

FILED

August 2, 2018

(Date)

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

IREL
Board / Commission

Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 18-048
David P. Vance)	
Broker (B29962000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Alpha One Commercial Real Estate)	SETTLEMENT AGREEMENT,
605 SE Peterson Drive)	AND CONSENT ORDER IN A
Ankeny, IA 50021)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **David P. Vance** (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) (2018).

1. The Commission issued the Respondent real estate broker license number B29962000 on January 1, 1992. Respondent's license is current and in full force and effect through December 31, 2018. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of Alpha One Commercial Real Estate, license number F05576000, located in Ankeny, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2018). 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 have a written disclosure of agency acknowledged by the signatures of all parties to the transaction prior to the presentation of an offer in violation of Iowa Code sections 543B.34(1)(d), 543B.57(1), 543B.57(2) (2018). See 193E Iowa Administrative Code sections 12.2(1), 12.2(3), 12.2(14), 18.2(2), 18.14(5)(s).

CIRCUMSTANCES

4. Respondent was assigned as the designated broker of the real estate brokerage firm at all times relevant to this matter. As a broker officer of the real estate brokerage firm and designated broker, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing its operations in the state of Iowa.

5. On March 15, 2018, an onsite examination of the Respondent's Iowa real trust account and transaction records was conducted by the Commission auditor (auditor).

6. In a random sampling of transaction files, the auditor discovered five (5) real estate transactions for properties located in Iowa, in which the Respondent was the selling broker; the aforementioned files did not include a buyer agency agreement.

7. By failing to have a buyer agency agreement signed by all parties to the transaction, the Respondent failed to properly identify which party he represented in the respective transactions.

SETTLEMENT AGREEMENT

8. Without admission of wrongdoing or guilt, the Respondent does not contest the allegations stated in the Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2018).

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) (2018) 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 (2018).

CONSENT ORDER

IT IS THEREFORE ORDERED:

15. EDUCATION. The Respondent shall attend the Commission approved twelve (12) hour course "Buying 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 18-048.

16. FUTURE COMPLIANCE. The Respondent also 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 **David P. Vance** on this 19 day of July, 2018.

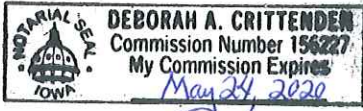

By: **DAVID P. VANCE**, Respondent

IREC Case No. 18-048
David P. Vance

State of Iowa)

County of Polk)

Signed and sworn to before me on this 19th day of July, 2018, by:



Deborah A. Crittenden

Notary Public, State of Iowa

Printed Name: Deborah A. Crittenden

My Commission Expires: May 24, 2020

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 2nd day of August, 2018.

Dennis L. Stolk

~~TERRANCE M. DUGGAN~~, Chair

Iowa Real Estate Commission

Dennis L. Stolk, Vice Chair