

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) and 543B.34(2) (1993).

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 HEREBY ORDERED AND AGREED that the Respondent is REPRIMANDED.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED that Respondent shall take twelve (12) hours of real estate continuing education in "Trust Account and Closing Procedures" and these hours shall be in addition to all other real estate continuing education required by law for license renewal. 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. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 93-108

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 2nd day of May, 1994.

[Redacted Signature]

Jerry J. Bussanmas, Respondent

State of Iowa)

County of Polk)

Signed before me on this 2nd day of May, 1994, by Jerry Bussanmas.

[Redacted Signature]

Notary Public, State of Iowa
Printed Name: TAMARA HALVORSON
My Commission Expires: 10-6-95

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 2nd day of JUNE, 1994.

[Redacted Signature]

Jerry F. Duggan, Chairman
Iowa Real Estate Commission

cc: Pam Griebel, Special Assistant Attorney General

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

IN RE:)	CASE NUMBER: 93-108
)	
JERRY J. BUSSANMAS (S25411))	
Salesperson)	STATEMENT OF CHARGES
)	
First Realty/Better Homes and Garden)	
8445 Hickman Road)	
Des Moines IA 50322)	

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.

Jerry J. Bussanmas was at all times during the following events a licensed real estate salesperson. His license number is S25411. Jerry J. Bussanmas is licensed with First Realty/Better Homes and Garden, Inc. Des Moines, Iowa.

COUNT I

The Respondent is charged with professional incompetency and engaging in a practice harmful or detrimental to the public by making changes in an offer signed by the buyer at the direction of the seller without obtaining proper signatures or initials of the seller and the buyer acknowledging the modifications to the terms, in violation of Iowa Code sections 543B.29(2) and (3), and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, section 4.40(10).

COUNT II

The Respondent is charged with professional incompetency and engaging in a practice harmful or detrimental to the public by obtaining only one of two sellers' signatures on a purchase agreement, in violation of Iowa Code sections 543B.29(2) and (3), and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, section 4.40(10).

COUNT III

The Respondent is charged with professional incompetency and engaging in a practice harmful or detrimental to the public for failing to deposit earnest money into the real estate trust account upon the acceptance of an offer in a real estate sale transaction, in violation of Iowa Code sections 543B.29(2) and (3), 543B.34(7) and (8), and 543B.46(1) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27, 1.27(1)(a), 4.40(6)(a) and 4.40(6)(i).

CIRCUMSTANCES OF THE COMPLAINT

1. On February 2, 1993, Respondent listed property owned by Curt and Jo Sutton located at RR #1, Box #48, Colfax, Iowa, for \$65,000, and only obtained the signature of Jo Sutton.
2. On or about April 1, 1993, Respondent received a signed offer from Walter and Gail Luloff on the property for \$63,250. The offer was made through Robert E. Tagatz, another licensee with Respondent's company.
3. On April 9, 1993, Robert E. Tagatz, licensee, notified the Luloffs that their offer had been accepted.
4. On April 17, 1993, the Luloffs were informed by Curt Sutton that he was aware of the offer, but that it had not been signed.
5. On April 21, 1993, the Luloffs contacted Robert E. Tagatz, the selling agent, and were informed their offer had been accepted verbally by telephone.
6. On April 23, 1993, the selling agent, Robert E. Tagatz, delivered a copy of the purchase agreement that had been altered by adding "Offer subject to release of previous offer".
7. The purchase agreement contained the undated signature of Jo Sutton only and the modification of the terms of the contract were not acknowledged by the initials of either seller.
8. Item number 1 of the Purchase Agreement states upon acceptance, the \$500 with the offer is to be held in trust by the listing broker.

9. The Respondent did not turn the \$500 earnest money check over to his broker to be deposited into the real estate trust account after the offer was accepted.
10. The earnest money check was returned to the Luloffs uncashed on May 12, 1993.

FINDING OF PROBABLE CAUSE

On September 15, 1993 the Investigation Committee of 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 2ND day of JUNE,
1994.



Roger L. Hansen,
Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Special Assistant Attorney General