

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

IN THE MATTER OF:

Case No. 09-020

Craig A. Wetzel
Salesperson (S41692)

First Realty LTD
5500 Westown Parkway, Ste. 120
West Des Moines, Iowa 50266

**COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE**

Respondent

1. The Iowa Real Estate Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 193E (2009).

2. The Commission issued the Respondent real estate salesperson license number (S41692) on July 6, 2001. Respondent's license is current and in full force and effect through December 31, 2009. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to First Realty, LTD, a licensed real estate firm, license number (F01527) located in West Des Moines, Iowa.

Statement of Charges

3. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code section 543B.29(1)(b) & (c), 543B.56(1) & (2) by:

- (a) Failing to comply with the terms of a signed listing agreement. See Iowa Code §§ 543B.34(8) & (11), 543B.56(1)(a) & (b); 543B.56(2)(c), 543B.57; and 193E Iowa Admin. Code § 18.14(5)(s).
- (b) Failing to adequately inform the employing broker of all activities conducted on behalf of the broker. See Iowa Code § 543B.62(3)(b); 193E Iowa Admin. Code §§ 7.11(1) and 18.14(5)(s).
- (c) Failing to retain for a period of at least five years true copies of all documents associated with a transaction. See 193E Iowa Admin. Code §§ 11.5, 13.5, and 18.14(5)(e)(3).

Circumstances

4. Respondent obtained a signed Listing Agreement from the Seller in October of 2008 for property located in Truro, Iowa.

5. The Respondent failed to distribute the Listing Agreement to his employing broker or the MLS to be marketed as outlined in the signed Listing Agreement.

6. The Respondent failed to maintain a true copy of the Listing Agreement obtained in October of 2008 and prepared a new Listing Agreement in January of 2009.

Settlement Agreement

7. Respondent admits to the allegations 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 attended rights, including the right to seek judicial review. The 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 Admin 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 may 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 the 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 prime 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 the Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be made a public record available for inspection and copying in its entirety in accordance of Iowa Code chapter 212 (2009).

Consent Order

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

* 15. Civil Penalty. The Respondent shall pay a civil penalty to the Commission in the amount of \$1000 no later than thirty (30) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 09-020.

16. EDUCATION. Pursuant to 193E Iowa Administrative Code Section 18.14 (1)(f), the Respondent shall attend the Commission approved twelve (12) hour course "Listing Practices." 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 09-020.

17. FUTURE COMPLIANCE. Respondent agrees that at all future times he shall 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:

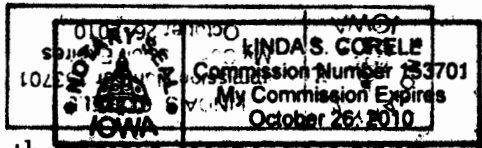
Voluntarily agreed to and accepted by **Craig A. Wetzel** on this 16 day of JUNE, 2009.

State of Iowa
County of Polk
CRAIG A. WETZEL, Respondent

Signed and sworn to before me on this 16th day of June, 2009, by

Notary Public, State of Iowa
Printed Name: LINDA S. CORELL
My Commission Expires: October 26, 2010

FOR THE COMMISSION:



Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 23 day of July, 2009.

Lynne Hawley, Chair
Iowa Real Estate Commission