

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

IN RE:)	
)	
WESLEY J. NELSON)	CASE NUMBER: 04-097
Salesperson (S40118))	
)	STIPULATION
PRUDENTIAL LAKESHORE REALTY)	AND
4409 PIUTE STREET)	ORDER
COUNCIL BLUFFS, IA 51501)	

On this 14th day of APRIL, 2005, the Iowa Real Estate Commission and **WESLEY J. NELSON**, 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 salesperson license on December 13, 1999, and expired December 31, 2007
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 admits each and every allegation 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) (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 personally attend the Commission approved eight (8) hour broker pre-license education course: "Federal and State Laws Affecting Iowa Practice." 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 thirteen (13) 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 04-097.

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 **WESLEY J. NELSON** on this 1st day of March, 2005.



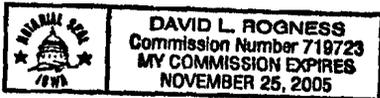
WESLEY J. NELSON, Respondent

State of Iowa

County of Pottawattamie

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





Notary Public, State of Iowa
Printed Name: David L. Rogness
My Commission Expires: 11/25/05

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

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IN RE:

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Salesperson (S40118)

PRUDENTIAL LAKESHORE REALTY
4409 PIUTE STREET
COUNCIL BLUFFS, IA 51501

CASE NUMBER: 04-097

**STATEMENT
OF
CHARGES**

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.

WESLEY J. NELSON was at all material times, during the following events, a licensed Salesperson with Prudential Lakeshore Realty, a licensed real estate firm, license number F04083, in Council Bluffs, Iowa. His license, number S40118 was canceled January 13, 2005 because a non-sufficient funds check used to pay for the renewal.

COUNT I

The Respondent engaged in practices harmful or detrimental to the public by listing several lots, requiring that the buyer use the owner as builder of the house to be constructed on the lot, in violation of Iowa Code sections 543B.29(3)(practice harmful or detrimental to the public), 193E IAC 7.4(5) and 18.14(5)(q).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about June 18, 2004, Respondent, listed approximately eleven (11) lots in a new development, located in Underwood, Iowa, as follows: 100 Faith Avenue, 101 Faith Avenue, 103 Faith Avenue, 104 Faith Avenue, 105 Faith Avenue, 108 Faith Avenue, 109 Faith Avenue, 110 Faith Avenue, 111 Faith Avenue, 112 Faith Avenue, and 113 Faith Avenue.
2. The owner of the lots is also a builder. In the listing, Respondent, conditioned the sale of the lots upon the Buyer using the owner to build the house constructed on the lot.
3. The Broker became aware of the before any lots were sold that required the buyer to use the owner as builder, and the specific requirement was removed.

FINDING OF PROBABLE CAUSE

On October 28, 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
