

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

IN RE:)	
)	
ROBERT A. BURGER (B22163))	CASE NUMBER: 94-074
Broker Associate)	STATEMENT OF CHARGES
)	
630 9th Street)	
Marion, Iowa 52302-3347)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1994).

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

ROBERT A. BURGER was at all material times during the following events, a licensed sole-proprietor real estate broker in Marion, Iowa. ROBERT A. BURGER is currently licensed as a broker associate assigned to Iowa Realty, Des Moines, Iowa a licensed real estate firm (F00710)). His license number is B2216.

COUNT I

The Respondent pled guilty in the United States District Court of the Northern District of Iowa on June 3, 1994, to willfully attempting to evade and defeat a large part of the tax due and owing by him and his spouse to the United States of America for the calendar year 1987, by filing a false and fraudulent U.S. Individual Tax Return, in violation of Iowa Code sections 543B.29(5), 543B.34(8) and 543B.34(11) (1994).

COUNT II

The Respondent is charged with failing to notify the Commission in writing of a change of residence address or mailing address, in violation of Iowa Code sections 543B.16 and 543B.18 (1993) and Iowa Administrative Code Chapter 193E sections 2.15(6) and 4.40(4)(e).

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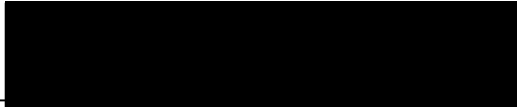
CIRCUMSTANCES OF THE COMPLAINT

1. The Respondent was at all material times a licensed sole-proprietor real estate broker in Marion, Iowa.
2. In the United States District Court for the Northern District of Iowa Cedar Rapids Division, CR 94-0006, Respondent was charged with filing a false and fraudulent joint U.S. Individual Income Tax, Form 1040, on behalf of himself and his spouse. It was alleged that the Respondent's tax form stated that their joint taxable income was \$13,416, knowing their joint income for the calendar year 1987 was \$77,048.73 and the tax owed the United States of America tax was \$20,057.06.
3. On June 3, 1994, Respondent plead guilty to the charges.
4. The Respondent was subsequently sentenced and incarcerated in a Federal correction facility where he remains.
5. The Iowa Real Estate Commission was not notified by the Respondent when his residence changed. Commission records still indicated a Marion, Iowa address.
6. Respondent's license has remained in full force and effect during the incarceration.

FINDING OF PROBABLE CAUSE

On January 25, 1995, 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 12th day of APRIL, 1995.


Roger ~~Z~~ Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Michael L. Mollman, Attorney for Respondent

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

IN RE:)

ROBERT A. BURGER (B221163))
Broker Associate)

630 9th Street)
Marion, Iowa 52302-3347)

CASE NUMBER: 94-074

STIPULATION AND
CONSENT ORDER

On this 12th day of APRIL, 1997, the Iowa Real Estate Commission and ROBERT A. BURGER, 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 31st day of January, 1986, as evidenced by license number B22163 which is in full force and effect through December 31, 1997.
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 does not admit each and every allegation in the Statement of Charges, but agrees the Commission could find, upon hearing, one or more violations of law.
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.

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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) (1994).

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 real estate broker license of the Respondent is hereby **SUSPENDED** for a period of three years; however, within seven days of his release from the federal correction facility, Respondent shall notify the commission in writing of his release and on the date of receipt of that written notice, the suspension shall be stayed and the Respondent shall be placed on probation for the remainder of the three year period. The suspension shall be effective on the date this agreement is accepted and signed by the Commission.

IT IS FURTHER ORDERED that prior to reinstatement of the license, Respondent shall pay a \$100.00 reinstatement fee to be credited to the Real Estate Education Fund, pursuant to 193E IAC 2.13.

IT IS FURTHER ORDERED that during the period of probation, the Respondent (1) shall only be actively licensed to practice as a broker associate assigned to another broker or firm (2) shall not be the designated broker of a firm or branch office, and (3) shall not be licensed operate as a Sole-proprietor Broker, Broker/Officer, or Broker/ Partner to operate a brokerage firm.

IT IS FURTHER ORDERED that during the period of probation, the Iowa Real Estate Commission upon reasonable notice may require Respondent to appear before them for the purpose of apprising the Commission of his activities in the practice of real estate.

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 10th day of April, 1995.

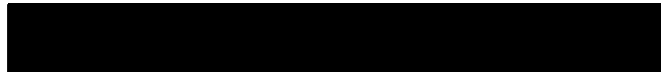


ROBERT A. BURGER, Respondent

State of Iowa)

County of Linn)

Signed and sworn to before me on this 10th day of April, 1995, by

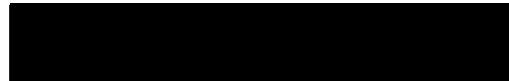


Notary Public, State of Iowa
Printed Name: Sharon K. Carney
My Commission Expires: 9-4-95

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FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 12th day of APRIL, 1995.



[Signature], Chairperson
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General
Michael L. Mollman, Attorney for Respondent

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