

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: 14-224
Robert M. Butschi)	
Broker (B32125000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Executive Commercial Realty Co)	SETTLEMENT AGREEMENT,
375 Collins Road NE, Suite 109-A)	AND CONSENT ORDER IN A
Cedar Rapids, IA 52402)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Robert M. Butschi** (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 broker license number B32125000 on April 10, 1996. Respondent's license is 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 broker officer assigned to Executive Commercial Realty, Co., a licensed real estate firm, license number F00408000, located in Cedar Rapids, Iowa. Respondent was assigned as the designated broker of the real estate brokerage firm at all times relevant to this matter.

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 to a client in violation of Iowa Code sections 543B.34(1), 543B.56(1)(b) (2013) and 193E Iowa Administrative Code sections 11.1, 12.4(1)(a), 12.4(1)(b), 18.14(5)(s) by failing to have a definite expiration date on an executed listing agreement.

COUNT II

4. 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 to a transaction in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.56(1)(a), 543B.56(1)(b) (2013) and 193E Iowa Administrative Code sections 12.4(1)(a), 12.4(1)(b), 12.4(1)(c)(7), 18.14(5)(j) by altering a contract without the written approval of all parties to the contract.

CIRCUMSTANCES

5. On or about April 9, 2014, the Respondent entered into a residential listing agreement with a seller for a subject property located in Cedar Rapids, Iowa.

6. On the aforementioned listing agreement, at the time the signatures of all parties concerned were obtained, the Respondent listed "N/A" as the date the contract shall terminate.

7. At some time after April 9, 2014, the Respondent changed the date the residential listing agreement shall terminate from "N/A" to "12/31/14" without the written approval of the seller.

SETTLEMENT AGREEMENT

8. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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:

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

16. CIVIL PENALTY. 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 14-224.

17. EDUCATION. 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 within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 14-224.

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:

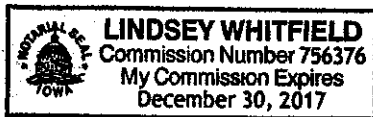
Voluntarily agreed to and accepted by **Robert M. Butschi** on this 16th day of NOVEMBER, 2015. I DO NOT AGREE WITH THE PLAINTIFFS COMPLAINT, HOWEVER, I AM MOVING ON AND WILL ACCEPT THE CHARGES AND MOVE FORWARD WITH MY REAL ESTATE CAREER.

Robert M. Butschi
By: **ROBERT M. BUTSCHI**, Respondent

State of Iowa

County of Linn

Signed and sworn to before me on this 17 day of November, 2015, by



Lindsey Whitfield
Notary Public, State of Iowa
Printed Name: Lindsey Whitfield
My Commission Expires: 12-30-17

FOR THE COMMISSION:

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

Terrance M. Duggan
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission