Department of Commerce
Professional Licensing Bureau
FILED November 3, 2016 (Date)
IREC
Board / Commission
Signature, Executive Officer

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

IN RE:	)	
	)	**CASE NUMBER: 16-236**
James A. Sattler	)	
Broker (B18856000)	)	**COMBINED STATEMENT OF**
	)	**CHARGES, INFORMAL**
Sattler Realty	)	**SETTLEMENT AGREEMENT,**
3801 River Ridge Drive NE	)	**AND CONSENT ORDER IN A**
Cedar Rapids, IA 52402	)	**DISCIPLINARY CASE**
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **James A. Sattler** (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) (2016).

1. The Commission issued the Respondent real estate broker license number B18856000 on April 18, 1984. Respondent's license is in full force and effect until December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate broker partner, assigned to Sattler Realty, license number F02271000, located in Cedar Rapids, Iowa. Respondent was assigned as the designated broker of the real estate brokerage firm at all times relevant to this matter.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2016). 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 engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(d), 543B.29(1)(k), 543B.34(1), 543B.46 (2016) by:

(a) Failing to maintain at all times a record of the Respondent's trust account and improper trust account procedures. *See* 193E Iowa Administrative Code §§ 13.1(6), 18.14(5)(e), 18.14(5)(f).

(b) Failing to accurately maintain a general ledger to record in chronological order all receipts and disbursements for the Respondent's trust account. *See* 193E Iowa Administrative Code §§ 13.1(6)(a), 18.14(5)(e)(1).

(c) Failing to accurately maintain the running balance of all individual ledger accounts for the Respondent's trust account. *See* 193E Iowa Administrative Code §§ 13.1(6)(b), 18.14(5)(e)(2).

(d) Failing to provide a means for a monthly reconciliation of the Respondent's trust account to ensure agreement of the general ledger balance, reconciled bank balance and individual ledger accounts. *See* 193E Iowa Administrative Code §§ 13.1(6)(a)(3), 18.14(5)(e), 18.14(5)(f).

CIRCUMSTANCES

4. On or about July 27, 2016, an onsite examination of the Respondent's Iowa real estate trust account and transaction records was conducted by the Commission auditor.

5. The auditor found that the Respondent is failing to properly maintain an updated general ledger balance for the Respondent's Iowa real estate trust account.

6. The auditor found that for the Respondent's Iowa real estate trust account, there is a failure to properly maintain accurate accounting for its individual ledger accounts.

7. The auditor found that for the Respondent's Iowa real estate trust account, there was not an accurate monthly reconciliation being performed to ensure agreement of the general ledger balance, reconciled bank balance and sum of the individual ledgers.

SETTLEMENT AGREEMENT

8. 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) (2016).

9. 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.

10. 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.

11. 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.

12. 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) (2016) 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.

13. 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.

14. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement Agreement 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 (2016).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand, five hundred dollars ($1,500.00) no later than six (6) months 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 16-236.

17. EDUCATION. The Respondent shall attend the Commission approved eight (8) hour course "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 no later than six (6) months after acceptance of this Order by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 16-236.

18. REVIEW. The Respondent shall be subject to an audit, conducted by the Commission auditor no later than twelve (12) months after acceptance of this Order by the Commission.

19. FUTURE COMPLIANCE. The Respondent also 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 **James A. Sattler** on this 12 day of October, 2016.

By: **JAMES A. SATTLER**, Respondent

State of Iowa)

County of Linn)

Signed and sworn to before me on this 12 day of October, 2016, by:

Jesse Martinez

Notary Public, State of Iowa
Printed Name: Jesse Martinez
My Commission Expires: 7-6-19

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this _____ day of _____, 2016.

_____

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of NOVEMBER, 2016.

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission