

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 S.E. HULSIZER
ANKENY, IOWA

IN RE:)	
William J. Christiansen)	CASE NUMBER: 89-052
Broker-Associate (B03780))	
)	
2901 East Euclid)	INFORMAL SETTLEMENT
Des Moines, Iowa 50317)	
)	

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between William J. Christiansen and the Iowa Real Estate Commission (Commission). The parties agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Commission has jurisdiction of this matter under Iowa Code Chapters 17A, 117, and 258A(1989) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
2. William J. Christiansen is, and was at all times during the following events, a licensed real estate broker. His license number is B03780.
3. William J. Christiansen was during the following events licensed as a Broker-Associate with Midland Real Estate Services of Des Moines, Iowa.
4. William J. Christiansen agreed to locate a renter for property located at 3833 East 25th Street, Des Moines, Iowa. The property is owned by Duane D. Johnson of Colby, Kansas.
5. William J. Christiansen rented the property located at 3833 East 25th Street, Des Moines, Iowa to Gene Turner and Debbie Turner for \$375.00 a month beginning January 5, 1988.
6. William J. Christiansen forwarded \$187.50 of the \$375.00 rent to Duane D. Johnson.
7. William J. Christiansen retained \$187.50 of the \$375.00 monthly rent for his fee in locating renters for the property.
8. William J. Christiansen did not turn over the \$187.50 fee to his Employing Broker for deposit into the trust account.

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9. Iowa Code Section 117.34(5) states:

Investigations by commission.

The Real estate commission may upon its own motion and shall upon the verified complaint in writing of any person, if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes out a prima-facie case, request the department of inspections and appeals to investigate the actions of any real estate broker, real estate salesperson, or other person who assumes to act in either capacity within this state, and may suspend or revoke a license issued under this chapter at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

5. Accepting a commission or valuable consideration as a real estate broker associate or salesperson for the performance of any of the acts specified in this chapter, from any person, except the broker associate's or salesperson's employer, who must be a licensed real estate broker. However, a broker associate or salesperson may, without violating this subsection, accept a commission or valuable consideration from a corporation which is wholly owned, or owned with a spouse, by the broker associate or salesperson if the conditions described in subsection 9 are met.

10. Iowa Administrative Code Section 193E 4.40 (117) states:

Violations for which civil penalties may be imposed.

4.40(6) Improper trust account and closing procedures.

1. Failing as a salesperson or broker associate to immediately turn funds over to the Broker.

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AGREED ORDER

By agreement it is therefore ORDERED, ADJUDGED, and DECREED by the Iowa Real Estate Commission as follows:

1. William J. Christiansen has the right to a hearing on this matter, but waives his right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. William J. Christiansen is hereby REPRIMANDED.

3. William J. Christiansen shall take twelve (12) hours of real estate continuing education in "Real Estate Law, Contract Law and Agency Law", within twelve (12) months of the signing of this Informal Settlement. These twelve (12) hours shall be taken in the area of Broker Pre-License and shall be in addition to all other Real Estate Education hours required by law. Proof of compliances must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this Informal Settlement by the Commission. The certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must be referred to as case number 89-052.

4. This Informal Settlement shall be made part of the permanent record of William J. Christiansen and shall be considered by the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law violations by William J. Christiansen.

5. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of a violation of Iowa Code Sections 117.29(3) and 117.34(2)(1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1989).

6. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter.

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FOR THE BROKER:

Dated this 15 day of August, 1990.


William J. Christiansen

Signed and sworn to before me this 15th day of August, 1990.


Notary Public, State of Iowa

FOR THE COMMISSION:


Signed this 23rd day of August, 1990.


E. Goe Ann Lutz, Chairperson

Executed this 23rd day of August, 1990.

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on August 23, 1990


K. Marie Thayer,
Administrator