

**BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 SE HULSIZER  
ANKENY, IOWA**

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<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 04-014</b>
<b>Larry R. Stewart</b>	)	
<b>Broker (B17081)</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>Stewart Realty Company</b>	)	<b>CHARGES, INFORMAL</b>
<b>503 Kelly Street</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>Charles City, IA. 50616</b>	)	<b>AND CONSENT ORDER IN A</b>
	)	<b>DISCIPLINARY CASE</b>
<b>Respondent.</b>	)	

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The Iowa Real Estate Commission (Commission) and **Larry R. Stewart** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2009).

1. The Commission issued the Respondent real estate broker's license number B17081 on September 23, 1975. Respondent's license is current and in full force and effect through December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate broker assigned to Stewart Realty Company, a licensed firm, license number (F05294) in Charles City, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

**STATEMENT OF CHARGES**

COUNT I

3. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(3), 543B.34(11), 543B.56(1)(b), 543B.57(1)&(3) (2001), and 193E Iowa Administrative Code sections 1.23, 1.37 and 1.42 (9/10/1997) by attempting to collect a commission from the owner of a property that had been sold without having a written Agency Agreement or a written Brokerage / Listing Agreement with the Seller.

### CIRCUMSTANCES

4. In early 1999, the Respondent was contacted by a potential Seller for commercial property in Charles City, Iowa. At no time, however, was a written Brokerage / Listing Agreement or Agency Disclosure entered and executed by the parties.

5. In November 2001, the Seller closed on the sale of the property to a buyer.

6. After closing had taken place, the Respondent attempted to collect a commission from the Seller even though he had no written Brokerage / Listing Agreement or Agency Disclosure with the Seller.

### SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges.

8. Respondent acknowledges that he has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

9. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

10. This Order shall be part of the permanent record of Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

11 Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2009) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

12. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

13. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2009).

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

14. **REPRIMAND.** Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

15. **EDUCATION.** Pursuant to 193E Iowa Administrative Code Section 18.14 (1)(f), the Respondent shall attend the Commission approved eight (8) hour course “Contract Law and Contract Writing” and the eight (8) hour course “Real Estate Law and Agency Law”. These hours shall be in addition to any real estate continuing education required for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this Order by the Commission and must come under a cover letter addressed to the Commission’s Executive Officer and refer to case 04-014.

16. **FUTURE COMPLIANCE.** The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

**WHEREFORE**, the terms of this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Larry R. Stewart on this 28<sup>th</sup> day of October, 2009.

[Redacted Signature]

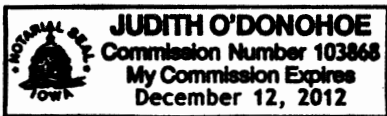
LARRY R. STEWART, Respondent

State of Iowa )

County of Floyd )

Signed and sworn to before me on this 28<sup>th</sup> day of October, 2009, by:

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: ~~Larry R. Stewart~~ Judith O'Donohoe

My Commission Expires: 12/12/2012

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 19 day of November, 2009.

[Redacted Signature]

CHAIR, Iowa Real Estate Commission