

BEFORE THE IOWA REAL ESTATE COMMISSION  
1918 S.E. HULSIZER  
ANKENY, IOWA

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IN RE: )  
Richard R. Wilson (S14326) ) CASE NUMBER: 88-104  
Salesperson )  
Iowa Realty Co., Inc. )  
3501 Westown Parkway ) INFORMAL SETTLEMENT  
West Des Moines, IA 50265 )  
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Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Richard R. Wilson and The Iowa Real Estate Commission (Commission). The parties agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Commission has jurisdiction of this matter under Iowa Code Chapters 17A, 117, and 258A(1989) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
2. Richard R. Wilson is, and was at all times during the following events, a licensed salesperson. His license number is S14326.
3. Salesperson Richard R. Wilson told the seller, Randy Copeland, that he would rebate one half of the listing commission received when the house sold.
4. Salesperson Richard R. Wilson received a total commission of \$545.00.
5. At closing, Randy Copeland did not receive a rebate of one half of the commission. He was told by Salesperson Wilson that more time was spent on the sale of the house than anticipated. Salesperson Wilson agreed to pay \$100.
6. After further contact and discussion, Salesperson Wilson agreed to pay the remaining \$172.50.
7. In reference to 117.29 of the Iowa Code:

"A license to practice the profession of real estate broker and salesperson may be revoked or suspended when the licensee is guilty of the following acts or offenses:

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established."

8. In reference to 117.34 of the Iowa Code:

The real estate commission may upon its own motion and shall upon the verified complaint in writing of any person, if the complaint together with evidence, documentary or otherwise, presented in connection with the complaint makes out a prima-facie case, request the Department of Inspections and Appeals to investigate the actions of any real estate broker, real estate salesperson, or other person who assumes to act in either capacity within this state, and may suspend or revoke a license issued under this chapter at any time if the licensee has by false or fraudulent representation obtained a license, or if the licensee is found to be guilty of any of the following:

2. Making any false promise of a character likely to influence, persuade or induce.

AGREED ORDER

By agreement it is therefore ORDERED, ADJUDGED, and DECREED by the Iowa Real Estate Commission as follows:

1. Salesperson Wilson has the right to a hearing on this matter, but waives his right to a hearing and all attendant rights by freely entering into this Informal Settlement.

2. Salesperson Wilson is hereby reprimanded.

3. This Informal Settlement shall be made a part of the record of Salesperson Wilson and shall be considered by the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law.

4. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of a violation of Iowa Code Section 117.29(3) and 117.34(2)(1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1989).

5. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter. If approved by the Commission, the settlement will be deemed an agreed-upon disposition of a contested case initiated by the Commission and will dispose of all matters contained in the complaint for case 88.104.

FOR THE SALESPERSON:

Dated this 12 day of June, 1989.



Richard R. Wilson

Signed and sworn to before me this 12 day of JUNE, 1989.



Notary Public, State of Iowa

1-26-92 exp.

FOR THE COMMISSION:

Signed this 20 day of June, 1989.



Marlys Nielsen, Chairperson

Executed this 20th day of June, 1989.



Kenneth L. Smith  
Executive Secretary