

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

COPY

IN RE:)	
)	
MARK A. HARMAN)	CASE NUMBER: 98-076
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
225 E 7 th Street #532)	
Carol, Iowa 51401242)	

On this 28th day of JANUARY, 1999, the Iowa Real Estate Commission and MARK A. HARMAN, each hereby agrees 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. Respondent has a right to a hearing on the charges, but waives his right to a 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 contested case hearing.

2. The Respondent was issued a broker license to practice real estate on October 6, 1976, as evidenced by license number B04561, which is in full force and effect through December 31, 2000.

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

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

5. Respondent does not admit to the allegations in the Statement of Charges, but will agree not to contest the Consent Order and the remedies contained herein

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.

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) and 272C.3(2)(a) (1997).

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.

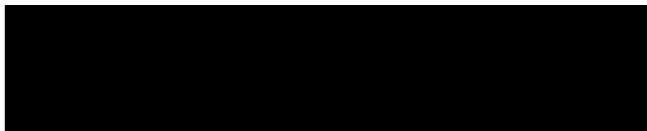
10. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS HEREBY ORDERED that the Respondent is Reprimanded.

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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 16th
day of December, 1998.



MARK A. HARMAN, Respondent

State of Iowa)

County of Snodgrass)

Signed and sworn to before me on this 16th day of December, 1998, by



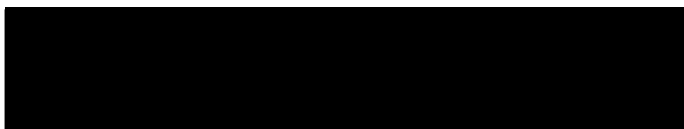
Notary Public, State of Iowa

Printed Name: Jeffrey R. Minnich

My Commission Expires: 3-1-01

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 28th day of JANUARY, 19989.



TERRY W. ROGERS, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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1918 SE HULSIZER
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IN RE:

MARK A. HARMAN
Broker (B04561)

225 E 7th Street #532
Carol, Iowa 51401242

CASE NUMBER: 98-076

STATEMENT OF
CHARGES

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1997).

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

MARK A. HARMAN was at all material times during the following events, a licensed real estate sole-proprietor broker in Carol, Iowa. His broker license, number is B04561, is in full force and effect through 12-31-2000.

COUNT I

Respondent is charged with engaging in a practice harmful or detrimental to the public by charging a commission based upon an amount higher than the selling price of the property, in violation of Iowa Code section 543B29(3) (practice harmful or detrimental to the public) and 193E - IAC section 4.40(6)(f) (1997).

98-076


CIRCUMSTANCES OF THE COMPLAINT

1. On May 4, 1998, Respondent listed property owned by the Beckman Family located at 1123 NW Street, Carol, Iowa for \$65,000. The listing agreement provided for a 6% commission to be paid the Respondent on the gross selling price.
2. On or about May 26, 1998 an offer for \$61,250 with a \$4,000 roof credit was accepted, Daryl Loew, buyer, and Gretemen Kraus Agency selling brokerage.
3. The lender conditioned the loan on the removal of the \$4,000 roofing credit from the purchase agreement. A subsequent purchase agreement was prepared with a \$57,250 sale price with the property in "as is" condition.
4. Respondent knowingly calculated and collected a commission on a selling price of \$61,250, instead of \$57,250. Respondent collected \$240 more commission than the listing agreement provided. The Respondent has refunded this amount back to the sellers.

FINDING OF PROBABLE CAUSE

On November 5, 1998, 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.

Dated this 28th day of JANUARY, 1999.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General