

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN RE:)	
)	CASE NUMBER: 93-128
ROBERT E. TAGATZ (S33245))	
Salesperson)	STIPULATION AND
)	CONSENT ORDER
First Realty/Better Homes and Garden))	
8445 Hickman Road)	
Des Moines IA 50322)	
)	

On this 5 day of MAY, 1994 the Iowa Real Estate Commission and Robert E. Tagatz 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 salesperson license to practice real estate on the 15th day of September, 1992, as evidenced by license number S33245 which is in full force and effect through December 31, 1994.
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), 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.

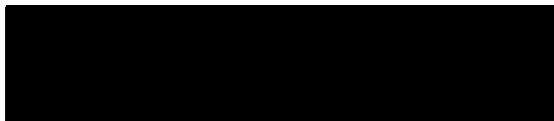
10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

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.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 5 day of May, 1994.



Robert E. Tagatz, Respondent

State of Iowa
County of Polk

Signed before me on this 5th day of May, 1994, by _____



Notary Public, State of Iowa
Printed Name: Janet M. Higgins
My Commission Expires: 7-3-99

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 2ND day of JUNE, 1994.



Russell D. Nading, Chairman
Iowa Real Estate Commission

cc: Sherie Barnett, Assistant Attorney General
William Serangeli, Attorney for Respondent

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IN RE:)	CASE NUMBER: 93-128
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ROBERT E. TAGATZ (S33245))	
Salesperson)	STATEMENT OF CHARGES
)	
First Realty/Better Homes and Garden)	
8445 Hickman Road)	
Des Moines Iowa 50322)	

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.

Robert E. Tagatz was at all times during the following events, a licensed real estate salesperson. His license number is S33245. Robert E. Tagatz is licensed with First Realty/Better Homes and Garden, Ltd., Des Moines, Iowa.

COUNT I

The Respondent is charged with engaging in unethical conduct or a practice harmful or detrimental to the public by disclosing confidential information concerning the amount of a previous offer to a buyer while serving as the seller's agent which resulted in the buyer making a lower offer in violation of Iowa Code sections 543B.29(3), and 543B.34 (1993).

CIRCUMSTANCES OF THE COMPLAINT

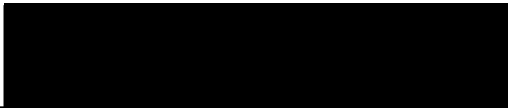
1. On February 2, 1993, Jerry Bussanmas, an agent for First Realty Ltd., Des Moines, Iowa, listed property owned by Curt and Jo Sutton located at RR #1, Box #48, Colfax, Iowa, for \$65,000.
2. On or about April 1, 1993, Walter and Gail Luloff indicated to Respondent that they wanted to make a back-up offer in the amount of the full asking price of \$65,000 for the property.

3. Through a conversation with the listing agent, Respondent determined that the sellers would accept less than full asking price based upon the amount of the previously accepted offer.
4. On April 1, 1993, Respondent prepared the Luloff offer for \$63,250, not the \$65,000 as directed, advising the buyers that this price would buy the property.
5. The offer was forwarded to the listing agent to present to the sellers.

FINDING OF PROBABLE CAUSE

On September 15, 1993 the Investigation Committee of 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~~ Executed this 2ND day of JUNE, 1994.


Rogey L. Hansen, Executive
Secretary
Iowa Real Estate Commission