

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 12-309
Doug W. Burnett)	
Broker (B223656))	
)	COMBINED STATEMENT OF
Golden Circle Real Estate Group, LLC)	CHARGES, INFORMAL
10200 Hickman Court, Ste. 100)	SETTLEMENT AGREEMENT,
Clive, Iowa 50325)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent)	

The Iowa Real Estate Commission (Commission) and **Doug W. Burnett** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2011).

1. The Commission issued the Respondent real estate broker license number B223656 on May 16, 1990. Respondent's license is current and in full force and effect through December 31, 2013. At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Golden Circle Real Estate Group, LLC, a licensed real estate firm, license number F05542, located in Clive, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. The Respondent is charged with employing a person who practiced real estate in the state of Iowa without an active real estate license in violation of Iowa Code sections 543B.1, 543B.29(1), 543B.62(3)(b) (2011), and 193E Iowa Administrative Code sections 7.11, 18.2(6), and 18.14(5)(m).

COUNT II

4. The Respondent is charged with advertising that an inactively licensed employee was actively licensed in the state of Iowa in violation of Iowa Code sections 543B.29(1), 543B.34 (2011), and 193E Iowa Administrative Code Sections 10.1 and 18.14(s).

CIRCUMSTANCES

5. On May 16, 2011, the real estate license for a real estate salesperson assigned to the Respondent's employment was reinstated to inactive status.

6. Between May 16, 2011 and August 3, 2012 while her Iowa real estate salesperson license was inactive, the before-referenced licensee conducted activities requiring an active real estate license in the State of Iowa.

7. The Respondent failed to provide adequate supervision over the associated real estate licensee by allowing her to practice real estate in the State of Iowa with an inactive license.

8. The Respondent advertised that the before-referenced licensee was actively licensed in the State of Iowa while her license was in fact placed on inactive status.

SETTLEMENT AGREEMENT

9. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated Statement of Charges. For purposes of Iowa Code section 543B.29(4), the violation referenced in this Order shall be deemed to have occurred on May 16, 2012. Because all charges alleged in this disciplinary case arose from the same nucleus of operative facts, this case shall constitute only one violation for purposes of Iowa Code section 543B.29(4). The parties acknowledge that as of the date of this Order, the Commission has not found the Respondent to have committed any other qualifying violations for purposes of Iowa Code section 543B.29(4) within the preceding five year time period.

10. The Respondent acknowledges that he has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

11. The Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. The Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

12. This Order shall be part of the permanent record of the Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

13. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

14. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

15. Upon acceptance by both the Commission and the Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

CONSENT ORDER

IT IS THEREFORE ORDERED:

16. REPRIMAND. Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

17. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$1,000 no later than 180 calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 12-309.

18. FUTURE COMPLIANCE. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

12-309
Doug W. Burnett

WHEREFORE, the terms of this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:


Voluntarily agreed to and accepted by Doug W. Burnett on this 26TH day of FEBRUARY, 2013


By: DOUG W. BURNETT, Respondent

State of Iowa)
County of POIK)



Signed and sworn to before me on this 26 day of February, 2013 by

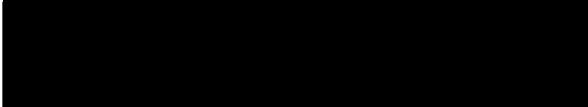

Notary Public, State of Iowa

Printed Name: Megan Schiebel

My Commission Expires: 1-25-14

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 4 day of April, 2013


JUDITH E. STEVENS, Chair
Iowa Real Estate Commission