

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

IN THE MATTER OF:)	Case No. 07-065
)	
R. Keith Stokes)	
Broker (B17091))	
)	COMBINED STATEMENT OF
Keith Stokes Realtor)	CHARGES AND CONSENT ORDER
828 West 4th Street)	IN DISCIPLINARY CASE
Waterloo, IA. 50702)	
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **R. Keith Stokes** (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) (2005).

1. The Commission issued the Respondent real estate broker license number B35811 on February 11, 1960. Respondent's license is current and in full force and effect until December 31, 2009. At all relevant times, the Respondent was a broker sole proprietor located in Waterloo Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2005). 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 a practice harmful or detrimental to the public by failing to diligently exercise reasonable skill and care in supervising a salesperson employed by the Respondent in that the Respondent:

- a. Allowed a salesperson assigned to the Respondent to operate an unlicensed property management company in violation of Iowa Code sections 543B.1, 543B.2, 543B.3(3), 543B.29(3) practice harmful or detrimental to the public, 543B.62(3)(b) (2005), and 193 Iowa Administrative Code sections 7.11, 15.1(543B), 18.2(6), and 18.14(5)(m).

CIRCUMSTANCES

4. In February 2007, a complaint was received by the Commission regarding property management being conducted by a salesperson employed by the Respondent.

5. Investigation by the Commission revealed that the salesperson was operating as a property manager for properties not owned by the salesperson, and without the appropriate written property management agreements through the Respondent.

6. Investigation also revealed that Turn Key Property Services was being operated by at least one party unlicensed in the State of Iowa to practice real estate.

7. The Respondent failed to provide adequate supervision by allowing said employee to continue his property management duties in violation of Iowa law and administrative rule.

SETTLEMENT AGREEMENT

8. Respondent admits each and every allegation in the above-stated Statement of Charges.

9. 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.

10. 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.

11. 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.

12. 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) (2005) 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.

13. 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.

14. 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 (2005).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. EDUCATION. The Respondent shall attend the Commission approved eight (8) hour course "Law Update." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) 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 07-065.

17. 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 **R. Keith Stokes** on this 11 day of APRIL, 2007.



R. KEITH STOKES, Respondent

State of Iowa

County of Blair

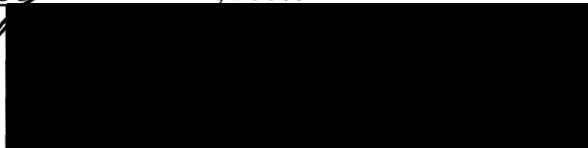
Signed and sworn to before me on this 11 day of April, 2007, by



Notary Public, State of Iowa
Printed Name: RICHARD J. PAXSON
My Commission Expires: JAN 09

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on
this 24 day of May, 2007.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission