

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

COPY

In re:)	
)	Case No. 05-036
Woodrow E. Houser II)	
Farm and Home Realty Inc.)	NOTICE OF COMMISSION'S
1010 W. 5th Street)	INTENT TO ISSUE ORDER
Canton, SD 57013)	AND RESPONDENT'S
)	RIGHT TO HEARING
Respondent.)	

YOU ARE HEREBY NOTIFIED that the Iowa Real Estate Commission (Commission) intends to issue an order pursuant to Iowa Code section 543B.34 last unnumbered paragraph (2005) and 193E Iowa Administrative Code chapter 21 imposing a civil penalty in the amount of \$3,500.00 and ordering future compliance with Iowa Code chapter 543B, based on the following allegations:

1. Respondent, Woodrow E. Houser, II, is an individual residing in Bresford, South Dakota. At various points in time between September and October 2004, he engaged in real estate activities in Iowa that require an active real estate license.

2. Respondent is not licensed as a real estate licensee in Iowa under Iowa Code chapter 543B. He is accordingly not authorized to practice real estate in the State of Iowa.

3. Respondent is a licensed South Dakota broker associate with Farm and Home Realty, Inc., a real estate brokerage in Canton, SD. The brokerage is licensed in South Dakota and Iowa (F04996).

4. In September 2004, Respondent, acting as agent for the buyer, showed them properties listed in South Dakota and Iowa. On or about October 1, 2004, he drafted and presented the offer on a Larchwood, Iowa, property, and handled negotiation on behalf of the buyer. The offer was accepted and the transaction closed.

5. The Respondent was paid a commission on the sale.

6. Respondent violated Iowa Code sections 543B.1, 543B.3, 543B.6, and 543B.34 last unnumbered paragraph, by practicing real estate in the State of Iowa without an Iowa license.

7. Respondent may request a hearing within thirty (30) days of the date this Notice is received through restricted, certified mail, or service is accepted, or service is made. A request for hearing must be made in writing to the Iowa Real Estate Commission, 1920 SE Hulsizer Avenue, Ankeny, IA 50021, and will be deemed made on the date of the United States postmark or the date of personal service.


8. If a request for hearing is not timely made, the Commission shall issue an order imposing a civil penalty in the amount of \$3,500 and ordering Respondent to in the future comply with Iowa Code chapter 543B.

9. If a request for hearing is timely made, a separate notice of hearing shall issue. The Commission will conduct a public hearing in the manner applicable to disciplinary cases against Iowa real estate licensees. If the Commission finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Commission may impose a civil penalty of up to the greater of ten thousand dollars or ten percent of the real estate sale price. The Commission may also order Respondent to in the future comply with Iowa Code chapter 543B.

10. If a civil penalty is imposed and not paid within thirty (30) days of entry of the order, the Commission shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

Issued this 12th day of OCTOBER, 2005.

Iowa Real Estate Commission


By: Roger L. Hansen, Executive Officer