

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).

*A96-093*

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 12<sup>th</sup> day of DECEMBER, 1996.

  
Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

A96-093

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 12<sup>th</sup> 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

A96-093

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