

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

IN RE:

CHARLES E. WALKER
Broker (B02913)

Charlie Walker, Inc. (F01812)
1959 200th Street
Red Oak, IA 51566

CASE NUMBER 04-055

**STIPULATION
AND
ORDER**

On this 14th day of DECEMBER, 2005, the Iowa Real Estate Commission and **Charles E. Walker**, 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 June 28, 1979 which is in full force and effect through December 31, 2005.

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.

04-1055
Walker

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) (2005).

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 pay a civil penalty to the Commission in the amount of \$500.00 no later than 30 calendar days after acceptance of this settlement by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-055.

IT IS FURTHER ORDERED that the Respondent shall personally attend the eight (8) hour Commission approved education courses "Contract Law and Contract Writing" and "Real Estate Law and Agency Law." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificates of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) 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 04-055.

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 **Charles E. Walker** on this 6th day of December, 2005.

[Redacted Signature]

Charles E. Walker, Respondent

State of Iowa

County of Montgomery

Signed and sworn to before me on this 6th day of December, 2005, by

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: Shirley M. Billings
My Commission Expires: 10-6-2007

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 14th day of DECEMBER, 2005.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:)	
)	
)	CASE NUMBER 04-055
CHARLES E. WALKER)	
Broker (B02913))	STATEMENT
)	OF
CHARLIE WALKER, INC. (F01812))	CHARGES
1959 200th Street)	
Red Oak, IA 51566)	

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.

CHARLES E. WALKER was at all material times, during the following events, a licensed Broker Officer with Charlie Walker, Inc., a licensed real estate firm (F01812), in Red Oak, Iowa. His license, number B02913, was issued June 28, 1979, and is in full force and effect through 12-31-2005.

COUNT I

The Respondent engaged in practices which are harmful or detrimental to the public, by not making written agency disclosure, by not obtaining written consent to act as a dual agent, by acting as a dual agent when that relationship is not provided for in the company policy, and by attempting to collect a commission from the buyer for a commission when the Respondent had no written buyer agency agreement or brokerage agreement with the buyer, in violation of Iowa Code sections 543B.29(3)(practice harmful or detrimental to the public), 543B.34(4), 543B.56(1)(a)& (1)(b) 543B.57(1) & (3), 543B.58(1)(2003) and 193E IAC -11.4(543B), 12.1(543B), 12.2(1) & (3), 12.2(6), 12.2(9), 12.2(15), 12.5(1), 12.5(1)(a) & (b), 12.5(2), 12.5(3), and 18.14(5)(s).


CIRCUMSTANCES OF THE COMPLAINT

1. On or about August 26, 2002, Respondent listed the property located at 311 Reed Street, Red Oak, IA for \$59,000. On or about August 25, 2003, Respondent, acting as dual agent, prepared an offer for \$49,500 with \$500 earnest money that was accepted. On or about August 29, 2003, a Consent to Possession was signed giving the Buyers possession September 2, 2003. The transaction failed to close and the prospective Buyer's vacated the property in November 2003.
2. On or about March 24, 2004, Respondent sued the buyer in district court for \$5000 real estate commission from the failed transaction and the court ruled in favor of the buyers. Item # 14b of the purchase agreement states: "If the Buyer fails to fulfill this agreement, Buyer will pay to broker the professional service fee (if any) in full as stated in the Buyer Agency Agreement or other written commission agreement, and all payments by Buyer may be forfeited and retained by the Seller as provided in the Code of Iowa." The Respondent had no Buyer Agency Agreement or any other written agreement providing for the Buyer to pay a commission.
3. The Respondent, acting as dual agent, did not make written agency disclosure prior to the offer being signed and did not provide for the written consent of the parties to act as a dual agent. The Respondent's company policy does not provide for dual agency representation.

FINDING OF PROBABLE CAUSE

On September 8, 2005, 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 14th day of DECEMBER, 2005.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission
