

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

Department of Commerce  
Professional Licensing Bureau  
**FILED 6-8-23 (Date)**  
**I REC**  
**Board / Commission**  
*[Signature]*  
**Signature, Executive Officer**

IN RE: )  
 ) CASE NUMBER: 22-045  
William Stokes )  
Salesperson (S64905000) ) COMBINED STATEMENT OF  
 ) CHARGES, INFORMAL  
Signature Resources, Inc. ) SETTLEMENT AGREEMENT,  
1615 Golden Aspen Drive #104 ) AND CONSENT ORDER IN A  
Ames, IA 50010 ) DISCIPLINARY CASE  
 )  
RESPONDENT )

The Iowa Real Estate Commission (Commission) and William Stokes (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).

1. The Commission issued the Respondent real estate salesperson license number S64905000 on August 18, 2016. Respondent's license is current and in full force and effect through December 31, 2024. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Signature Resources, Inc., a licensed real estate firm, license number F05009000, located in Ames, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. 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

1. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1)(h), 543B.57(1), 543B.57(3) by making a purchase agreement contingent upon the buyer's broker receiving a sales commission calculated by the percentage of the gross sales price. See 193E Iowa Administrative Code §§ 11.3(10), 12.2(6), 18.14(5)(s).

### CIRCUMSTANCES

2. The Respondent represented the potential buyers of the subject property at all times relevant to this matter.
3. The subject property was listed by Next Generation Realty, Inc. The sellers entered into an exclusive right to sell contract.
4. The exclusive right to sell contract included a commission of \$5,990.00 to Next Generation Realty, Inc. The contract did not include a buyer's broker commission.
5. On January 29, 2022, the Respondent prepared a Purchase Agreement signed by the prospective buyers and attached an Addendum to Purchase Agreement page that would award the Respondent 3% of the sale price of the subject property at closing.
6. The Respondent engaged in practices harmful or detrimental to the public and failed to diligently exercise reasonable skill and care by attempting to negotiate with seller when there was an exclusive listing in place with another agency and adding a requirement that the seller pay the Respondent's brokerage a commission.

### SETTLEMENT AGREEMENT

7. Respondent admits to 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).
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) (2022) 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 Agreement 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.

#### 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 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 22-045.
16. EDUCATION. The Respondent shall attend the Commission approved six (6) hour "Contract Law and Contract Writing." 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 (6) 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 23-045.

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:

Voluntarily agreed to and accepted by William Stokes on this 30 day of May, 2023.

  
By: WILLIAM STOKES, Respondent

State of NS

County of Morris

Signed and sworn to before me on this 30 day of May, 2023, by:

\_\_\_\_\_  
Notary Public, State of October 24, 2024  
Printed Name: JAMES EDWARD FARLEY  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires: \_\_\_\_\_

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 8 day of June, 2023.

  
JAMES M.H. CLINGMAN, Chair  
Iowa Real Estate Commission