

FILED September 6, 2018 (Date)
JAL/c
Board / Commission
[Signature]
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 18-147
John F. Lund)	
Broker (B05361000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
The Lund Company)	SETTLEMENT AGREEMENT,
450 Regency Pkwy, Suite 220)	AND CONSENT ORDER IN A
Omaha, NE 68114)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **John F. Lund** (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 B05361000 on January 19, 1977. Respondent's license is now current and in full force and effect through December 31, 2020. At all times relevant to this matter, the Respondent was an unlicensed real estate broker officer of The Lund Company, license number F03054000, located in Omaha, Nebraska

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 engaging in a practice that is harmful or detrimental to the public by holding himself out as being engaged in the business of selling real estate and/or practicing real estate while his broker license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(1) (2018). See 193E Iowa Administrative Code sections 3.5, 3.6, 18.2(5), 18.14(5)(a).

COUNT II

4. Respondent is charged with engaging in practices harmful or detrimental to the public by allowing a corporation to act as a real estate brokerage firm in the state of Iowa without an actively licensed real estate broker officer and/or designated broker in charge assigned to it in violation of Iowa Code sections 543B.1, 543B.2, 543B.5(6), 543B.29(1)(d), 543B.34(1) (2018). See 193E Iowa Administrative Code sections 7.2(1), 7.2(2), 18.2(5), 18.2(6), 18.14(5)(s).

CIRCUMSTANCES

5. From the time period of August 12, 1999 through December 31, 2017, the Respondent was a licensed real estate broker officer assigned to The Lund Company, a licensed real estate brokerage firm, license number F03054000, located in Omaha, Nebraska. 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 the firm. As the designated broker in charge, the Respondent was responsible for ensuring that The Lund Company complied with all applicable statutes and regulations relating to its operations as a real estate brokerage firm.

6. Pursuant to Commission licensing records, the Respondent's Iowa real estate broker license expired on December 31, 2017. Subsequently, the Respondent reinstated his Iowa real estate broker license on June 13, 2018.

7. Consequently, during the time period between January 1, 2018 and June 13, 2018, the Respondent held himself out as or acted as a real estate broker and/or allowed The Lund Company to act as a real estate brokerage firm in the state of Iowa despite not having an actively licensed real estate broker officer or designated broker in charge assigned to it.

SETTLEMENT AGREEMENT

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

16. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$500.00 for Count I, \$500.00 for Count II) no later than six (6) months 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 18-147.

17. 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:

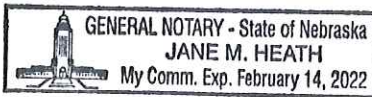
Voluntarily agreed to and accepted by **John F. Lund** on this 14th day of August, 2018.



By: **JOHN F. LUND**, Respondent

State of Nebraska)

County of Douglas)

Signed and sworn to before me on this 14th day of August, 2018, by:




Notary Public, State of Nebraska
Printed Name: Jane M Heath
My Commission Expires: 2/14/2022

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 14th day of SEPTEMBER, 2018.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission