

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

IN THE MATTER OF:)	Case No. 08-128
)	
James R. Buck)	
Broker (B03981))	
)	
Total Access Realty)	COMBINED STATEMENT OF
125 East Zeller)	CHARGES AND CONSENT ORDER
North Liberty, Iowa 52317)	IN DISCIPLINARY CASE
)	
Respondent.)	

1. The Iowa Real Estate Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 193E (2005).

2. The Commission issued the Respondent real estate broker officer license number (B03981) on October 25, 2005. Respondent's license is current and in full force and effect through December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate broker officer, assigned to Total Access Realty, a licensed real estate firm, license number (F05028) in North Liberty, Iowa.

Statement of Charges

Count I

3. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code section 543B.29(3), 543B56(1)(a) & (b) by:

- (a) Failing to furnish progress reports or a detailed statement showing the current status of a transaction. See Iowa Code section 543B.34(8) & (11), 543B.56(1)(a)(b); and 193E Iowa Admin. Code 7.7(543B) and 18.14(5)(l).

Count II

4. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code section 543B.29(3), 543B56(1)(a) & (b) by:

(a) Failing to disclose in writing to all parties the Respondent's interest in a property being sold by the Respondent. See 193E Iowa Admin Code 7.8(543B) and 18.14(5)(s).

Circumstances

5. Respondent is the supervising broker officer for Total Access Realty located in North Liberty, Iowa.

6. The Respondent entered into a purchase agreement on April 10, 2007, for a property to be constructed by the Respondent, with closing scheduled on or before August 1, 2007.

7. The Respondent failed to provide written documentation to the buyer at the time the purchase agreement was executed expressly stating the Respondent's financial interest in the property.

8. On several occasions prior to completion of construction, the Respondent was requested to provide progress reports, but failed to provide the reports requested.

Settlement Agreement

9. Respondent admits to the allegations in the above-stated Statement of Charges.

10. 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. The 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 Admin Code 7.4.

11. 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 may have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

12. This Order shall be part of the permanent record of the 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.

13. Failure to comply with the terms of this Order shall be prime facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a)(2005) 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.

14. 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.

15. Upon acceptance by both the Commission and the Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be made a public record available for inspection and copying in its entirety in accordance of Iowa Code chapter 212 (2005).

Consent Order

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

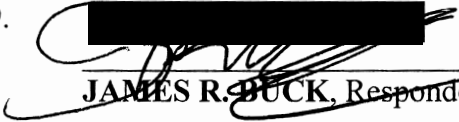
17. Civil Penalty. The Respondent shall pay a civil penalty to the Commission in the amount of \$500 no later than thirty (30) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 08-128.

18. EDUCATION. Pursuant to 193E Iowa Administrative Code Section 18.14 (1)(f), the Respondent shall attend the Commission approved eight (8) hour course "Contract Law and Contract Writing," and the eight(8) hour course "Real Estate Law and Agency Law." These hours shall be in addition to any real estate continuing education required 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 Order by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to case 08-128.


19. **FUTURE COMPLIANCE.** Respondent agrees that at all future times he shall 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 **James R. Buck** on this 28 day of January, 2009. 
State of Iowa)
County of JOHNSON)
JAMES R. BUCK, Respondent

Signed and sworn to before me on this 28 day of January, 2009, by


Notary Public, State of Iowa

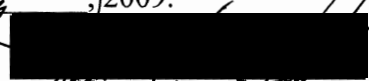


Printed Name: SHEILA K Meyer

My Commission Expires: 9-29-09

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 12 day of February, 2009.


JAMES E. HUGHES, Chair
Iowa Real Estate Commission