

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

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IN RE:	)	
	)	
ALLEN L. KRUGER (B18781)	)	CASE NUMBER: 99-109
Broker	)	STIPULATION AND
	)	CONSENT ORDER
329 W. 4 <sup>th</sup> Street	)	
St. Ansgar, Iowa 50472	)	

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On this 27<sup>th</sup> day of JANUARY, 2000, the Iowa Real Estate Commission and ALLEN L. KRUGER, 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 broker license to practice real estate on January 1, 1983, as evidenced by license number B18781, which is currently on inactive status, and will expire December 31, 2000.
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.

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) (1999).

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 Respondent shall take the approved eight (8) hours of real estate broker prelicense course "Iowa Real Estate Trust Accounts." These hours shall be in addition to all other real estate continuing education required by law for license renewal. Original certificate of attendance must be submitted to the Iowa Real Estate under a cover letter addressed to the Commission's Executive Secretary and must refer to case 99-109. This education requirement shall satisfy the additional education requirement previously ordered in the Stipulation and Consent Order for case number A97-095. Respondent shall not be returned to active status until this educational requirement is satisfied.

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 ALLEN L. KRUGER on this 3<sup>rd</sup> day of January, 2000.

[Redacted Signature]

ALLEN L. KRUGER, Respondent

State of Iowa )

County of Mitchell )

Signed and sworn to before me on this 3<sup>rd</sup> day of January, 2000, by

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: Gloria M Moss

My Commission Expires: 9-5-2000

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 27<sup>th</sup> day of JANUARY, 2000.

[Redacted Signature]

EVELYN RANK  
VICE CHAIR

Russell D. Nading, ~~Chair~~  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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IN RE:	)	
	)	
ALLEN L. KRUGER. (B18781)	)	CASE NUMBER: 99-109
Broker	)	
	)	STATEMENT OF
329 W. 4 <sup>th</sup> Street	)	CHARGES
St. Ansgar, Iowa 50472	)	
	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1999).

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

ALLEN L. KRUGER, license number B18781, is an inactive status licensed real estate broker.

COUNT I

The Respondent is charged with failing to comply with the Stipulation and Consent Order in case # A97-095, in violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (1997). The Stipulation and Consent Order is incorporated by this reference into this Statement of Charges and is attached.

99-109

CIRCUMSTANCES OF THE COMPLAINT

1. On April 23, 1998 Respondent entered into an Informal Settlement in case number A97-095 for using the real estate trust account as a business operating account, converting trust funds for other business expenses resulting in shortages in the trust account, failed to maintain individual ledger, failed to make an earnest money deposit in a timely manner, and the trust account contained unidentified funds. As a result, the Respondent was required to pay a \$300 civil penalty within thirty (30) days of acceptance and take the eight (8) hour broker prelicense course "Iowa Real Estate Trust Accounts" within thirteen (13) months (by May 23, 1999), as more fully described in the attached Stipulation and Consent Order.
3. Respondent paid the civil penalty May 22, 1998 as required. Respondent failed to comply with the additional continuing education requirement.
4. Pursuant to the terms of the July 9, 1998, Consent Order, failure to comply with its terms is prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a).
5. Respondent's broker license has been on inactive status since March 15, 1999, and he has indicated that he does not plan to reactivate his license.

FINDING OF PROBABLE CAUSE

On November 10, 1999 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 27<sup>th</sup> day of JANUARY, 2000.



Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission