

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

IN RE:)	
)	
Donald W. Godwin, Jr.)	CASE NUMBER: 03-002
Broker (B00927))	
)	STATEMENT
)	OF
GODWIN REALTY INC (F03146))	CHARGES
6900 UNIVERSITY)	
DES MOINES, IA 503111541)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapter's 17A, 543B, and 272C (2001, 2003).

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

Donald W. Godwin, Jr. was at all material times during the following events, a licensed Officer Broker in charge of Godwin Realty Inc, a licensed real estate corporation license number F03146, in Des Moines, Iowa. His license, number B00927 issued July 29, 1971, is in full force and effect through December 31, 2005.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by disbursing trust funds prior to closing without the informed written consent of the parties and knowing the Respondent's client seller was not in agreement, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) and 543B.56(1)(a) & (b) (2001) and Iowa Administrative Code Chapter 193E sections 1.27(7) , 1.43(1)(b) & (c), 4.54(6)(b) and 4.54(19).


CIRCUMSTANCES OF THE COMPLAINT

1. On November 15, 2001, Terry Anderson, an agent for Godwin Realty, Inc. listed property owned by John B. Geigley located at 2153 NW 159th #5, Clive, Iowa for \$ 85,900.
2. On or about April 29, 2002, David Steinick, agent for Burnett Realty, LLC, representing the buyer, wrote an offer for \$85,900 with Robin Swarz as buyer and contingent upon financing.
3. The transaction failed to close and the seller disputed the return of the \$500.00 earnest money to the buyer. On or about June 11, 2002, the seller signed a release agreement providing the earnest money be split, \$250.00 to each party. The buyer disagreed and requested return of the total amount. The disposition of the earnest money remained in dispute.
4. On or about August 2, 2002, knowing the seller client did not agree, the Respondent, as broker for Godwin Realty, Inc., approved the release of the \$ 500.00 earnest money to the buyer, without the written consent of the client seller or as otherwise provided by Commission rules. The check was returned to the Respondent by the post office due to a bad address.

FINDING OF PROBABLE CAUSE

On January 16, 2003 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.

Dated this 6th day of May, 2004.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission

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 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 **Donald W. Godwin, Jr.** on this 1 day of April, 2004.

[Redacted Signature]

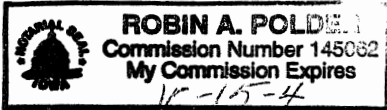
Donald W. Godwin, Jr., Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 1st day of April, 2004, by

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: ROBIN A. POLDER
My Commission Expires: 10-15-04

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 04 day of MAY, 2004.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:

**Donald W. Godwin, Jr.
Broker (B00927)**

GODWIN REALTY INC (F03146)
6900 UNIVERSITY
DES MOINES, IA 503111541

CASE NUMBER: 03-002

**STIPULATION
AND
ORDER**

On this 6th day of MAY, 2004, the Iowa Real Estate Commission and **Donald W. Godwin, Jr.**, 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 broker license on July 29, 1971. The license expired December 31, 2005.

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 admit the allegations in the charges, but agrees to resolve the charges by entering into this Consent Order.

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.