


CIRCUMSTANCES OF THE COMPLAINT

1. On or about June 8, 2002, Respondent, listed new construction on the property located at 503 Brown Deer Court, Ames, Iowa for \$239,000. Jon Hunziker signed as seller. Jon Hunziker is the Respondent's brother, which was not disclosed in writing to the buyer.
2. The title opinion dated February 21, 2002 notes: a. A Public Path Easement fifteen feet east, b. A Public Utility Right of Way ten feet south and five feet north, and c. A Storm Sewer, Surface Water Flowage and Sanitary Sewer Easement fifteen feet east. The opinion was faxed by the selling broker to the Respondent's brokerage on February 25, 2002. The buyer did not receive the opinion until March 1, 2002 at the closing.
3. The Seller Property Condition Disclosure Statement signed by Jon Hunziker, the seller, indicates no easements on the property.
4. The lot was owned by Hunziker Development Co. LLC. On December 4, 2000, easements were granted to the City of Ames, Iowa that included this lot. The Respondent is President of Hunziker Development Co. LLC. The Respondent had knowledge of the easements on the property, knew the Seller Property Condition Disclosure Statement was not correct, and failed to make the required written disclosure to the buyer.
5. The Respondent failed to make written disclosure and description of licensee ownership interest to the buyer.

FINDING OF PROBABLE CAUSE

On April 17, 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 26th day of FEBRUARY, 2004.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission

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

IN RE:)	
)	
)	CASE NUMBER: 02-095
DEAN E. HUNZIKER)	
Broker Officer (B04802))	STIPULATION
)	AND
HUNZIKER & ASSOCIATES REALTORS)	ORDER
105 S 16 TH STREET)	
AMES, IA 503111541)	

On this 26th day of FEBRUARY, 2004, the Iowa Real Estate Commission and **DEAN E. HUNZIKER**, 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 February 20, 1968, which is in full force and effect through December 31, 2004.
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 Statement of 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.

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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 02-095.

IT IS FURTHER ORDERED that the Respondent shall personally attend the eight (8) hour Commission approved broker prelicense 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 thirteen (13) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer and must refer to case 02-095.

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 **DEAN E. HUNZIKER** on this 15th day of JANUARY, 2004.

[Redacted Signature]

DEAN E. HUNZIKER, Respondent

State of Iowa)

County of Jory)

Signed and sworn to before me on this 15th day of January, 2004, by

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: Rebecca H. Barclay
My Commission Expires: 9-27-2006

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 26th day of FEBRUARY, 2004.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission