

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 S.E. HULSIZER
ANKENY, IOWA

IN RE:

James R. Blackledge, Jr.
Broker (B03570)

1030 Alabar Avenue
Waterloo, Iowa 50701

CASE NUMBER: 89-062

INFORMAL SETTLEMENT

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between James R. Blackledge, Jr. and the Iowa Real Estate Commission (Commission). The parties agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Commission has jurisdiction of this matter under Iowa Code Chapters 17A, 117, and 258A(1989) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.

2. James R. Blackledge, Jr. is, and was at all times during the following events, a licensed real estate broker. His license number is B03570.

3. James R. Blackledge, Jr. was a Broker-Associate with Coldwell Banker Granger Realtors of Waterloo, Iowa until December 28, 1988. James R. Blackledge, Jr. then became Broker in Charge and a Officer with Greater Metro Realty of Waterloo, Iowa.

4. Coldwell Banker Granger Realty had an exclusive listing on the property located at 6022 Foulk Road, Waterloo, Iowa from October, 1988 to April, 1989. The property was owned by Max Guernsey.

5. James R. Blackledge, Jr. secured a listing from Max Guernsey, seller of the property located at 6022 Foulk Road. This listing was dated January 5, 1989 and obtained during the listing period of Coldwell Banker Granger Realtors.

6. Max Guernsey signed a withdrawal form informing Coldwell Banker Granger Realtors that he wanted a release of the listing signed with Coldwell Banker Granger Realtors on October 28, 1988. The withdrawal form was dated January 26, 1989.

7. Coldwell Banker Granger Realtors was notified on March 28, 1989 of Max Guernsey's intent to withdraw this listing.

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8. Coldwell Banker Granger Realtors had an exclusive listing on property located at 808-816 Ansborough, Waterloo, Iowa. This listing was obtained on November 22, 1988 for a term of six months. The owner of this property was Michael Bancroft.

9. James R. Blackledge, Jr. and Michael Bancroft signed a withdrawal to release the listing with Coldwell Banker Granger Realtors. This withdrawal is dated December 21, 1988.

10. James R. Blackledge, Jr. secured a listing from Michael Bancroft, Seller of the property located at 808-816 Ansborough. This listing was dated January 3, 1989 and obtained during the listing period of Coldwell Banker Granger Realtors.

11. Iowa Administrative Code Section 193E 1.23(1) states:

A real estate salesperson or broker shall not negotiate a sale, exchange, lease or listing contract of real property directly with an owner if it is known that the owner has a written unexpired contract in connection with the property which grants an exclusive right to sell to another broker, or which grants an exclusive agency to another broker.

AGREED ORDER

By agreement it is therefore ORDERED, ADJUDGED, and DECREED by the Iowa Real Estate Commission as follows:

1. James R. Blackledge, Jr. has the right to a hearing on this matter, but waives his right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. James R. Blackledge, Jr. is hereby REPRIMANDED.

3. James R. Blackledge, Jr. shall take twelve (12) hours of Real Estate Continuing Education in "Real Estate Law, Contract Law and Agency Law" within twelve (12) months of the signing of this Informal Settlement. These twelve (12) hours shall be taken in the area of Broker Pre-Licensing and shall be in addition to all other Real Estate Education hours required by law. Proof of compliance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of signing of this Informal Settlement by the Commission. The certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must be referred to as case number 89-062.

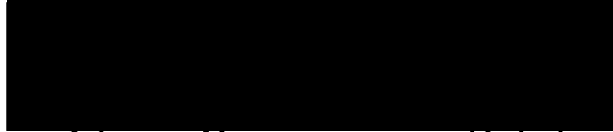
4. This Informal Settlement shall be made part of the permanent record of James R. Blackledge, Jr. and shall be considered by the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law violations by the Broker.

5. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of a violation of Iowa Code Sections 117.29(3) and 117.34(2)(1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1989).

6. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter. If approved by the Commission, the settlement will be deemed an agreed-upon disposition of a contested case initiated by the Commission and will dispose of all matters contained in the complaint for case 89-062.

FOR THE BROKER:

Dated this 11th day of June, 1990.



James R. Blackledge, Jr.

Signed and sworn to before me this 11th day of June, 1990.

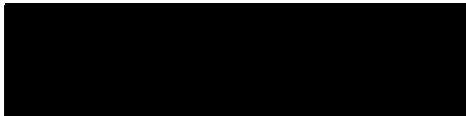


Notary Public, State of Iowa



FOR THE COMMISSION:

Signed this 21 day of June, 1990.

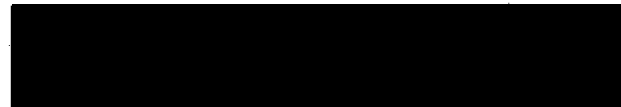


E. Jo Ann Lutz, Chairperson

Executed this 22 day of June, 1990.

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on June 22, 1990



K. Marie Thayer,
Administrator