

THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
	)	CASE NUMBER: 98-002
HOWARD M. LOGAN (B01662))	
Broker	)	STIPULATION AND
	)	VOLUNTARY SURRENDER
Howard Logan Real Estate	)	OF BROKER LICENSE
First Trust & Savings Bank	)	NO. B01662
Moville, , Iowa 51039)	
)	

On this 23rd day of APRIL, 1998, the Iowa Real Estate Commission and HOWARD M. LOGAN, 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 his 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 October 12, 1961, as evidenced by license number B01662, which is in full force and effect through December 31, 1998. The license has been on inactive status on file with the Commission since February 26, 1998.
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 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) (1998).

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 HEREBY ORDERED that the Respondent's Iowa Real Estate license (B01662) is **surrendered**.

RESPONDENT ACKNOWLEDGES that the effective date of the surrender shall be the date this Stipulation is accepted by the Commission.

RESPONDENT ALSO ACKNOWLEDGES that in the event license B01662, is reissued to active status, it must be returned to the Iowa Real Estate Commission upon notification that this Stipulation has been accepted by the Commission.

RESPONDENT FURTHER ACKNOWLEDGES that Iowa law allows Respondent to reapply for an Iowa Real Estate license if the surrender took place two (2) years (or longer) prior to reapplication AND that reapplication for an Iowa Real Estate license may or may not be granted by the Iowa Real Estate Commission and that the violations of law admitted herein may provide a basis for denial.

98-002
page 3
Logan

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 6TH day of April, 1998.



HOWARD M. LOGAN, Respondent

State of Iowa

County of Woodbury

Signed and sworn to before me on this 6 day of April, 1998, by



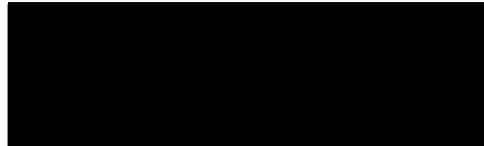
Notary Public, State of Iowa

Printed Name: Glenn A. METCALF

My Commission Expires: 21 MARCH 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
Glenn A. Metcalf, Attorney for Respondent

98-002

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

IN RE:)	
)	
	)	CASE NUMBER: 98-002
HOWARD M. LOGAN (B01662))	
Broker	)	STATEMENT OF
	)	CHARGES
Howard Logan Real Estate)	
First Trust & Savings Bank)	
Moville, Iowa 51039)	
)	

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.

HOWARD M. LOGAN was at all material times during the following events, a licensed real estate broker license number B01662. HOWARD M. LOGAN is a sole proprietor broker in Moville, Iowa.

COUNT I

The Respondent is charged with failing to comply with the Stipulation and Consent Order in case #A96-093, 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.

98-002

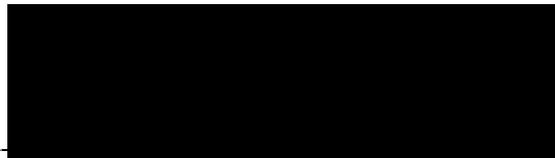
CIRCUMSTANCES OF THE COMPLAINT

1. Respondent was ordered to take two eight-hour broker pre-license courses within thirteen (13) months of December 12, 1996, as more fully described in the attached Stipulation and Consent Order.
2. Pursuant to the terms of the December 12, 1996, 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).
3. Respondent failed to comply with this requirement or provide a satisfactory explanation for his failure to comply.

FINDING OF PROBABLE CAUSE

On January 22, 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.

Dated this 23rd day of APRIL, 1998.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Glenn A. Metcalf, Attorney for Respondent

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

IN RE:)	
	)	CASE NUMBER: A96-093
HOWARD M. LOGAN(B01662))	
Broker	)	STIPULATION AND
	)	CONSENT ORDER
Howard Logan Real Estate)	
First Trust & Savings Bank)	
Moville, Iowa 51039)	

On this 12th day of DECEMBER, 1996, the Iowa Real Estate Commission and HOWARD M. LOGAN, 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 was issued a broker's license to practice real estate on the 12th day of October, 1961 as evidenced by license number B04411 which is in full force and effect through December 31, 1998.
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 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.
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.
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

98-002

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) (1995).

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 ORDERED that the Respondent shall take eight (8) hours of real estate continuing education in "Trust Account and Closing Procedures" and (8) hours of real estate continuing education in "Real Estate Law and Agency Law." These hours may be used for continuing education required by law for license renewal. The courses must be approved as a "Broker Pre-License Course". Original certificates 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 certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case A96-093.

IT IS FURTHER ORDERED 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 26 day of November, 1996.



HOWARD M. LOGAN, Respondent

State of IOWA)
County of WOODBURY)

Signed and sworn to before me on this 26 day of NOVEMBER, 1996, by HOWARD M. LOGAN.



Notary Public, State of Iowa
Printed Name: Glenn A. Metcalf
My Commission Expires: 3/21/99

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 12 day of December, 1996.



Evelyn Rank, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
)	
HOWARD M. LOGAN (B01662)	)	CASE NUMBER: A96-093
Broker)	
	)	STATEMENT OF
Howard Logan Real Estate	)	CHARGES
First Trust & Savings Bank)	
Moville, Iowa 51039)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

HOWARD M. LOGAN was at all material times during the following events, a licensed real estate broker license number B01662. HOWARD M. LOGAN is a sole proprietor broker in Moville, Iowa.

COUNT I

The Respondent is charged with (1) failing to retain a copy of the Seller Property Condition Disclosure and closing statements in the file for each transaction and (2) failing to retain a copy of the purchase agreement in the file for the Felhaber/Cox transaction, in violation of Iowa Code sections 543B.29(3) (1995), and Iowa Administrative Code Chapter 193E, sections 1.28, 1.39(2)(c), and 4.40(5)(c).

98-002

A96-093
Logan

CIRCUMSTANCES OF THE COMPLAINT

1. On June 13, 1996, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Howard M. Logan, Merville, Iowa.
2. The audit found that the Respondent's transaction files did not contain a copy of the Seller Property Condition Disclosure Statement for the following transactions: (1) C & N Construction/Hilts, (2) Felhaber/Cox, and (3) Logan/Bullis.
3. The audit found that the Respondent's transaction file for the Felhaber/Cox transaction did not contain a copy of the Purchase Agreement .
4. The audit found that the Respondent's transaction files did not contain a copy of the closing statements for the following transactions: (1) C & N Construction/Hilts, (2) Felhaber/Cox, and (3) Logan/Bullis.

FINDING OF PROBABLE CAUSE

On August 22, 1996 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 12th day of DECEMBER, 1996.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

98-002