

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

IN RE:)	
)	
)	CASE NUMBER: 99-037
SCOTT E THOMAS (S36888))	
Salesperson)	STIPULATION AND
)	CONSENT ORDER
METRO REALTY, INC.)	
515 18 TH STREET)	
DES MOINES, IA 50309)	

On this 27th day of JANUARY, 2000, the Iowa Real Estate Commission and SCOTT E THOMAS, 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 salesperson license to practice real estate on April 1, 1996 as evidenced by license number S36888, which is in full force and effect through December 31, 2000.

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. The Respondent admits each and every allegation in the Statement of Charges.

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) (1999).

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 \$ 250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

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 on this 22 day of JAN, 2000.

[Redacted Signature]

SCOTT E THOMAS, Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 22 day of JAN, 2000, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: Stephanie Stephenson

My Commission Expires: 03/2000

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 27th day of JANUARY, 2000.

[Redacted Signature]

EVELYN RANK,
VICE CHAIR

~~Russell D. Nading, Chair~~
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
)	
)	CASE NUMBER: 99-037
SCOTT E THOMAS (S36888))	
Salesperson)	STATEMENT OF
)	CHARGES
METRO REALTY, INC.)	
515 18 TH STREET)	
DES MOINES, IA 50309)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1999).

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 was at all material times during the following events, a licensed real estate salesperson with Iowa Realty, Inc. , a licensed real estate firm in West Des Moines, Iowa, license number F00710. He is currently a licensed salesperson with Metro Realty, Inc. Des Moines, Iowa, a licensed real estate firm, license number F04028. His license, number S36888, is in full force and effect through 12-31-2000.

COUNT I

Respondent is charged with engaging in a practice harmful or detrimental to the public by independently preparing an offer and conducting transaction activities requiring a real estate license without the sponsoring broker's knowledge, supervision, or approval, in violation of Iowa Code sections 543B.3, 543B.29(3) (practice harmful or detrimental to the public), 543B.34(5) and (8) (1999) and 193E IAC sections 2.16(543B) and 4.40(14).

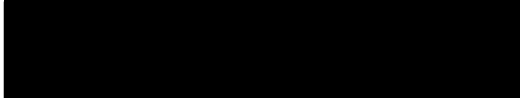
CIRCUMSTANCES OF THE COMPLAINT

1. On or about January 25, 1999, Bryan Johnson, a licensed salesperson assigned to Iowa Realty, West Des Moines, Iowa, listed the property located at 2153 NW 159th Street, Clive, Iowa, Jerry's Homes, owner. The property is a condominium located in Westmont Condominiums.
2. On or about April 14, 1999, Respondent advertised Westmont Condominiums, specifying a \$466 per month PITI financing plan that was not available. The advertisement was not reviewed or approved by the broker.
3. On April 16, 1999 Respondent prepared an offer for the property on behalf of John B. Geigly, buyer. The buyer based the offer price, terms, and conditions upon the inaccurate financing specified in the advertisement and representations made by the Respondent. The offer was accepted on April 19, 1999.
4. The Respondent did not use his broker's standard offer form and conducted activities requiring a real estate license without his broker's knowledge, supervision, or approval. The broker was not involved in this transaction and as such has no records relating to this sale.

FINDING OF PROBABLE CAUSE

On November 10, 1999 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 27th day of JANUARY, 2000.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General