

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

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IN RE:	)	CASE NUMBER: 94-031
	)	
C. GARY BOWERS (B31526)	)	STATEMENT OF CHARGES
Broker	)	
	)	
109 N. 2nd. Street	)	
Cherokee IA 51012	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1993).

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

C. Gary Bowers was at all times during the following events a licensed real estate broker. His license number is B31526. C. Gary Bowers is currently a Sole-proprietor Broker in Cherokee, Iowa.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by engaging in the practice of real estate while his license was on file with the commission office on inactive status, in violation of Iowa Code section 543B.1, 543B.5, and 543B.29(3) (1993) and Iowa Administrative Code Chapter 193E, section 4.40(1).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about February 28, 1994, Respondent ended his business relationship with Stephenson Real Estate, Robert Stephenson, broker, Cherokee, Iowa, and his broker associate license was mailed to the commission office.
2. On or about February 28, 1994, Respondent mailed the Commission his request to have his broker license reissued as a sole proprietor.
3. On March 1, 1994, Respondent listed the property located at 1224 S. 2nd. ; Hwy 59 S, Cherokee, Iowa, for 95,000.00. The listing agreement was completed and signed by Respondent and seller, but not dated.

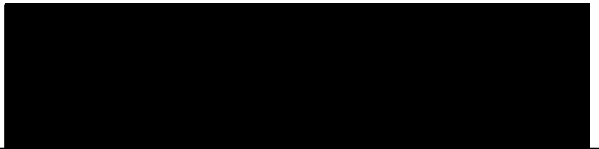
94-031

4. On March 4, 1994, Respondent contacted the Commission office and verified his broker license had been reissued effective March 4, 1994.
5. On March 5, 1994, Respondent dated the listing agreement March 5, 1994.
6. Respondent knew he was prohibited from engaging in the practice of real estate with an inactive broker license.

FINDING OF PROBABLE CAUSE

On June 2, 1994 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 18<sup>th</sup> day of AUGUST,  
1994.



Roger L. Hansen,  
Executive Secretary  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

BEFORE THE IOWA REAL ESTATE COMMISSION  
OF THE STATE OF IOWA

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IN RE:	)	
	)	
C. GARY BOWERS	)	CASE NUMBER: 94-031
Broker	)	
	)	STIPULATION AND
109 N. 2nd Street	)	CONSENT ORDER
Cherokee IA 51012	)	
	)	

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On this 18th. day of August, 1994, the Iowa Real Estate Commission and C. GARY BOWERS 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 15h day of October, 1994, as evidenced by license number B31526 which is in full force and effect through December 31, 1995.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction of 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.

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) and 543B.34(2) (1993).

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 AND AGREED that the Respondent is **REPRIMANDED**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

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.

Bowers, C. Gary  
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This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 24<sup>th</sup> day of AUGUST, 1994.



C. Gary Bowers, Respondent

State of IOWA )

County of CHELOKEE )

Signed and sworn before me on this 24<sup>th</sup> day of AUGUST, 1994, by Beverly A. Woltman.



Notary Public, State of Iowa  
Printed Name: Beverly A. Woltman  
My Commission Expires: 1-22-96

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 18th. day of August, 1994.



Jerry F. Duggan, Chairman  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General  
C. Gary Bower, Respondent