

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

IN RE:)	
)	
HAROLD R. ATTIG, JR.)	CASE NUMBER: 94-083
Salesperson (S23515))	STATEMENT OF CHARGES
)	
203 2nd Avenue)	
Rock Rapids, Iowa 51246)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1993).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

HAROLD R. ATTIG, JR. and was at all material times during the following events a licensed real estate salesperson licensed with Midwest Land Management, Spencer, Iowa. His license number is S23515.

COUNT I

The Respondent is charged with acting as a real estate broker without a license and managing properties and accepting compensation directly from property owners by reason of his operation of a farm management business pursuant to written farm management agreements which are not between Respondent's broker and each individual property owner as required, but not directly between the Respondent and the property owner. The above activities are therefore in violation of Iowa Code sections 543B.34(5), 543B.1, 543B.6, and 543B.46(1) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27, 1.27(1)(a), 1.30, 1.30(4), 4.40(6)(a) and 4.40(6)(i) (1993)

COUNT II

The Respondent is charged with making false representations through advertisements or otherwise, by using letterhead in correspondence which fails to identify his broker in violation of Iowa Code sections 543B.29(7) and 543B.34(3) (1993) and Iowa Administrative Code Chapter 193E, sections 1.8 and 4.40(8) (1993).

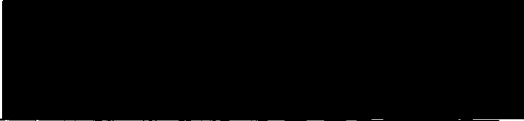
CIRCUMSTANCES OF THE COMPLAINT

1. On June 24, 1994, the Commission received correspondence from the Respondent on letterhead which stated "Attig Farm Management" "Rick Attig Farm Manager/Consultant Appraisals & Real Estate", without identifying his broker.
2. The Respondent's reply dated July 20, 1994, states in part "As far as my farm management business is concerned, I have separate agreements with each client which allows me to open up a separate account for each client. This agreement also gives me permission from each client to collect agreed upon fees. Several clients pay me directly from their own account".
3. The Respondent, on his own behalf, has entered into written agreements with property owners to manage real property and without having his broker being a party to the farm management agreements and has therefore operated an unlicensed farm management agreement without operating same under his real estate broker.
4. The Respondent collected trust funds without depositing them in the broker's trust account or in the broker's individual farm management account at the broker's direction.

FINDING OF PROBABLE CAUSE

On August 18, 1994, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Executed this 14th day of DECEMBER, 1994.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

94-075

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	
HAROLD R. ATTIG, JR.)	CASE NO. 94-083
Salesperson (S23515))	
203 S. 2nd Avenue)	STIPULATION AND
Rock Rapids, Iowa 51246)	CONSENT ORDER
)	
Respondent)	
)	

On this 14 day of December 1994, the Iowa Real Estate Commission and HAROLD R. ATTIG, JR. each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing as the parties have agreed to the following Stipulation and Consent Order;
2. The Respondent was issued a salesperson license to practice real estate on the 18th day of January, 1985, as evidenced by license number S23515 which is in full force and effect through December 31, 1996.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction of each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
6. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.
7. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

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Attig

8. Failure to comply with the terms of this Stipulation and Consent Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) (1993) and 272C.3(2)(a).

9. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE, IT IS ORDERED that Respondent shall take the twelve (12) hours of real estate continuing education course "Property Management". The course must be approved as a "Broker Pre-License Course". Original certificate of attendance must be submitted to the Iowa Real Estate Commission within seven (7) months of the signing of this agreement by the Commission. These hours shall be in addition to all other real estate continuing education required by law for license renewal, but may be used toward licensure as a broker. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 94-083.

IT IS FURTHER ORDERED that Respondent shall take the twelve (12) hour real estate continuing education course "Trust Account and Closing Procedures". The course must be approved as a "Broker Pre-License Course". Original certificate of attendance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this agreement by the Commission. These hours shall be in addition to all other real estate continuing education required by law for license renewal, but may be used toward licensure as a broker. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 94-083.

IT IS FURTHER ORDERED that the Respondent shall obtain new Farm Management Agreements or addendums from the owners of the farms he currently is managing to reflect that his new broker is servicing these accounts and provide copies to the Commission within 45 days of the signing of this agreement by the Commission.

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IT IS FURTHER ORDERED that the Respondent shall, within 45 days of the signing of this agreement by the Commission, provide a copy of the consent to examine for the property management trust account opened by the Respondent's new broker, or such documentation as necessary to demonstrate compliance with Iowa Code section 543B.46(3).

IT IS FURTHER ORDERED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 14 day of December 1994.

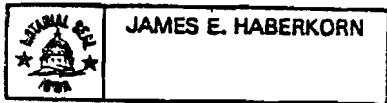
[Redacted Signature]

HAROLD R. ATTIG, JR. Respondent

State of Iowa

County of Lyon

Signed before me on this 14th day of December, 1994, by [Redacted]



Notary Public, State of Iowa
Printed Name: James E. Haberkorn
My Commission Expires: August 24, 1995

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 14th day of DECEMBER, 1994.

[Redacted Signature]

Jerry F. Duggan, Chairman
Iowa Real Estate Commission