

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) (2003).

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 \$ 1000 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 04-068.

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:

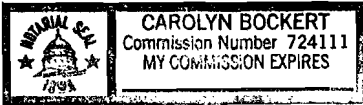
This Stipulation and Consent Order is voluntarily entered into by **JOHN CLARK** on this 1st day of March, 2005.




JOHN CLARK, Respondent

State of Iowa
County of Polk

Signed and sworn to before me on this 1st day of March, 2005, by

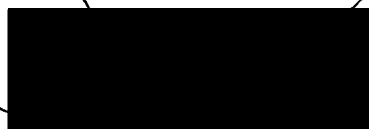




Notary Public, State of Iowa
Printed Name: CAROLYN BOCKERT
My Commission Expires: 8-25-06

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 14th day of APRIL, 2005.



James E. Hughes, Chair
Iowa Real Estate Commission

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

| | | |
|-----------------------------------|---|----------------------------|
| IN RE: |) | |
| |) | |
| |) | CASE NUMBER: 04-068 |
| JOHN CLARK |) | |
| Broker (B25005) |) | STATEMENT |
| |) | OF |
| WHY USA (F03000) |) | CHARGES |
| 12020 SHAMROCK PLZ STE 200 |) | |
| OMAHA NE 681543537 |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

JOHN CLARK was at all material times, during the following events, a licensed Broker Officer in charge of Why USA, a licensed real estate firm in Omaha, Nebraska. His license, number B25005 was issued February 20, 1986 and is in full force and effect through 12-31-2007.

COUNT I

The Respondent engaged in practices harmful or detrimental to the public by failing to supervise an affiliated licensee and allowing that licensee, not licensed in Iowa, to conduct activities requiring a license in Iowa, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) 543B.56(1)(b) and IAC 193E-7.11(543B) and 18.14(5)(s).

CIRCUMSTANCES OF THE COMPLAINT

1. The Respondent is licensed in Nebraska and Iowa. The Respondent's affiliated salesperson is licensed in Nebraska, but not licensed in Iowa.
2. In February 2004, the affiliated salesperson showed properties to the prospective Buyer in Iowa and Nebraska.
3. On or about February 26, 2004, the affiliated salesperson prepared an offer on the property located at 3715 Neptune Circle, Carter Lake, Iowa. The Respondent was not present when the offer was prepared, but signed the offer as agent and as witnessing the Buyer's signatures.
4. The Respondent allowed the affiliated salesperson to remain involved throughout the transaction process knowing activities would be conducted that require an Iowa license. The Respondent signed all documents relating to the transaction as agent, but was not present when prepared by the affiliated salesperson or signed by the parties.

FINDING OF PROBABLE CAUSE

On December 2, 2004 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 14th day of April, 2005.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission