

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

FILED April 3, 2014 (Date)

2856
Board / Commission
Signature Executive Officer

IN RE:)	
)	CASE NUMBER: 13-251
George S. Archer)	
Broker (B42031000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Re/Max Real Estate Concepts)	SETTLEMENT AGREEMENT,
3125 Douglas Avenue, Suite 205)	AND CONSENT ORDER IN A
Des Moines, IA 50310)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **George S. Archer** (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 a real estate broker license number B42031000 on December 4, 2006. Respondent's license is active and in full force and effect until December 31, 2014. At all times relevant to this matter, the Respondent was a licensed real estate broker, assigned to Re/Max Real Estate Concepts, license number F04363000, located in Des Moines, 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. The Respondent is charged with, and upon a voluntary plea of guilty, has been convicted of a criminal offense involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code sections 543B.29(1)(f) (2013). See also Iowa Code § 272C.10(5), Iowa Code § 543B.15(3), Iowa Code § 543B.29(1)(f)(2), and 193E Iowa Administrative Code §§ 18.2(1) and 18.2(4).

CIRCUMSTANCES

4. On or about October 10, 2013, the Respondent pleaded guilty in the Iowa District Court for Polk County to one count of Tampering with Records in violation of Iowa Code section 715.A.5, an aggravated misdemeanor. See State of Iowa v. George Steven Archer, Polk County No. FECR266073. The Respondent was sentenced to two (2) years in prison, suspended; a fine of \$625; two (2) years probation; and was ordered to pay restitution in the amount of \$ TBD.

SETTLEMENT AGREEMENT

5. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute one (1) violation for purposes of Iowa Code section 543B.29(4) (2013).

6. 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.

7. 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.

8. 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.

9. Failure to comply with the terms of this Order shall be prima 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.

10. 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.

11. 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

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

13. **SUSPENSION.** The Respondent's real estate broker license shall be suspended for a period of one hundred eighty (180) consecutive days. The effective date of the license suspension shall commence ninety (90) days after the date this Order is accepted by the Commission. The Respondent shall return real estate broker license number B42031000 to the Commission prior to the commencement of the suspension.

14. **PROBATION.** Upon completion of the license suspension ordered in paragraph 13 above, the Respondent shall be placed on probation indefinitely, but for a period of no less than one hundred (180) days. Provided that a minimum of 180 days have elapsed from the commencement of probation, the Respondent shall be discharged from probation immediately upon the Respondent's presentation to the Commission of a certified copy of the order discharging the restitution due in Polk County No. FECR266073. Should the Respondent commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke the Respondent's broker license following notice of the alleged violation and opportunity for hearing before the Commission.


15. **EDUCATION.** The Respondent shall attend the Commission approved twelve (12) hour course "Developing Professionalism and Ethical Practices" and eight (8) hour course "Contract Law and Contract Writing." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificates of attendance must be submitted to the Iowa Real Estate Commission within six (6) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to Case 13-225. The courses must be completed as a condition of reinstatement upon the completion of the suspension period.

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:

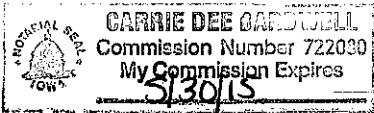
Voluntarily agreed to and accepted by **George S. Archer** on this 25th day of March, 2014.



By: **GEORGE S. ARCHER**, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 25th day of March, 2014, by George Archer




Notary Public, State of Iowa
Printed Name: Carrie Bardwell
My Commission Expires: 5/30/15

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of April, 2014.


SUSAN J. SANDERS, Chair
Iowa Real Estate Commission

FILED December 29, 2014 (Date)

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Board / Commission

Signature Executive Officer

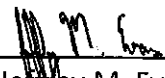
BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

IN RE:)	
)	CASE NUMBER: 13-251
George S. Archer)	
Broker (B42031000))	ORDER TO REINSTATE LICENSE
)	
Re/Max Real Estate Concepts)	
3125 Douglas Avenue, Suite 205)	
Des Moines, IA 50310)	
)	
Respondent.)	

Now on this 29th day of December 2014, upon the Iowa Real Estate Commission's [Commission] receipt of the Commission approved twelve (12) hour course "Developing Professionalism and Ethical Practices" and eight (8) hour course "Contract Law and Contract Writing", and the Respondent's fulfilment of the one hundred eighty (180) day license suspension, the Commission hereby immediately reinstates the Respondent's suspended real estate broker license.

IT IS THEREFORE ORDERED that Respondent's Iowa real estate broker license is reinstated.

Dated this 29th day of December 2014.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission