

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

IN RE:)	
)	
MARGARET A. WOERNER)	CASE NUMBER: 03-071
Broker B(14384000))	
)	STIPULATION
CROSSROADS, INC.)	AND
DBA RE/MAX CROSSROADS)	ORDER
2815 N. COURT RD)	
OTTUMWA, IA 52501132)	

On this 17th day of JUNE, 2004, the Iowa Real Estate Commission and MARGARET A. WOERNER, 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 14, 1981, and 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 admits 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.

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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 1. Personally attend the twelve (12) hour Commission approved continuing education course "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal, except four (4) hours can be used to satisfy the mandatory ethics requirement for renewal and 2. Personally attend the eight (8) hour broker pre-license course "Real Estate Office Organization." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificates of attendance for both courses 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 must refer to case 03-071.

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 03-071.

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.

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FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **MARGARET A. WOERNER** on this 27th day of May, 2004.

[Redacted Signature]

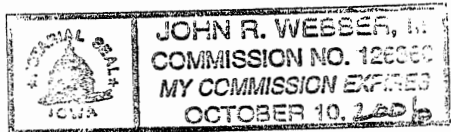
MARGARET A. WOERNER, Respondent

State of Iowa)

County of Wapella)

Signed and sworn to before me on this 27th day of May, 2004, by

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: _____
My Commission Expires: _____

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 17th day of JUNE, 2004.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:

MARGARET A. WOERNER
Broker (B14384)

CROSSROADS, INC.
DBA RE/MAX CROSSROADS
2815 N. COURT RD
OTTUMWA, IA 52501132

CASE NUMBER: 03-071

**STATEMENT
OF
CHARGES**

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.

MARGARET A. WOERNER was at all material times during the following events, a Broker Officer licensed with Crossroads Realty, Inc. dba RE/MAX Crossroads a licensed real estate corporation license number F03379, in Ottumwa, Iowa. Her license, number B14384, was issued April 1, 1992 and is in full force and effect until December 31, 2004.

COUNT I

The Respondent, as designated broker in charge, is charged with engaging in a practices harmful or detrimental to the public by failing to keep the client informed of the status of the transaction and failing to diligently provide brokerage services to the client, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), and 543B.56 (1)(b) (2001), and 193E IAC sections 1.18(543B), 1.43(1)(b) & (c), and 4.54(19).


CIRCUMSTANCES OF THE COMPLAINT

1. In December 2002, a salesperson licensed with RE/MAX Crossroads listed the property located at 414 N. Weller, Ottumwa, Iowa, for \$59,900, with Ann Gilbar as Executor. The Executor resides in Miami, Florida. On February 18, 2003, the listing agent left the company and transferred to another brokerage. The listing remained the property of the broker. The Respondent, as broker in charge, denied the agent permission to contact Seller / Clients to advise of the transfer.
2. On March 10, 2003, an offer was written for \$46,000 subject to obtaining financing by March 31, 2003. The offer was accepted March 26, 2003. Sometime after March 31, 2003, the transaction failed because the buyers could not obtain financing. The Seller had no contact from anyone for approximately two months and contacted the Respondent. The Seller was not satisfied with the answers to questions provided by the Respondent. The Seller checked www.realtor.com website and found the property was back on the market. The Seller contacted her attorney to find the transaction had failed approximately three week earlier. The Respondent did not inform the Seller that the transaction failed.
3. After the listing agent left the firm, the Respondent, as broker in charge, failed to exercise reasonable care to provide brokerage services and to keep the Seller / Client updated and informed of the status of the transaction.

FINDING OF PROBABLE CAUSE

On November 20, 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 17th day of June, 2004.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission