

FILED

September 5, 2013 (Date)

BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA

IRCB
Board / Commission
[Redacted]
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 13-092
William C. Stoen)	
Broker (B41386000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Decorah/Iowa Realty)	SETTLEMENT AGREEMENT,
1003 Short Street)	AND CONSENT ORDER IN A
Decorah, IA 52101)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **William C. Stoen** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2013).

1. The Commission issued the Respondent real estate broker license number B41386000 on May 2, 2003. Respondent's license is in full force and effect until December 31, 2014. At all times relevant to this matter, the Respondent was a licensed real estate broker sole proprietor operating as Decorah/Iowa Realty, a licensed real estate tradename, license number T04716000 located in Decorah, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2013). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code section 543B.29(1)(c), 543B.34, 543B.56(1)(a) & (b) (2013), and 193E Iowa Admin. Code 18.14(5)(s) by allowing occupancy of a property to the buyers without a funded closing and without the express written consent of the sellers.

CIRCUMSTANCES

4. The Respondent, acting as the listing agent for the subject property located at 1692 Viking Hills Road, Decorah, Iowa, represented the sellers in the purchase agreement dated February 8, 2013. The closing for the transaction took place on April 2, 2013.

5. On March 28, 2013, prior to closing, the buyers signed an Interim Occupancy Agreement. The Respondent failed to obtain the signatures of the sellers of the subject property, and in turn allowed the buyers access to the subject property without the express written consent of the sellers before the time of closing.

SETTLEMENT AGREEMENT

6. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2013).

7. Respondent acknowledges that he has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing and all attendant rights, including the right to seek judicial review. The Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Admin Code 7.4.

8. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have ex parte communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent may have to participate in the discussion of this Order among the Commission, the Commission staff, and the State's attorney.

9. This Order shall be part of the permanent record of the Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

10. Failure to comply with the terms of this Order shall be prime facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2013) and shall be grounds for further disciplinary action. However, no action may be taken against the respondent for violations of this Order without a hearing, or waiver of hearing.

11. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

12. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2013).

CONSENT ORDER

13. **REPRIMAND.** Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

14. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of \$500 no later than thirty (30) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 13-092.

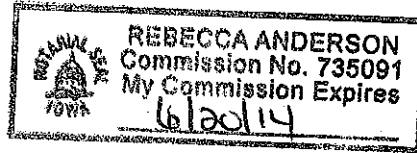
15. **FUTURE COMPLIANCE.** The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

WHEREFORE, the terms of this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by William C. Stoen on this 28 day of August, 2013.


By: WILLIAM C. STOEN, Respondent



State of Iowa

County of Winneshiek

Signed and sworn to before me on this 28 day of August, 2013, by:



Notary Public, State of Iowa

Printed Name: Rebecca Anderson

My Commission Expires: 6/20/14

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 5th day of September, 2013.



SUSAN J. SANDERS, Chair
Iowa Real Estate Commission