

COPY

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN THE MATTER OF:)	
)	
LAVERNE R. ANDERSON)	CASE NO. 92-093
Broker Associate (B03346))	
)	
% Coldwell Banker Mid America Group)	STIPULATION
4800 Westown Parkway)	AND
West Des Moines IA 50266)	CONSENT ORDER
)	
Respondent)	
)	

On this 28th day of APRIL, 1994, the Iowa Real Estate Commission and Laverne R. Anderson each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing as the parties have agreed to the following Stipulation and Consent Order;
2. The Respondent was issued a broker license to practice real estate on the 9th day of September, 1974 as evidenced by license number B03346 which is in full force and effect through December 31, 1994.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction of each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
6. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.
7. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

8. 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) (1993)

9. 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.

10. 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 HEREBY ORDERED AND AGREED that the Respondent shall adhere to all real estate trust account rules and regulations pertaining to trust account record requirements and the handling of trust funds.

IT IS FURTHER ORDERED that the Respondent is hereby Reprimanded.

IT IS FURTHER ORDERED that Respondent shall take twelve (12) hours of real estate continuing education in "Trust Account and Closing Procedures" and these hours shall be in addition to all other real estate continuing education required by law for license renewal. The course must be approved as a "Broker Pre-License Course". Original certificate of attendance must be submitted to the Iowa Real Estate Commission within thirteen (13) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 92-093.

IT IS FURTHER ORDERED 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.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 11th day of March, 1994.

[Redacted signature area]

Laverne R. Anderson Respondent

State of Iowa

County of Polk

Signed and sworn before me on this 11th day of March, 1994, by [Redacted]

[Redacted signature area]

Notary Public, State of Iowa
Printed Name: Janice Roff
My Commission Expires: 10-13-95



This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the _____ day of _____, 1994.

[Redacted signature area]

Russell D. Nading, Chairman
Iowa Real Estate Commission

cc: Sherie Barnett, Assistant Attorney General
Ron Kuntz, Attorney for Respondent

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	CASE NUMBER: 92-093
LAVERNE R. ANDERSON (B03346))	
Broker Associate)	STATEMENT OF CHARGES
* Coldwell Banker Mid America Group)	
4800 Westown Parkway)	
West Des Moines IA 50266)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1993).

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

Laverne R. Anderson, is and was at all times during the following events, a licensed real estate broker. His license number is B03346. Laverne R. Anderson was licensed as broker/officer of and the designated broker in charge of Century 21 Golden Homes Inc. (F02650), West Des Moines, Iowa, until December 21, 1990, when the corporation license, which had been issued July 25, 1986, was cancelled.

Laverne R. Anderson is currently actively licensed as a broker associate and assigned to Coldwell Banker Mid America Group, West Des Moines, Iowa.

COUNT I

The Respondent is charged with the following trust account violations:

1. Failing to deposit 3 checks into his trust account and failing to properly account for such checks as required.

Laverne R. Anderson

Page 2

These actions were taken in violation of the following laws and rules: Iowa Code sections 543B.29(2) and (3), 543B34(7) and (8) and 543B.46(1) and Iowa Administrative Code chapter 193E sections 1.27, 1.27(1)(a), 1.27(6), 1.28 and 4.40(6)(a).

CIRCUMSTANCES OF THE COMPLAINT

1. In late 1989, Respondent received a V.I.P. Seller Referral from Century 21 Valley Investment Properties, Sunnyside, Washington, regarding property owned by Everett and Phyllis Morris located in Des Moines, Iowa.
2. The property was to be listed for sale as soon as the Morris' had regained title to the property from contract buyers who were in default.
3. On June 10, 1990, Respondent's firm listed the property owned by Everett and Phyllis Morris, located at 1452 East 21st Street, Des Moines, Iowa, for \$39,000. The listing was to expire November 21, 1990.
4. Jerald Brantley, an inexperienced salesperson with Century 21 Golden Homes Inc., was listing agent. Mr. Brantley and Everett Morris, seller, entered into a verbal agreement to have Mr. Brantley arrange for cleaning and certain repairs to the property in order to sell the property at or near the listing price. Century Golden Homes did not routinely engage in repairing and cleaning properties.
5. The Morris sent the following checks and amounts to Respondent's firm to be used to pay for repairs and cleaning: # 3299, dated July 23, 1990, in the amount of \$500.00, # 3193, dated August 02, 1990, in the amount of \$1000.00, # 3195, dated August 22, 1990, in the amount of \$3500.00, # 3197, dated September 18, 1990, and # 3350, dated November 06, 1990, in the amount of \$213.99.
6. The following checks were deposited into the firm's General Account and not into the real estate trust account as required: # 3197, # 3193, and # 3299.

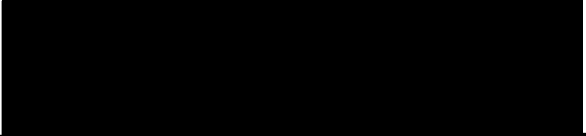
7. The property ledger contains numerous entries for disbursements from the account to various persons and entities, including, Mr. Brantley.
8. Respondent has indicated that Mr. Brantley and all others who were issued checks from property funds, were required to present proper documentation of repairs and expenses to the firm before a check for payment was written on the account.
9. Respondent was unable to provide copies of required detailed statements sent to the sellers showing all receipts and disbursements handled by the Respondent.
10. On March 12, 1993, Respondent discovered \$732.14, was still being held in the General Account of Century 21 Golden Homes, Inc. and check # 46951 was issued to return that amount to Everett and Phyllis Morris.
11. The Respondent obtained an independent audit of his trust account which did not show any additional trust account irregularities.

Laverne R. Anderson
Page 4

FINDING OF PROBABLE CAUSE

On October 20, 1993 the Investigation Committee of 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 28th day of APRIL,
1994.


Roger L. Hansen
Executive Secretary
Iowa Real Estate Commission

cc: Sherie Barnett, Assistant Attorney General
Ron Kuntz, Attorney for Respondent