

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.

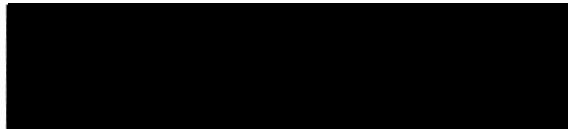
THEREFORE IT IS ORDERED that the Respondent is **Reprimanded**.

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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **KENNETH L. MILLER** on this 20 day of Aug, 2004.

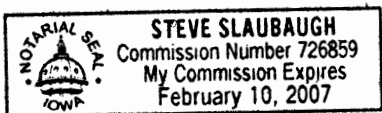


KENNETH L. MILLER, Respondent

State of Iowa

County of wash

Signed and sworn to before me on this 20th day of Aug, 2004, by



Notary Public, State of Iowa
Printed Name: Steve Slaubaugh
My Commission Expires: 2/10/07

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 16th day of SEPTEMBER, 2004.



James E. Hughes, Chair
Iowa Real Estate Commission

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

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

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).