

BEFORE THE IOWA REAL ESTATE COMMISSION FILED
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

May 7 2015 (Date)
Iowa
Board / Commission
Signature Executive Officer

| | | |
|------------------------------------|---|------------------------|
| IN RE: |) | |
| |) | CASE NUMBER: 14-060 |
| Robert L. Cerveny |) | |
| Salesperson (S36115000) |) | COMBINED STATEMENT OF |
| |) | CHARGES, INFORMAL |
| NP Dodge Real Estate Sales, Inc. |) | SETTLEMENT AGREEMENT, |
| 13321 California Street, Suite 300 |) | AND CONSENT ORDER IN A |
| Omaha, NE 68154 |) | DISCIPLINARY CASE |
| |) | |
| RESPONDENT |) | |

The Iowa Real Estate Commission (Commission) and Robert L. Cerveny (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) (2015).

1. The Commission issued the Respondent real estate salesperson license number S36115000 on May 11, 1995. Respondent's license is current and in full force and effect through December 31, 2017. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to NP Dodge Real Estate Sales, Inc., a licensed real estate firm, license number F00356000, located in Omaha, Nebraska.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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 engaging in practices harmful or detrimental to the public and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties to a transaction in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.56(1)(b) (2013); and 193E Iowa Administrative Code sections 12.4(1)(a), 12.4(1)(b), 12.4(1)(c)(7), 18.14(5)(s) by altering a contract without the written approval of all parties to a contract.

CIRCUMSTANCES

4. In February 2014, the Respondent on behalf of his affiliated broker, entered into a Buyer's Non-exclusive Appointed Agency Agreement with a potential buyer.

5. The Respondent, acting as an exclusive buyer's agent, presented a purchase agreement on or about February 6, 2014 to the listing agent of a subject property located in Council Bluffs, Iowa. On or about February 9, 2014 a counter offer was agreed upon and executed between the buyer and the sellers.

6. On line 18A of the Purchase Contract for the subject property, the Respondent changed the title company without the written approval of the buyer and sellers.

SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

8. 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.

9. 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. 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.

10. This Order shall be part of the permanent record of 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.

11. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) and 272C.3(2)(a) (2015) 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.

12. 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.

13. Upon acceptance by both the Commission and 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 (2015).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

15. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$1,000.00) no later than sixty (60) 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, referencing Case Number 14-060.

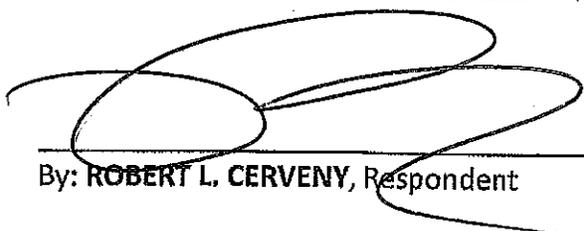
16. EDUCATION. The Respondent shall attend the Commission approved eight (8) hour course "Contract Law and Contract Writing." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa 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, referencing Case Number 14-060.

17. 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.

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 Robert L. Cervený on this 1st day of April, 2015.


By: **ROBERT L. CERVENÝ**, Respondent

IREC Case No. 14-060
Robert L. Cerveney

State of Iowa)

County of Pottawattamie

Signed and sworn to before me on this 1 day of April, 2015, by

Rachel Birsley

Notary Public, State of Iowa

Printed Name: Rachel Birsley

My Commission Expires: _____

FOR THE COMMISSION:



Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 7th day of May, 2015.

Terrance M. Duggan

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FILED May 7 2015 (Date)

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

IREL
Board / Commission
[Signature]
Signature Executive Officer

| | | |
|------------------------------|---|------------------------|
| IN RE: |) | |
| |) | CASE NUMBER: 14-125 |
| Richard S. Bassford |) | |
| Salesperson (S42142000) |) | COMBINED STATEMENT OF |
| |) | CHARGES, INFORMAL |
| QC Elite Homes, Inc. |) | SETTLEMENT AGREEMENT, |
| 1485 41 st Street |) | AND CONSENT ORDER IN A |
| Moline, IL 61265 |) | DISCIPLINARY CASE |
| |) | |
| Respondent. |) | |

The Iowa Real Estate Commission (Commission) and **Richard S. Bassford** (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) (2015).

1. The Commission issued the Respondent a real estate salesperson license number S42142000 on January 11, 2002. Respondent's license is active and in full force and effect until December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to River Cities Realtors, Inc., license number F03091000, located in Bettendorf, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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. Respondent is charged with conducting real estate business independently outside of the licensed broker or firm he is assigned to in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b). See 193E Iowa Administrative Code sections 4.1(3), 7.1(9), 7.11(1), 18.14(5)(n), 18.14(5)(s).

CIRCUMSTANCES

4. Commission licensing records indicate the Respondent was licensed to River City Realtors, Inc. from February 8, 2007 to June 2, 2014.

5. On or about May 21, 2014 and May 23, 2014 the Respondent, while assigned to River City Realtors, Inc., listed two properties located in Iowa for a company (QC Elite Homes, Inc.) that was not licensed in Iowa.

6. QC Elite Homes, Inc. was licensed in Iowa on June 2, 2014. Subsequently, the Respondent had his license transferred to the new firm on the same date.

SETTLEMENT AGREEMENT

7. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

8. 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.

9. 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. 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.

10. This Order shall be part of the permanent record of 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.

11. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) and 272C.3(2)(a) (2013) 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.

12. 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.

13. Upon acceptance by both the Commission and 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 (2015).

CONSENT ORDER

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

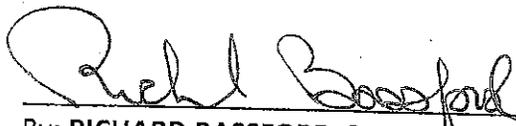
15. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) no later than thirty (30) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 14-125.

16. **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.

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:

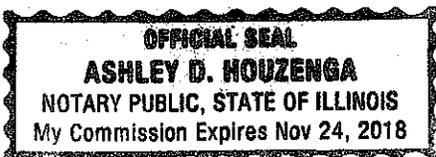
Voluntarily agreed to and accepted by Richard Bassford on this 14th day of April, 2015.

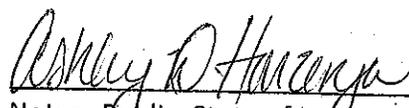

By: RICHARD BASSFORD, Respondent

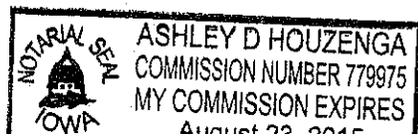
State of Illinois

County of Rock Island

Signed and sworn to before me on this 14th day of April, 2015, by:



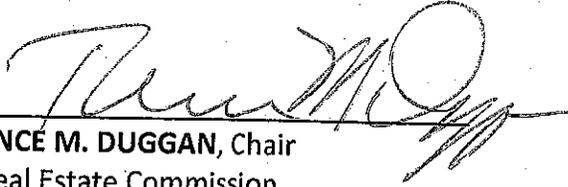

Notary Public, State of Iowa
Printed Name: Ashley Houzenga
My Commission Expires: 8-23-2015



IREC Case No. 14-125
Richard Bassford

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
7th day of May, 2015.



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission