

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

IN RE:)	
)	
WAYNE P. ROGERS (B13419))	CASE NUMBER: A95-144
Broker)	
)	STATEMENT OF
)	CHARGES
509 Circle Dr.)	
Ida Grove, Iowa 51445)	

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.

WAYNE P. ROGERS was at all material times during the following events, a licensed real estate broker license number B13419, in Ida Grove, Iowa.

COUNT I

The Respondent is charged with practice harmful or detrimental to the public by having a shortage of (\$ 4210.00) on an individual ledger, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1995) and Iowa Administrative Code Chapter 193E, sections 1.30(7)(a), 1.30(7)(c) and 4.40(6).

COUNT II

The Respondent is charged with practice harmful or detrimental to the public by commingling owner's trust funds, in violation of 543B.29(3) and 543B.34 (8) (1995) and Iowa Administrative Code Chapter 193E, sections 130(7)(a), 1.30(7)(c) and 4.40(6).

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CIRCUMSTANCES OF THE COMPLAINT

1. On October 10, 1995 Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Wayne P. Rogers, Ida Grove, Iowa.
2. Respondent's individual ledger sheet for MAAS Farms LTD. had a negative balance of (\$ 4210.00) from August 10, 1995 through September 15, 1995.
3. Respondent commingled trust funds belonging to other owners to cover payments for made on behalf of MAAS Farms LTD. for an interim period.
4. Respondent commingled trust funds by paying Leon Maas \$ 495.51 for one half of a fertilizer bill and the debit was made to the individual ledger of Robinson-Caudell-Rutherford.

FINDING OF PROBABLE CAUSE

On January 25, 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 7th day of MARCH, 1996.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

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1918 SE HULSIZER
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IN RE:)	
)	
WAYNE P. ROGERS (B13419))	CASE NUMBER: A95-144
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
509 Circle Dr.)	
Ida Grove, Iowa 51445)	

On this 7th day of MARCH, 1996, the Iowa Real Estate Commission and WAYNE P. ROGERS 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 December, 1992, as evidenced by license number B13419 which is in full force and effect through December 31, 1996.
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.
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.

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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 FURTHER ORDERED that Respondent shall take eight (8) hours of real estate continuing education in "Trust Account and Closing Procedures" and these hours may additionally be used for real estate continuing education required by law for license renewal. The course must be approved as a "Broker Pre-License Course". 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 A95-144.

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.

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FOR THE BROKER:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 13th day of February, 1996.



WAYNE P. ROGERS, Broker/Respondent

State of IOWA)

County of IDA)

Signed and sworn to before me on this 13th day of February, 1996, by



Notary Public, State of Iowa

Printed Name: Trisha L. B. McCormick

My Commission Expires: 3-10-98

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 7 day of March, 1996.



Theresa A. Loffredo, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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