

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
Robert K. Gubser)	CASE NUMBER 05-100
Broker (B00992))	
)	STIPULATION
GUBSER REAL ESTATE)	AND
200 1ST AVE)	ORDER
BAGLEY, IOWA 50026)	
)	
)	
)	

On this 13th day of APRIL, 2006, the Iowa Real Estate Commission and **Robert K. Gubser**, each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order.

2. The Respondent has a right to a hearing on the charges, but waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

3. The Respondent was issued a real estate brokers license on July 31, 1973, which is in full force and effect through December 31, 2006.

4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

6. Respondent does not contest the allegation as outlined in the Statement of Charges.

7. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.

8. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

9. Failure to comply with the terms of this Stipulation and Consent 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).

10. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

11. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS ORDERED that the Respondent is **Reprimanded**.

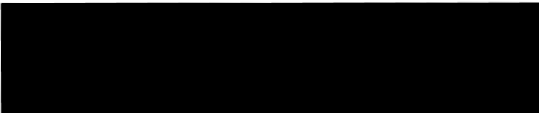
IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 05-100.

IT IS FURTHER ORDERED that the Respondent shall personally attend the following Commission approved eight (8) hour education course: "Real Estate Law and Agency Law." 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 05-100.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **Robert K. Gubser**
this 9th day of March, 2006

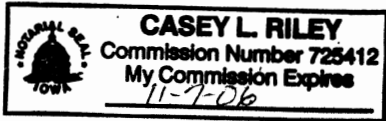


Robert K. Gubser

State of Iowa)

County of Butte)

Signed and sworn to before me on this 9 day of March, 2006 by



Notary Public, State of Iowa
Printed Name: Casey L. Riley
My Commission Expires: 11-7-06

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 13th day of April, 2006



James E. Hughes, Chair
Iowa Real Estate Commission

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	CASE NUMBER: 05-100
)	
Robert K. Gubser)	STATEMENT
Broker (B00992))	OF
)	CHARGES
GUBSER REAL ESTATE)	
200 1 ST AVE.)	
BAGLEY, IA 50247)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2005).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

ROBERT K. GUBSER was at all material times, during the following events, a licensed Broker Sole Proprietor in Bagley, Iowa. His license number B00992, in full force and effect through 12-31-2006.

COUNT I

The Respondent engaged in a practice which is harmful or detrimental to the public by failing to provide a dual agency agreement that included the expressed consent of all parties to the transaction, in violation of Iowa Code sections 543B.29(3)(practice harmful and detrimental to the public), 53B.56(1)(b), 543B.56(2)(a)&(c), 543B.57, and IAC 193E-12.5(1)(a), 12.5(2), and 18.14(5)(s).

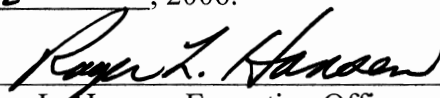
CIRCUMSTANCES OF THE COMPLAINT

1. On July 5 and July 21, 2005, the Respondent showed the buyers the property located at 2085 Neola Ave, Jefferson, Iowa. Respondent was the listing agent for the property.
2. The buyers subsequently submitted to the Respondent an offer to buy the above-referenced property that was drafted by different real estate agent.
3. On July 22, 2005, the Respondent again met with the buyers to discuss the purchase of the above-referenced property. At that time, the Respondent prepared on the buyers' behalf a new offer to buy the property. The buyers ultimately purchased the property with the Respondent's assistance.
4. Prior to preparing and submitting the buyer's offer to buy, the Respondent failed to adequately disclose in writing his role as a dual agent in the sale and purchase of the above-referenced property and did not obtain the written consent of his clients to serve as a dual agent in the transaction.

FINDING OF PROBABLE CAUSE

On January 12, 2006, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Executed this 13th day of April, 2006.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission