

THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
)	CASE NUMBER: 96-093
GALEN E. MILLER (B05615))	
Broker)	STATEMENT OF
)	CHARGES
101 S. Traer)	
Greene, Iowa 50636-0301)	
)	

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.

GALEN E. MILLER is, and was at all material times during the following events, a broker/partner with Miller and Miller Real Estate, a licensed real estate partnership, number F002241, in Greene, Iowa. His license number is B05615.

COUNT I

The Respondent is charged with failing to make an affirmative written disclosure identifying which party he represents in a transaction acknowledged by the separate signatures of all parties to the transaction, in violation of Iowa Code sections 543B.34(4) and 543B.55 (1995) and 193E IAC sections 1.37(1), 1.37(5)(a), 1.41 and 1.49.

CIRCUMSTANCES OF THE COMPLAINT

1. On February 21, 1996, Respondent listed the property located at 2750 290th Street, Greene, Iowa, owned by Virginia Lantz, for \$7,500.
2. On October 9, 1996, an offer to purchase was signed by Dorothy Siemons for \$1,500.00 and \$150.00 earnest money. Negotiations continued concerning the garage, a wind mill, a heater in the kitchen, a propane tank, and the costs of bringing the abstract up to date.
3. On October 14, 1996, one of the sellers, Mrs. Nixt, ended the negotiations by destroying the original offer. There had not been an accepted offer as no agreement had been reached.
4. Respondent did not obtain a written agency disclosure signed by the parties.

FINDING OF PROBABLE CAUSE

On April 17, 1997, 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 5th day of JUNE, 1997.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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

IN RE:)	
)	
GALEN E. MILLER (B05615))	CASE NUMBER: 96-093
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
101 S. Traer)	
Greene, Iowa 50636-0301)	
)	

On this 5th day of JUNE, 1997, the Iowa Real Estate Commission and GALEN E. MILLER, 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 license to practice real estate on January 14, 1954, as evidenced by license number B05615, 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 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.

96-093

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) (1997).

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.

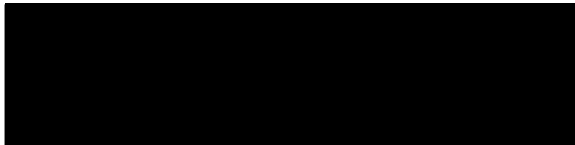
10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS HEREBY ORDERED that the Respondent is **Reprimanded**.

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 28 day of May, 1997.

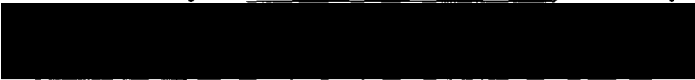


GALEN E. MILLER, Respondent

State of IOWA)

County of BUTLER)

Signed and sworn to before me on this 28 day of May, 1997, by Galen E. Miller.



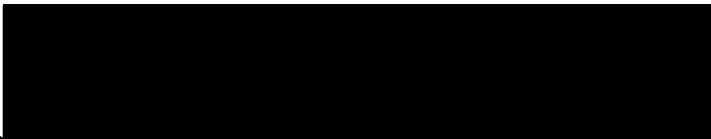
Notary Public, State of Iowa

Printed Name: M. Kay Muhlenbruck

My Commission Expires: 12/12/97

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 5th day of JUNE, 1997.



TERRY W. ROGERS
VICE CHAIR

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

cc: Pam Griebel, Assistant Attorney General