

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

| | | |
|---------------------------------|---|----------------------|
| IN RE: |) | |
| |) | |
| JOHNSON AND SONS, INC. (F00709) |) | CASE NUMBER: A94-045 |
| Firm |) | |
| |) | STIPULATION AND |
| |) | CONSENT ORDER |
| RONALD D. TILLEY (B25140) |) | |
| Broker Associate |) | |
| |) | |
| 817 8th Street |) | |
| Boone, Iowa 50036 |) | |
| |) | |

On this 12th day of APRIL, 1995, the Iowa Real Estate Commission and RONALD D. TILLEY, 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 was issued a broker's license to practice real estate on the 31st day of January, 1992 as evidenced by license number B25140 which is in full force and effect through December 31, 1994.
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 Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
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.
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.

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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) (1993).

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.

IT IS THEREFORE ORDERED that Respondent shall take twelve (12) hours of real estate continuing education in "Trust Account and Closing Procedures" and these hours shall be in addition to all other real estate continuing education required by law for license renewal. The course must be approved as a "Broker Pre-License Course". Original certificate of attendance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case A94-045.

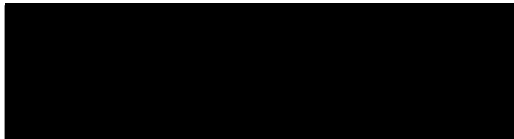
IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

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FOR THE RESPONDENT AND FIRM:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 26 day of January, 1995.



RONALD D. TILLEY, Respondent
Individually and on behalf of the firm.

State of IOWA)

County of BOONE)

Signed and sworn to before me on this 26 day of JAN, 1995, by



Notary Public, State of Iowa
Printed Name: Kenneth Carpenter
My Commission Expires: 1-28-95

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 12 day of APRIL, 1995.



Jerry F. Duggan, Chairman
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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| RONALD D. TILLEY (B25140) |) | |
| Broker |) | |
| |) | |
| 817 8th Street |) | |
| Boone, Iowa 50036 |) | |
| |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1993).

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

JOHNSON AND SONS, INC., is and was at all material times during the following events, a licensed real estate firm, license number F00709, with a licensed branch office in Boone, Iowa, number F00709002.

RONALD D. TILLEY was at all material times during the following events, a licensed real estate broker officer, license number B25140, with JOHNSON AND SONS, INC.. He was and is additionally licensed, number B25140001, as the designated broker in charge of JOHNSON AND SONS, INC. branch office in Boone, Iowa.

Iowa Administrative Code section 193E--2.14(7) imposes the same responsibilities of supervision for that location on a broker associate employed by or engaged to be in charge of the branch office as is imposed on the employing or sponsoring broker.

COUNT I

The Respondent is charged with failing to maintain adequate broker equity funds in the trust account to cover bank service charges which resulted in a negative balance in the trust account, in violation of 543B.29(3) and 543B.46(4) and Iowa Administrative Code Chapter 193E, sections 1.27(1)(c) and 4.40(6)(a).

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COUNT II

The Respondent is charged with disbursing funds from the trust account prior to closing without the informed written consent of all parties, or in accordance with Iowa Administrative Code 193E--1.27(7), in violation of Iowa Code sections 543B.29(3) (1993), and Iowa Administrative Code Chapter 193E, sections 1.27(7), and 4.40(6)(b).

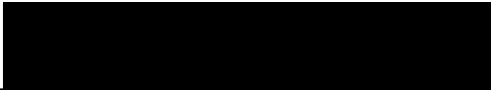
CIRCUMSTANCES OF THE COMPLAINT

1. On September 27, 1994, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the Johnson and Sons, Inc. Boone, Iowa branch office trust account records.
2. Respondent is the designated broker in charge of the Boone, Iowa branch office.
3. Trust funds were removed from the trust account and delivered to pay taxes on a property prior to the closing of the transaction.
4. Respondent failed to maintain sufficient funds in the broker's equity account to cover bank service charges relating to the trust account, resulting in a negative balance in the broker's equity account, and trust funds being used to pay for charges.

FINDING OF PROBABLE CAUSE

On December 14, 1994, 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 12th day of APRIL, 1995.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General