

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

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IN RE:	)	
	)	
	)	CASE NUMBER: 98-036
ALFRED F. CHRISTOPHERSEN	)	
Salesperson (S10442)	)	STATEMENT OF
	)	CHARGES
Iowa Realty Company, Inc. (F00710)	)	
3501 Westown Pky	)	
West Des Moines, Iowa 502661007	)	

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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.

ALFRED F. CHRISTOPHERSEN was at all material times during the following events, a licensed real estate salesperson with Iowa Realty Company, Inc, a licensed real estate firm in West Des Moines, Iowa, license number F00710. His license, number S10442, is in full force and effect through 12-31-2001.

COUNT I

Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to timely provide a copy of the Seller Property Condition Disclosure Statement to the Buyers in a transaction, and failing to return earnest money to the Buyers after they terminated the transaction, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), 558A.2(1) and (2), 543B.34(1) and (11), and 543B.56 and 193E IAC sections 1.35, 1.39(2) and (3), and 1.45(1)(b) (1995).

COUNT II

Respondent is charged with engaging in a practice harmful or detrimental to the public by changing the terms on the offer to purchase without obtaining signatures or initials of the parties, in violation of Iowa Code section 543B.29(3) (practice harmful or detrimental to the public), and 193E IAC sections 4.40(10) (1995).

COUNT III

Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to disclose or document disclosing all known material adverse facts concerning the property and the transaction, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), 543B.34(11), and 193E IAC sections 1.45(1)C, 4.40(19) (1995).

CIRCUMSTANCES OF THE COMPLAINT

1. Respondent failed to timely provide a copy of the Seller Property Disclosure Statement to the Buyers, Marcia Emmons and Mildred Pickle.
2. The Respondent failed to properly document the negotiations, including the failed early occupancy provision, and the purpose of earnest money provided in the Pickle-Emmons offer when changed from \$1000 to \$6000 without obtaining the initials of the parties acknowledging the change.
3. The Respondent failed to make full disclosure of material adverse facts concerning the property and transaction relating to the failed water tests, zoning violation, and septic system in the Pickle-Emmons/Green transaction.
4. Respondent failed to timely return the earnest money to the Buyers when the pre-occupancy agreement was not signed by the Sellers and the Buyers terminated the contract following Respondent's untimely provision of the Seller Property Disclosure Statement.
5. Respondent's violations under the cited real estate laws and rules enforced by the commission are consistent with material factual findings of the Iowa District Court for Cedar County, Case No. EQCV031977, Ruling and Order, October 17, 1997.

FINDING OF PROBABLE CAUSE

On April 22, 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.

Dated this 1<sup>st</sup> day of JULY, 1999.

  
Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

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

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IN RE:	)	
	)	
ALFRED F. CHRISTOPHERSEN	)	CASE NUMBER: 98-036
Salesperson (S10442)	)	
	)	STIPULATION
	)	AND
	)	CONSENT ORDER
Iowa Realty Company, Inc. (F00710)	)	
3501 Westown Pky	)	
West Des Moines, Iowa 502661007	)	

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On this 15<sup>th</sup> day of JULY, 1999, the Iowa Real Estate Commission and ALFRED F. CHRISTOPHERSEN, each hereby agrees 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 license on May 19, 1978 as evidenced by license number S10442, which is in full force and effect through December 31, 2001.
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 to all allegations in the Statement of Charges, but agrees upon hearing the Commission could find one or more violations of law or Commission regulations.
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 Firm 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 HEREBY ORDERED that the Respondent is Reprimanded.**

**IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$ 500.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.**

**IT IS FURTHER ORDERED that the Respondent shall personally take eight (8) hours of real estate continuing education in "Real Estate Law and Agency Law," the course must be approved as a "Broker Pre-License Course." These hours shall be in addition to any real estate continuing education required by law for license renewal. 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 Secretary and must refer to case 98-036.**

**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 the Respondent on this 18<sup>th</sup> day of JUNE, 1999.

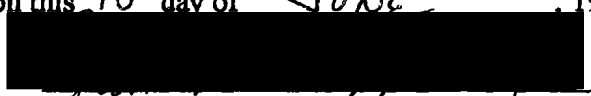


ALFRED F. CHRISTOPHERSEN, Respondent

State of IOWA

County of LINN

Signed and sworn to before me on this 18<sup>th</sup> day of JUNE, 1999, by



Notary Public, State of Iowa  
Printed Name: JAMES W APPELT  
My Commission Expires: \_\_\_\_\_

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 1<sup>st</sup> day of JULY, 1999.



Russell D. Nading, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General