

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

---

IN RE:	)	
	)	
	)	CASE NUMBER 00-056
LYLE J. TOMPKINS	)	
Broker (B02806)	)	STIPULATION
	)	AND
307 WEST MAIN	)	CONSENT ORDER
P O BOX 760	)	
MONTEZUMA , IA 50171110	)	

---

On this 16<sup>th</sup> day of AUGUST, 2000, the Iowa Real Estate Commission and LYLE J. TOMPKINS, 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 broker license on April 26, 1979, as evidenced by license number B02806, which is in full force and effect through December 31, 2002.
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 LYLE J. TOMPKINS on this 7 day of August, 2000.

[Redacted Signature]

LYLE J. TOMPKINS, Respondent

State of Iowa

County of Poweshock

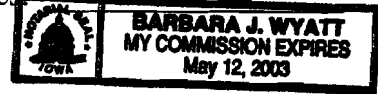
Signed and sworn to before me on this 14<sup>th</sup> day of August, 2000, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: BARBARA J. WYATT

My Commission Expires



**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 16<sup>th</sup> day of AUGUST, 2000.

[Redacted Signature]

Evelyn M. Rank, 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 00-056
LYLE J. TOMPKINS	)	
Broker (B02806)	)	STATEMENT OF
	)	CHARGES
307 WEST MAIN	)	
P O BOX 760	)	
MONTEZUMA , IA 50171110	)	
	)	

---

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.

LYLE J. TOMPKINS was at all material times during the following events, a licensed Sole-Proprietor Broker in Ames, Iowa. His license, number B02806, is in full force and effect through 12-31-2002.

COUNT I

Respondent is charged with practices harmful or detrimental to the public and unethical conduct by (1) directly communicating with and advising or attempting to negotiate with a seller on an unsolicited basis when the Respondent knew or should have known that the seller had an unexpired listing agreement with another broker and (2) more generally soliciting potential sellers in mass mailing in which the language used appears to target persons Respondent knew or should have known were already under an exclusive listing agreement with another broker, in violation of Iowa Code section 543B29(3) (1999) and 193E IAC sections 1.23(3), 1.42(7), 1.42(8), and 4.54(19).

Page 2

00-056  
Tompkins

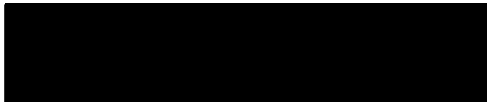
### CIRCUMSTANCES OF THE COMPLAINT

1. On February 15, 1999, Lowry-Mc Naul Real Estate and Douglas F. and Stacy L. Helm entered into a six (6) month exclusive right to sell listing agreement for the property located at 340 Center Point, Montezuma, Iowa. The listing price was \$139,000.
2. On August 6, 1999, the listing agreement was extended by the parties to February 15, 2000 and the listing price was changed to \$142,900.
3. On or about February 26, 2000, the Helm's received from the Respondent dated February 13, 2000, condemning Lowry-Mc Naul Real Estate and soliciting the listing of their property.
4. On or about February 26, 2000, the Helm's received an advertisement from the Respondent titled "Attention Homeowners." This advertisement was specifically directed to persons thinking of listing their property and also to persons with their property currently listed. Respondent indicated that the advertisement was mass mailed to over 600 home owners in the Lake Ponderosa market area.

### FINDING OF PROBABLE CAUSE

On June 29, 2000 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 16<sup>th</sup> day of AUGUST, 2000.



Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

00-056