

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

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IN RE:	)	
	)	
LYLE TOMPKINS (B02806)	)	CASE NUMBER: A95-064
Broker	)	
	)	STIPULATION AND
	)	CONSENT ORDER
307 East Main Street	)	
Montezuma, Iowa 50171-1107	)	
	)	

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On this 9<sup>th</sup> day of NOVEMBER 1995, the Iowa Real Estate Commission and LYLE 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 was issued a broker's license to practice real estate on the 26th day of April, 1976, as evidenced by license number B02806 which is in full force and effect through December 31, 1996.
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.

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) (1994).

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 FURTHER 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 A94-047.

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.

A95-064

FOR THE BROKER:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 16 day of October, 1995.

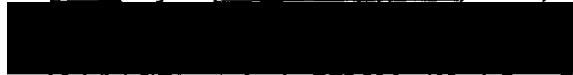


LYLE TOMPKINS, Broker/Respondent

State of Iowa )

County of Poweshiek )

Signed and sworn to before me on this 16 day of October, 1995, by



Notary Public, State of Iowa

Printed Name: Dixie L. Gerard

My Commission Expires: 11-18-97

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 9<sup>th</sup> day of November, 1995.



Theresa A. Loffredo, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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LYLE TOMPKINS (B02806)	)	CASE NUMBER: A95-064
Broker	)	STATEMENT OF
	)	CHARGES
307 East Main Street	)	
Montezuma, Iowa 50171-1107	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

LYLE TOMPKINS was at all times during the following events, a licensed real estate sole proprietor broker license number B02806, in Montezuma, Iowa.

COUNT I

The Respondent is charged with having a negative balance of (\$107.76) in the broker's equity funds in the trust account, in violation of 543B.29(3) and 543B.46(4) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27(1)(c) and 4.40(5).

COUNT II

The Respondent is charged with having \$122.50 in unidentified funds in the trust account, in violation of 543B.29(3), 543B.34 (8), and 543B.46(4) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27(1)(c) and 4.40(5).

COUNT III

The Respondent is charged with failing to disclose in writing any ownership, or other interest which the licensee has and the licensee's status to all parties to the transaction, in violation of 543B.29(3), 543B.34(4) and (8) (1993), and Iowa Administrative Code Chapter 193E, sections 1.9, 1.9(1), 1.9(2), 1.37(4), and 1.37(5)(b).

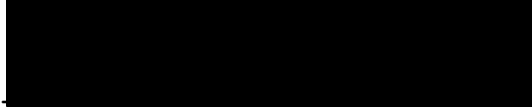
CIRCUMSTANCES OF THE COMPLAINT

1. On March 23, 1995 Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Lyle Tompkins, Montezuma, Iowa.
2. Respondent's broker equity individual ledger sheet had a negative balance of \$107.76.
3. Respondent real estate trust account was found to have unidentified funds in the amount of \$122.50.
4. Respondent failed to disclose in writing the Respondent's true position, ownership interest in a property, and the Respondent's status as a licensee in the "T&L Investment / Daugherty Transaction."

FINDING OF PROBABLE CAUSE

On August 24, 1995, 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 9<sup>th</sup> day of NOVEMBER, 1995.

  
Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General