drug or While Having an Alcohol Concentration of .10 or More, Second Offense, in violation of Iowa Code Section 321J.2 and Count II: Leaving the Scene of a Personal Injury Accident, in violation of Iowa Code sections 321.261(1) and/or 321.263(1)." He was sentenced to two years, however all but sixty days was suspended and he was release on probation.

5. On October 2, 1998, in Johnson County District Court (No. OW CRO 44832), Respondent's probation was revoked because of continued alcohol related problems including a conviction for public intoxication. He was committed to the custody of the director of the Department of Corrections for an indeterminate term not to exceed two years. Respondent was ordered placed at the Iowa Medical and Classification Center for participation in the OWI program where he remains.
6. The Iowa Real Estate Commission was not notified by the Respondent when his residence changed. Commission records still indicated a Iowa City, Iowa address.
7. Respondent's license has remains in full force and effect during the incarceration.

FINDING OF PROBABLE CAUSE

On November 5, 1998, 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.

Dated this 28th day of JANUARY, 1999.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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