

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

IN RE:)
)
)

ALLEN L. KRUGER (B18781))
Broker)
)

Sportsmans Realty)
329 W. 4th Street)
St. Ansgar, Iowa 50472)
)

CASE NUMBER: A97-095

STIPULATION AND
CONSENT ORDER

On this 23rd day of APRIL, 1998, the Iowa Real Estate Commission, 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. Respondent has a right to a hearing on the charges, but waives his right to a 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 contested case hearing.

2. The Respondent was issued a broker license to practice real estate on January 6, 1983 as evidenced by license number B18781, which is in full force and effect through December 31, 2000. Respondent a sole-proprietor real estate broker in St. Ansgar, Iowa.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

4. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

5. Respondent admits each and every allegation in the Statement of Charges.

6. 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.

A97-095

7. 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.

8. 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) (1998).

9. 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.

10. 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 shall personally take eight (8) hours of real estate continuing education in "Iowa Real Estate Trust Accounts," the course must be approved as a "Broker Pre-License Course." These hours shall be in addition to any other 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 A97-095.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$300.00 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.

A97-095

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 12th day of April, 1998.



ALLEN L. KRUGER, Respondent

State of Iowa

County of Mitchell

Signed and sworn to before me on this 12th day of April, 1998, by



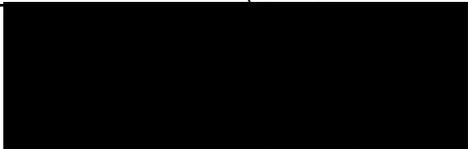
Notary Public, State of Iowa

Printed Name: Stanley R. Walk

My Commission Expires: 31 Oct 1999

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 23rd day of APRIL, 1998.



RUSSELL D. NADING, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
)	
ALLEN L. KRUGER. (B18781))	CASE NUMBER: A97-095
Broker)	
)	
Sportsmans Realty)	STATEMENT OF
329 W. 4 th Street)	CHARGES
St. Ansgar, Iowa 50472)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1997).

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, was at all material times during the following events, a licensed sole-proprietor real estate broker in St. Ansgar, Iowa.

COUNT I

The Respondent used the 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 ledgers, failed to make an earnest money deposit in a timely manner, and the trust account contained unidentified funds, in violation of Iowa Code sections 534B.29(3) (engaging in a practice harmful or detrimental to the public) and 543B.46 (1997), and 193E IAC sections 1.27(1)(a), 1.27(1)(d), 1.27(6)(a)(3)(b) and 4.40(5). and 4.40(6)(a).

A97-095

Page 2

A97-095
Kruger

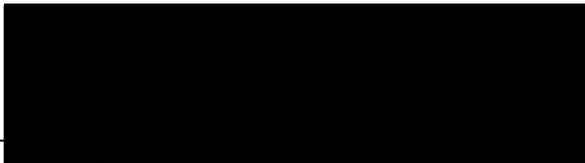
CIRCUMSTANCES OF THE COMPLAINT

1. On September 24, 1997, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Allen Kruger, St. Ansgar, Iowa.
2. The audit found Respondent wrote checks three separate times on the trust account to pay for other business expenses, this conversion of trust funds resulted in shortages totaling \$1,754.92.
3. The audit found the trust account contained \$12.11 in unidentified funds.
3. The audit found an offer was accepted in the Hannam/Hoffner transaction on June 12, 1997 and the earnest money was not deposited until July 7, 1997.

FINDING OF PROBABLE CAUSE

On March 5, 1998 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 23rd day of APRIL, 1998.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

A97-095