

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 in the amount of \$500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case A05-017.

IT IS FURTHER ORDERED that the Respondent shall personally attend the Commission approved eight (8) hour commission approved education course "Iowa Real Estate Trust Accounts." 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 and refer to case A05-017.

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.

JAN 13 2006

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **Robert Neuwoehner** on this 10 day of JANUARY, 2006.


Robert Neuwoehner, Respondent

State of IOWA)

County of DUBUQUE)

Signed and sworn to before me on this 10 day of JANUARY, 2006, by


Notary Public, State of Iowa

Printed Name: Debra Frommelt

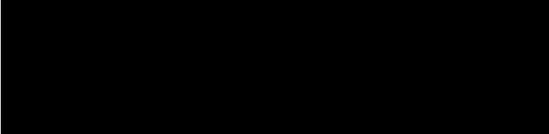
My Commission Expires: 11-1-08



Debra Frommelt
Iowa Notary Seal
Commission number 187335
My Commission Expires 11/01/08

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 2ND day of MARCH, 2006.


James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:)	
)	
Robert Neuwoehner)	CASE NUMBER A05-017
Broker (B05749))	
)	
American Realty of Dubuque)	STATEMENT
2115 JOHN F. KENNEDY RD.)	OF
DUBUQUE, IA 52002)	CHARGES
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2005).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

Robert A. Neuwoehner was at all material times, during the following events, a licensed Broker/Officer in Dubuque, Iowa. His license, number B05749 was issued May 31, 1972, and is in full force and effect through 12-31-2007.

COUNT I

The Respondent is charged with engaging in numerous practices involving his trust account which are harmful or detrimental to the public, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), and 543B.34(7) (2005) and 193E--IAC sections 13.1, 13.1(1)(c), 13.1(6)(3), 13.1(14) and 18.14(5)(e) by the following:

- a. failing to use the term "Trust" in the name of his trust account,
- b. failing to create a separate ledger for unclaimed funds over three years old,
- c. failing to maintain documentation ensuring agreement of general ledger balance, bank balance, and individual ledger balance,
- d. showing a deficiency in the individual ledgers resulting in unidentified funds, and
- e. failing to appropriately track brokers equity within a trust account.

CIRCUMSTANCES OF THE COMPLAINT

1. On or about September 20, 2005, Auditor Jeff Evans conducted an audit of the Respondent's trust account and records.
2. The audit found the following violations:
 - a. respondent maintains a trust account without the term trust in the title of the account.
 - b. respondent was found to have several outstanding checks over three years old and no individual ledger was created to account for these funds.
 - c. respondents monthly reconciliations are not documenting a true three way tie to ensure agreement between the general ledger, bank balance, and the individual ledgers.
 - d. Auditor found that the individual ledgers and journal was less than the reconciled bank balance resulting in unidentified funds in the amount of \$165.07 at the time of the audit.
 - e. Auditor found that broker was not accurately tracking his brokers equity within the trust account.

FINDING OF PROBABLE CAUSE

On November 3, 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 2ND day of MARCH, 2005.


/ Roger L. Hansen, Executive Officer
Iowa Real Estate Commission