

FILED December 3, 2015 (Date)

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

IREC
Board / Commission
[Signature]
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 15-070
Darryl Q. Tower)	
Salesperson (S60956000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Skogman Realty Co)	SETTLEMENT AGREEMENT,
411 1 st Ave SE, Suite 500)	AND CONSENT ORDER IN A
Cedar Rapids, IA 52401)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and Darryl Q. Tower (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) (2015).

1. The Commission issued the Respondent real estate salesperson license number S60956000 on April 7, 2011. Respondent's license is now current and in full force and effect through December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Skogman Realty Co, a licensed real estate firm, license number F01272000, located in Cedar Rapids, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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 failing to diligently exercise reasonable skill and care in providing real estate brokerage services in violation of Iowa Code sections 543B.34(1), 543B.56(1)(b) (2014) and 193E Iowa Administrative Code sections 12.3(1)(b), 14.1(2), 18.14(5)(s) by altering a seller property condition disclosure form.

CIRCUMSTANCES

4. On or about February 17, 2015, the Respondent entered into a listing agreement on behalf of his affiliated broker for a residential property located in Homestead, Iowa. The listing agreement was set to expire on February 28, 2016.

5. At the time of the executed listing agreement, the sellers brought a Seller's Property Disclosure form dated April 17, 2014 for the subject property to the Respondent's attention. The Seller's Property Disclosure form was completed when it was listed previously with another licensed real estate firm located in Cedar Rapids, Iowa.

6. Pursuant to the requests of the sellers, the Respondent took the aforementioned Seller's Property Disclosure form dated April 17, 2014 and used a whiteout mechanism to cover the original dates from the previous listing and inserted the new date of February 17, 2015.

SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

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(1)(d), 543B.34(1) and 272C.3(2)(a) (2015) 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 (2015).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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 five hundred dollars (\$500.00) 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, referencing Case Number 15-070.

16. EDUCATION. 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 by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission no later than twelve (12) months after acceptance of this Order by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 15-070.

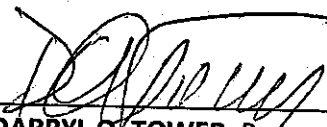
17. FUTURE COMPLIANCE. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

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:

IREC Case No. 15-070
Darryl Q. Tower

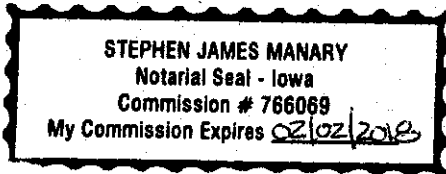
Voluntarily agreed to and accepted by Darryl Q. Tower on this 6 day of
NOVEMBER 2015.

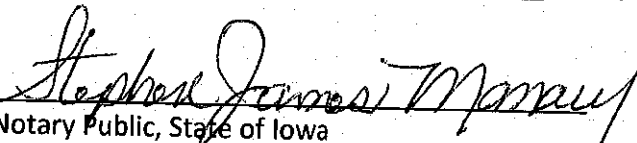

By: **DARRYL Q. TOWER**, Respondent

State of IOWA)

County of LINN)

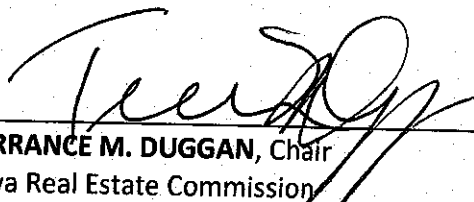
Signed and sworn to before me on this _____ day of _____, 2015, by:




Notary Public, State of Iowa
Printed Name: Stephen James Manary
My Commission Expires: 02/02/2018

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
3rd day of December, 2015.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission