

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
)	CASE NUMBER 04-156
JOHN BELTRAMEA)	
Salesperson (S 42396))	STIPULATION
)	AND
SCP, INC. (F03741))	ORDER
dba RE/MAX Associates Realtors)	
1951 51st Street NE)	
Cedar Rapids, IA 52402)	

On this 13th day of July, 2006, the Iowa Real Estate Commission and **John Beltramea**, 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 has a right to a hearing on the charges, but waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

3. The Respondent was issued a real estate salesperson license on March 28, 2002 which is in full force and effect through December 31, 2007.

4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

6. Respondent does not admit the allegations in the Statement of Charges, but agrees to resolve the charges by entering into this Consent Order.

7. 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.

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8. 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.

9. 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) and 272C.3(2)(a) (2005).

10. 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.

11. 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 the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty to the Commission in the amount of \$1000.00 no later than 30 calendar days after acceptance of this settlement by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-156.

IT IS FURTHER ORDERED that the Respondent shall personally attend the twelve (12) hour Commission approved education course "Listing Practices" and the four (4) hour education course "Ethics." 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 and refer to case 04-156.

IT IS FURTHER ORDERED AND AGREED 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.

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FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **John Beltramea**
on this 7th day of July, 2006.

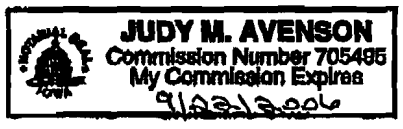


John Beltramea, Respondent

State of Iowa

County of Linn

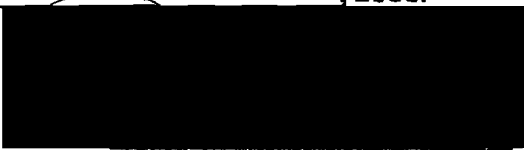
Signed and sworn to before me on this 7th day of July, 2006, by



Notary Public, State of Iowa
Printed Name: Judy M. Avenson
My Commission Expires: 9/22/2006

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 13 day of July, 2006.



James E. Hughes, Chair
Iowa Real Estate Commission

**BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA**

IN RE:)	CASE NUMBER: 04-156
)	
JOHN BELTRAMEA)	STATEMENT
Salesperson (S42396))	OF
)	CHARGES
SCP, Inc.)	
dba: RE/MAX Associates Realtors)	
1951 51st Street NE)	
Cedar rapids, IA 52402)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

John Beltramea was at all material times, during the following events, a licensed Salesperson with SCP, Inc., a licensed real estate firm (F03471), dba: RE/MAX Associates Realtors (T05025) , in Cedar Rapids, Iowa. His license, number S42396, was issued March 28, 2002, and is in full force and effect through 12-31-2007.

COUNT I

The Respondent engaged in unethical practices which are harmful or detrimental to the public, in that he negotiated the sale of a property directly with a seller, knowing the seller had a written unexpired listing agreement with another broker, he entered into a dual agency representation agreement with the parties, he negotiated a reduced commission, without authorization of the listing broker, with all of it being paid to Respondent's broker, and he deposited the earnest money into his broker's trust account, in violation of Iowa Code sections 543B.29(3)(unethical conduct or practice harmful or detrimental to the public), 543B.34(1) & (8), 543B.56(1)(a)& (1)(b) (2003) and 193E IAC - 7.15 (2)&(4), and 11.1(1), 11.1(2), 11.1(5), 11.1(6), 11.3(7), 11.3(8), 11.3(9), and 18.14(5)(s).

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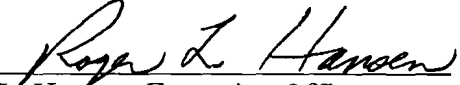
CIRCUMSTANCES OF THE COMPLAINT

1. On or about January 27, 2004, the property located at 7977 218th, Anamosa, Iowa was listed by David Berry, a licensed agent with Coldwell Banker Hedges Realty, a licensed real estate firm. The listing provided for a 7% commission paid on the sale price. On or about July 1, 2004, the listing was extended to September 30, 2004.
2. On or about August 30, 2004, Respondent was contacted by an interested buyer and maintains that attempts were made to contact the listing agent without success and shortly thereafter he contacted the seller directly and made arrangements to show the property.
4. On September 4, 2004, Respondent met with his clients and the seller at the property. Respondent entered into a consensual dual agency agreement with the parties, and drafted an offer that was accepted. Respondent negotiated a contract for settlement services with the seller that included agreement to pay Respondent's broker a 3.5% commission.

FINDING OF PROBABLE CAUSE

On May 26, 2005, 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 19th day of APRIL, 2006.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission