

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

IN RE:)	
)	Case No. 09-139
JAY BROWER)	
Broker (B57307))	
)	
Abbott Realty)	COMBINED STATEMENT OF
2 - 1 st Ave. NW)	CHARGES, INFORMAL
Hampton, IA 50441)	SETTLEMENT AGREEMENT,
)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Jay Brower** (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) (2009).

1. The Commission issued the Respondent real estate broker license number B57307 on October 31, 2008. Respondent's license is current and in full force and effect through December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate broker associate assigned to Abbott Realty, a licensed real estate firm, license number F03990 located in Hampton, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). 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. The Respondent is charged with failing to comply with the mandatory errors and omissions insurance requirement in violation of Iowa Code sections 543B.29(1)(c), 543B.47(1), 543B.47(6)(2009) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5) & (6).

CIRCUMSTANCES

4. In June of 2009, the Respondent was sent an audit for his mandatory errors and omissions insurance coverage.

5. The error and omissions insurance carrier sent the billing to Abbott Realty, which failed to forward it to the Respondent. That the Respondent failed, therefore, to timely pay the errors and omissions coverage and it was allowed to lapse.

6. Immediately upon discovering this error the Respondent obtained the appropriate errors and omissions coverage. However, the Respondent concedes that he failed to obtain errors and omissions insurance for 2009 and could not provide proof of insurance coverage to the Commission for the current policy period being audited.

SETTLEMENT AGREEMENT

7. Without admission of wrongdoing or guilt, the Respondent agrees to resolve the charge with an Informal Settlement Agreement.

8. 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. This 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 Administrative Code 7.4.

9. 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 might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

10. This Order shall be part of the permanent record of 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.

11. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(c), 543B.34(2) and 272C.3(2)(a)(2009) 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.

12. 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.

13. Upon acceptance by both the Commission and the 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 (2009).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

15. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$1,000.00 no later than 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 09-139.

16. 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:

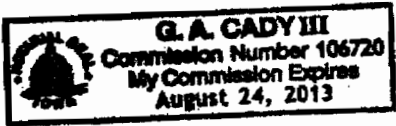
Voluntarily agreed to and accepted by **Jay Brower** on this 9th day of December, 2010.



By: **Jay Brower**, Respondent

State of Iowa)
County of Franklin)

Signed and sworn to before me on this 9 day of December, 2010, by **Jay Brower**.



Notary Public, State of Iowa

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 20 day of September, 2010.



Laurie Dawley, Chair
Iowa Real Estate Commission