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

IN RE:		
IN KE:	ý	CASE NUMBER: 03-110
KENNETH L	. MILLER	
Broker	(B19160)	STIPULATION
		AND
DUANE LONGWELL REALTY		ORDER
237 8 <sup>TH</sup> AVENUE		
WELLMAN, IA 523560		

On this day of September, 2004, the Iowa Real Estate Commission and KENNETH L. MILLER, each hereby agree 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.
- 2. The Respondent has a right to a hearing on the charges, but waives the right to 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 a contested case hearing.
- 3. The Respondent was issued a real estate broker license on January 6, 1983, which is in full force and effect through December 31, 2006.
- 4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
- 5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.
  - 6. Respondent admits each and every allegation in the Statement of Charges.
- 7. 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.

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- 8. 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.
- 9. 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) (2003).
- 10. 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.
- 11. 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 ORDERED that the Respondent is Reprimanded.

IT IS FURTHER ORDERED that the Respondent shall personally attend the two Commission approved eight (8) hour broker pre-license education courses: "Iowa Real Estate Trust Accounts," and "Contract Law and Contract Writing." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance for each course must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to case 03-110

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.

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FOR THE RESPONDENT:	
This Stipulation and Consent Order is volumentally day of dug	ntarily entered into by <b>KENNETH L. MILLER</b> on, 2004.
State of	KENNETH L. MILLER, Respondent
County of wash  Signed and sworn to before me on this	20 day of Dug , 2004, by
STEVE SLAUBAUGH Commission Number 726859 My Commission Expires February 10, 2007	Notary Public, State of Iowa Printed Name:
FOR THE COMMISSION:	
This Stipulation and Consent Ord on this 16th day of Septembe	der is accepted by the Iowa Real Estate Commission , 2004.
	James E. Hughes, Chair Iowa Real Estate Commission

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

IN RE:	) ) ) CASE NUMBER: 03-110
KENNETH L. MILLER	)
Broker (B02665)	) STATEMENT
	) <b>OF</b>
<b>Duane Longwell Realty</b>	) CHARGES
237 8 <sup>TH</sup> AVENUE	)
WELLMAN, IA 523560	)

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

**KENNETH L. MILLER** was at all material times, during the following events, a licensed Sole-Proprietor Broker in Wellman, Iowa, dba Duane Longwell Realty. His license, number B02665 was issued January 6, 1983 and is in full force and effect through 12-31-2006.

## **COUNT I**

The Respondent is charged with engaging in practices harmful or detrimental to the public while acting as a dual agent by the following: 1) failing to obtain a written extension of the first purchase agreement, 2) failing to obtain required signatures to release the earnest money deposit, 3) failing to notify the buyer and invoke the five day clause on the financing contingency when another offer was accepted on the property, 4) and failing to obtain written termination of the first purchase agreement, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), 543B.34(8), 543B.56(1)(b) (2003), and Iowa Administrative Code Chapter 193E, sections 7.7(543B), 12.5(1)(b), 13.1(7), and 18.14(5)(f)(2), 18.14(5)(j) & (l), and 18.14(5)(s).