

**BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 SE HULSZER  
ANKENY, IOWA**

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**IN RE:**

**SCOTT E. THOMAS, SR.**  
Salesperson (S36888)  
  
**Associates Realty, LLC (F04864)**  
1225 Jordan Creek Pkwy  
West Des Moines, IA 50266

**CASE NUMBER 05-152**

**STIPULATION  
AND  
ORDER**

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On this 14<sup>th</sup> day of DECEMBER, 2005, the Iowa Real Estate Commission and **SCOTT E. THOMAS, SR.**, 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 Salesperson license on April 1, 1996, which is in full force and effect through December 31, 2007.
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. Respondent does not admit to the allegations in the Statement of Charges, but agrees to resolve the charges by entering into this Consent Order.
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) (2005).

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 \$ 2,500 within thirty (30) days of acceptance of this stipulation by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 05-152.

**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, SR.** on this 5<sup>th</sup> day of December, 2005.

 SR

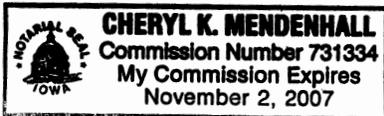
**SCOTT E. THOMAS, SR.**, Respondent

State of Iowa )

County of Polk )

Signed and sworn to before me on this 5<sup>th</sup> day of December, 2005, by





Notary Public, State of Iowa

Printed Name: Cheryl K. Mendenhall

My Commission Expires: November 2, 2007

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 14<sup>th</sup> day of DECEMBER, 2005.



**James E. Hughes**, Chair  
Iowa Real Estate Commission

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<b>IN RE:</b>	)	
	)	
<b>SCOTT E. THOMAS, SR.</b>	)	<b>CASE NUMBER: 05-152</b>
<b>Salesperson (S36888)</b>	)	
	)	<b>STATEMENT</b>
<b>Associates Realty, LLC (F04864)</b>	)	<b>OF</b>
<b>dba Century 21 Associates Realty</b>	)	<b>CHARGES</b>
<b>1225 Jordan Creek Pkwy</b>	)	
<b>West Des Moines, IA 50266</b>	)	
	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2005).

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, SR.** was at all material times, during the following events, a licensed Salesperson with Associate Realty, LLC, (F04864) in West Des Moines, Iowa. His license, number S36888 was issued April 1, 1996 and is in full force and effect through 12-31-2007.

**COUNT I**

The Respondent is charged with making substantial misrepresentation by advertising in a manner appearing to be a private party, preparing advertising that is misleading, and failing to keep his supervising broker informed, in violation of Iowa Code section 543B.34(1) (2005) and 193E--IAC sections 7.11(1), 10.1, 10.1(2), 10.1(3), 10.1(5), and 18.14(5)(h), 18.14(5)(n), and 18.14(5)(s).

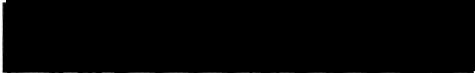
### CIRCUMSTANCES OF THE COMPLAINT

1. On or about October 2005, Respondent started operation of an Internet website located at "www.autohomelisting.com" titled "The Scott Thomas Home Selling System." The website was involved in several activities that require a real estate license. Respondent did not affirmatively and unmistakably identify himself as a real estate salesperson. Respondent did not disclose the name of his affiliated brokerage firm, the city and state located, and the states in which a real estate license is held. The Respondent did not inform his broker of this activity and did not obtain the broker's approval before implementing the operation of the website.
2. On or about October 5, 2005, Respondent prepared and advertisement for an area shopper promoting the "WWW.AUTOHOMELISTING.COM" website. The Respondent did not identify himself and he did not make any disclosures required to be included in the ad to affirmatively and unmistakably indicate the party advertising was a licensed real estate brokerage and not a private party.
3. Upon becoming aware of the problems, the Respondent's supervising broker took corrective measures to resolve the issues. The supervising broker is the Respondent in connecting case numbers 05-131 and 05-153.
4. The Respondent was previously disciplined January 27, 2000, Case No. 99-037 for conducting real estate activities without the sponsoring broker's knowledge, supervision, or approval.

### FINDING OF PROBABLE CAUSE

On November 3, 2005 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 14<sup>th</sup> day of DECEMBER, 2005.

  
Roger L. Hansen, Executive Officer  
Iowa Real Estate Commission