

BEFORE THE IOWA REAL ESTATE COMMISSION
STATE CAPITOL
DES MOINES, IOWA

IOWA REAL ESTATE COMMISSION,)	
)	
Complainant,)	ASSURANCE OF VOLUNTARY
)	COMPLIANCE
v.)	
)	
JAMES H. BIEBER (B03635))	
)	
Broker-Respondent.)	

Pursuant to 700 I.A.C. & 4.12 (117), this Assurance of Voluntary Compliance is entered into between the Iowa Real Estate Commission and Respondent James H. Bieber. The Iowa Real Estate Commission and Respondent James H. Bieber agree as follows:

STIPULATED STATEMENT OF FACTS

1. That the Iowa Real Estate Commission has jurisdiction over the parties and the subject matter of this action.
2. That Respondent James H. Bieber is a licensed real estate broker (B03635) who at all times relevant to the matters contained herein was licensed as a sale proprietor operating under the trade name Key Stone Real Estate (T011793) at 12 - 1st Avenue N.W., Waukon, Iowa 52172.
3. That Respondent listed for sale property described as the "Kathryn Ann Worth farm, Lot 1 SW, NE 7-97-5," in Allamakee County, Iowa.
4. That Respondent negotiated the sale of the property described in paragraph 3 above and recorded the negotiations on a Key Stone Real Estate purchase agreement form.
5. That the purchase agreement referred to in paragraph 4 above provided that \$1,000.00 was submitted with the offer by the purchaser to be held in trust by the listing agent.
6. That a dispute arose between the purchaser and the seller which resulted in a forfeiture of the real estate purchase agreement.
7. That notwithstanding objection by the purchaser, Respondent disbursed the \$1,000.00 held in trust to the seller after forfeiture of the purchase agreement was completed and recorded.
8. That by disbursing the earnest money to the seller without a written release from all parties consenting to its disposition or until a civil action was filed to determine its disposition, Respondent violated 700 I.A.C. & 1.27(1) (117). Respondent was advised by sellers counsel and believed that the forfeiture proceeding was a civil action.

9. That by violating 700 I.A.C. & 1.27(1) (117), Respondent violated sections 117.29(3), 117.34(7) and 117.34(8) of the Code of Iowa (1983). Said violations were unintentional.

10. That the dispute between the purchaser and the seller referred to in paragraph 6 above concerned the condition of the well on the property.

11. That this dispute arose because the Respondent did not accurately define the terms of the buyer's offer regarding the condition of the well.

12. That by failing to accurately define the terms of the buyer's offer regarding the condition of the well, Respondent violated sections 117.29(2), 117.29(3), 117.34(1) and 117.34(8) of the Code of Iowa (1983). Said violations were unintentional.

13. That subsequent to the forfeiture of the purchase agreement referred to above, Respondent served as the selling broker of the property.

14. That a question arose as to whether the condition of the well was fully disclosed to the successful purchaser.

15. That Respondent unintentionally committed the aforementioned wrongful acts as an Iowa Real Estate Licensee.

AGREED ORDER

BY AGREEMENT, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:


1. Respondent James H. Bieber shall take 12 hours of real estate education within six months of the date of signing of this Assurance of Voluntary Compliance by the Iowa Real Estate Commission. Six of these twelve hours shall be taken in the area of license law. The remaining six hours shall be taken in the area of trust accounts. These twelve hours shall be in addition to all other real estate education hours required by law. Respondent shall provide proof of compliance with this additional education requirement to the Iowa Real Estate Commission within thirty (30) days of completion.

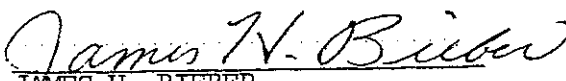
2. Respondent James H. Bieber is hereby censured for his aforementioned illegal acts.


3. This Assurance of Voluntary Compliance shall be made a part of the permanent record of respondent James H. Bieber and shall be considered by

the Commission in determining the nature and severity of the disciplinary sanction to be imposed for any future license law violations of respondent.

Dated this 16 day of August, 1984.


MILDRED ELLIOTT, Chairperson
Iowa Real Estate Commission


JAMES H. BIEBER
Respondent


JOHN W. SHAFER
Attorney for Respondent