

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

IN RE:)	CASE NUMBER: 88-056
Gary L. Kruse (S28326),)	
Salesperson)	INFORMAL SETTLEMENT
Barbara S. Miller (S26076),)	
Salesperson)	

Pursuant to Iowa Code Section 17A.10(1987) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Gary L. Kruse, Barbara S. Miller, 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(1987) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.

2. Barbara S. Miller is, and was at all times during the following events, a licensed real estate salesperson. Her license number is S26076.

3. Salesperson Kruse became licensed on June 30, 1988 and holds real estate license number S28326.

4. Salesperson Kruse took and passed the salesperson examination on December 19, 1987. The deadline for submitting his completed application for license was June 30, 1988.

5. On or about June 28, 1988, Salesperson Kruse visited the office of real estate broker Gary Johnston in order that Johnston might sign his application for license. Although Kruse and Johnston had previously spoken about Kruse's affiliation with Johnston's company, Kruse stopped without an appointment on June 28th.

6. Broker Johnston was out of the office on vacation. His office staff was unable to reach him.

7. Salesperson Miller signed Broker Johnston's name on Salesperson Kruse's application for license.

8. Salesperson Kruse was aware that it was Salesperson Miller and not Broker Johnston who signed his application for license. Notwithstanding this, he submitted this falsified application to the Iowa Real Estate Commission.

9. Iowa Code Section 117.34(1987) states The Commission may discipline a licensee for:

11. Any other conduct, whether of the same or different character from that hereinbefore specified, or demonstrates such bad faith, improper, fraudulent, or dishonest dealings as would have disqualified the licensee from securing a license under this chapter.

10. By signing her broker's name on the application for license, Salesperson Miller violated Iowa Code Section 117.34(11).

11. By submitting an application for license which he knew bore a false signature to The Commission, Salesperson Kruse violated Iowa Code Section 117.34(11).

AGREED ORDER

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

1. Salespersons Miller and Kruse have the right to hearing on this matter, but waive their right to hearing and all attendant rights by freely entering into this Informal Settlement.

2. Salespersons Miller and Kruse are each hereby REPRIMANDED.

3. Salespersons Miller and Kruse shall each take six hours of real estate continuing education in the area of license law, and shall each submit the original certificate of attendance to the Executive Secretary of the Commission no later than February 1, 1990. This education may not be a correspondence course. This education is in addition to all other continuing education required by law for the renewal of license. Each salesperson shall contact the Commission's Executive Secretary for approval prior to enrolling in a course to fulfill this requirement.

3. This Informal Settlement shall be made a part of the permanent records of Salespersons Miller and Kruse and shall be considered by the Commission in determining the nature and severity of the disciplinary sanctions to be imposed for any future license law violation by them.

4. The within settlement is subject to approval of the Commission. If the Commission fails to approve this settlement, it shall be of no force or effect on either party and shall not be admissible for any purposes at any further proceedings in this matter. If approved by the Commission, the settlement will dispose of all matters contained in the complaint for case number 88-056.

FOR THE LICENSEES:

Dated this 10th day of January, 1989.

[Redacted Signature]

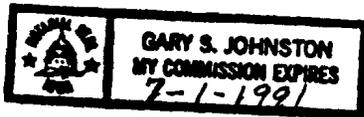
Barbara S. Miller, Salesperson

Signed and sworn to before me this 10 day of

January, 1989.

[Redacted Signature]

Notary Public, State of Iowa



Dated this 10 day of January, 1989.

[Redacted Signature]

Gary L. Kruse, Salesperson

Signed and sworn to before me this 10 day of

January, 1989.

[Redacted Signature]

Notary Public, State of Iowa

FOR THE COMMISSION:

Signed this 19th day of January, 1989.


Jan _____

Executed this 19th day of January, 1989.


Kenneth L. Smith
Executive Secretary