

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

COP

IN RE:)	
)	
)	CASE NUMBER: 01-031
R. CRAIG LAMB)	
Salesperson (S33188))	STIPULATION
)	AND
RE/MAX ACTION REALTY)	ORDER
1111 E. ARMY POST RD.)	
DES MOINES, IA 50315)	

On this 10th day of DECEMBER, 2001, the Iowa Real Estate Commission and R. CRAIG LAMB, 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 August 11, 1992, which is in full force and effect through December 31, 2003.

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. The 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.

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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) (2001).

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 \$ 500 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

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 R. CRAIG LAMB on this 20th day of November, 2001.

[Redacted Signature]

R. CRAIG LAMB, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 20th day of November, 2001, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: KENNETH L BUTTERS

My Commission Expires: 12-7-03

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 6th day of DECEMBER, 2001.

[Redacted Signature]

Robert J. Miller, Chair
Iowa Real Estate Commission

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

IN RE:)	
)	
R. CRAIG LAMB)	CASE NUMBER: 01-031
Salesperson (S33188))	
)	STATEMENT
RE/MAX ACTION REALTY)	OF
1111 E. ARMY POST RD.)	CHARGES
DES MOINES, IA 50315)	

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

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

R. CRAIG LAMB is, and was at all material times during the following events, a licensed salesperson with First Realty LTD. a license real estate firm, license number F01527, in West Des Moines, Iowa. His license, number S33188, is in full force and effect through December 31, 2003.

COUNT I

The Respondent is charged with engaging in practices harmful or detrimental to the public by providing confidential information relating to a client buyer's offer to an agent associated with a different broker, by advising the clients to cancel the pending offer, and by arranging for the clients to re-write their offer with that other agent, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) and 543B.56(1)(a) & (b), 543B.56(2)(a) (2001), and Iowa Administrative Code Chapter 193E sections 1.44(1)(b), 1.44(1)(c)(5) & (7), and 4.54(19).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about January 3, 2001, Respondent, as buyer's agent, prepared an offer for for \$354,500 for the property located at 3202 NW 87th Lane, Ankeny, Iowa, and signed by David and Brenda Rogan, buyers. The property was list by Country Estates Realty, Co, Ankeny, Iowa, Susan Davies, Broker. The offer was presented through the listing broker to Cendant, the seller / relocation company.
2. Respondent was considering transferring to a different broker and was concerned about problems he may experience collecting the commission on this sale from his broker, First Realty, LTD. after leaving. On or about January 15, 2001, Respondent approached a licensee with another broker, about writing an offer on the property for the Rogan's with the same terms and conditions as the pending offer to be presented at the same time the pending offer is withdrawn.
3. Cendant, the seller/relocation company had not accepted the offer for a considerable period of time and the Rogans were voicing concerns to the Respondent about this fact and thereafter advised his clients, the Rogans, to rewrite the offer with Dan Moulton and to cancel the pending offer in hopes that this would move Cendant to accept one of these offers. The only thing the new offer changed was the broker that was to be receiving the selling share of the commission and possible movement by Cendant on one of the two offers.
4. On or about January 16, 2001, the Rogans met with Moulton and the offer was re-written and delivered to the listing broker, Country Estates Realty, Co, Ankeny, Iowa, Susan Davies, Broker, with the verbal request that the pending offer be withdrawn and this offer be presented to the seller.
5. The listing broker presented the new Rogan offer to the seller, which was rejected. The Rogans' original offer was accepted and signed.

FINDING OF PROBABLE CAUSE

On October 25, 2001 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 04 day of DECEMBER, 2001.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission