

DEPARTMENT OF COMMERCE  
PROFESSIONAL LICENSING DIVISION  
1918 S.E. HULSIZER AVENUE  
ANKENY, IOWA

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IOWA REAL ESTATE COMMISSION,	)	
	)	
Complainant	)	
	)	
v.	)	
	)	
TERRY A. VRIEZE	)	
(B03921)	)	
<i>B16539</i>	)	
Broker/Respondent	)	
	)	

*89-063*  
CASE NO. ~~88-030~~  
DIA NO. 90DOCRE-2

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
DECISION AND ORDER

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On February 28, 1990 the Iowa Real Estate Commission (hereinafter Commission) filed a Complaint against Terry A. Vrieze, a licensed real estate broker (hereinafter Respondent). The Complaint alleged specific acts and alleged these acts constituted a violation of Iowa Code section 258A.3(2)a.

On June 21, 1990 the Commission conducted a hearing to determine whether disciplinary action should be imposed against the Iowa real estate license of the Respondent.

The entire Commission was present for the hearing. The Commissioners are Joe Ann Lutz, Jerry Duggan, Marlys Nielsen, Robert Christensen, and James R. Berry. The State was represented by John Parmeter. The Respondent did not appear. Kathy Skinner, Assistant Attorney General, was the Commission's legal advisor. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, presided.

The hearing was recorded by a certified court reporter and tape recorded by the administrative law judge. The Board deliberated in open session, and instructed the administrative law judge to prepare the Findings of Fact, Conclusions of Law and Order.

#### FINDINGS OF FACT

The Iowa Real Estate Commission finds as follows:

1. The Iowa Real Estate Commission has jurisdiction of this matter under Iowa Code Chapter 17A, 117, and 258A as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
2. The Respondent has been at all times relevant to the matters contained herein licensed as an Iowa Real Estate Broker.

*89-063*

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3. On August 18, 1988 the Commission issued Findings of Fact, Conclusions of Law, Decision and Order in Case Number 87-056 to the Respondent. Pursuant to that Order, Respondent's Iowa real estate license was suspended for a period of three (3) months, and Respondent was ordered to pay a \$300.00 civil penalty within ninety (90) days of the issuance of the Order. Respondent was also required to take twelve (12) hours of real estate broker prelicense education in the areas of real estate law, contract law, and agency law within twelve (12) months of the issuance of the Order. Respondent was required to secure prior approval from the Commission before enrolling in a course. (State's Exhibit 1).

4. Barbara Teymer, a Field Auditor II employed by the Iowa Department of Inspections and Appeals, testified that she examined Respondent's file at the Iowa Real Estate Commission office in Ankeny. Ms. Teymer found no evidence or notations that Respondent had ever paid the \$300.00 penalty or that he has ever taken the required twelve (12) credits of continuing education. (Testimony of Barbara Teymer).

5. Respondent has failed to pay the \$300.00 civil penalty within ninety (90) days of the Board's Order dated August 18, 1988. (Testimony of Barbara Teymer).

6. Respondent has failed to take the required twelve (12) additional hours of continuing education within twelve (12) months of the Board's Order dated August 18, 1988. (Testimony of Barbara Teymer).

7. Respondent did not appear for the hearing. On March 14, 1990 Respondent filed an Acknowledgement of receipt of the Complaint and Notice of Hearing setting the hearing for June 21, 1990. (State's Exhibit 3).

8. On June 11, 1990 an attorney for Respondent filed an Appearance and a Consent to Revocation. (State's Exhibit 2).

#### CONCLUSIONS OF LAW

1. 193E Iowa Administrative Code 4.16 provides that a written notice of hearing together with a statement of charges, shall be mailed to the licensee at least twenty (20) days before the hearing by certified mail return receipt requested to the last known business address of the licensee or may be served in the manner of original notices.

2. 193 Iowa Administrative Code 4.25 provides that if a Respondent, upon whom a proper notice of hearing has been served, fails to appear in person at the hearing, the Commission or hearing officer may proceed to conduct the hearing and the Respondent shall be bound by the results of such hearing to the same extent as if the licensee were present. Respondent was properly served and is bound by the results of this hearing as if he had appeared.

3. Iowa Code Section 258A.3(2)a provides in relevant part:

Authority of Licensing Boards:

2. Each licensing board may impose one or more of the following as license discipline.

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in . . . or upon failure of the licensee to comply with a decision of the board imposing license discipline.

4. The preponderance of the evidence has established that the Respondent has violated Iowa Code section 258A.3(2)"a" by his failure to comply with a decision of the Board imposing license discipline.

DECISION AND ORDER

It is THEREFORE THE ORDER OF THE IOWA REAL ESTATE COMMISSION that the real estate license of Terry A. Vrieze, Number B03921, is hereby REVOKED.

Executed this *20<sup>th</sup>* day of *July*, 1990.

[Redacted Signature]

E. Joe Ann Lutz, Chair  
Iowa Real Estate Commission

[Redacted Signature]

Margaret LaMarche  
Administrative Law Judge

[Redacted Signature]

K. Marie Thayer  
Administrator  
Professional Licensing Division

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on *July 20*, 19*90*

[Redacted Signature]