

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

IN RE:)

Deborah A. Anderson)
Broker (B24092))

2400 86th Street)
Suite 14)
Des Moines, Iowa 50322)

CASE NO. 94-013

STATEMENT OF
CHARGES

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.

Deborah A. Anderson is, and was at all times during the following events, a licensed real estate broker. Her license number is B24092. Deborah A. Anderson is the broker/officer for Anderson Realty F02965, in Des Moines, Iowa.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by failing to obtain a written property management agreement with the owner of the property to be managed, in violation of Iowa Code section 543B.29(3) (1993), and Iowa Administrative Code Chapter 193E, sections 1.30, and 4.40(19).

COUNT II

The Respondent is charged with professional incompetency and engaging in a practice harmful or detrimental to the public for failing to deposit property management trust funds into a real estate trust account or real estate property management trust account as required, in violation of Iowa Code sections 543B.29(2) and (3), 543B.34(7) and (8), and 543B.46(1) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27, 1.27(1)(a), 1.30(4), 1.30(7)(e) and 4.40(6)(a).

94-013

CIRCUMSTANCES OF THE COMPLAINT

1. Respondent entered into a verbal agreement with the owner to manage the property located at 8191 Harbach, Clive, Iowa.
2. Respondent collected rents and conditionally refundable deposits, and deposited these trust funds directly into a bank account of the owner.

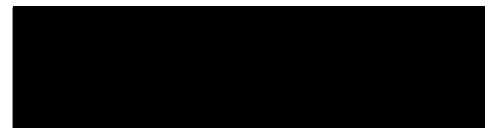
Respondent did not deposit these trust funds into a real estate trust account, or real estate property management trust account.

3. Respondent indicates that as of January 1, 1994, all trust funds collected on the property have been deposited into Respondent's real estate property management trust as required before being disbursed to the owner's account.

FINDING OF PROBABLE CAUSE

On June 2, 1994, 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 3RD day of NOVEMBER,
1994.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

BEFORE THE IOWA REAL ESTATE COMMISSION
OF THE STATE OF IOWA

IN RE:)

Deborah A. Anderson)
Broker (B05327))

2400 86th Street)
Suite 14)
Des Moines, Iowa 50322)

CASE NO. 94-013

STIPULATION AND
CONSENT ORDER

On this 3rd day of NOVEMBER, 1994, the Iowa Real Estate Commission and Deborah A. 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's license to practice real estate on the 23rd day of December, 1988, as evidenced by license number B24092 which is in full force and effect through December 31, 1996.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over 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.

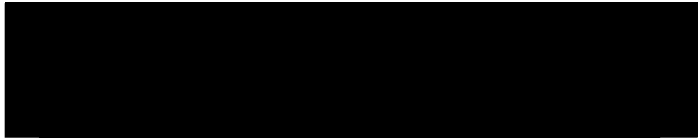
THEREFORE, IT IS HEREBY ORDERED that the Respondent is REPRIMANDED.

IT IS FURTHER ORDERED AND AGREED that the Respondent shall adhere to all real estate trust account rules and regulations pertaining to the handling of trust funds and to the statutes and Commission rules regulating the practice of real estate.

IT IS FURTHER ORDERED that the Respondent shall take the twelve (12) hour broker prelicense elective course titled "Property Management" in addition to any continuing education required as a condition of license renewal. The course must be approved as a "Broker Pre-License Course" and must be personally attended by the respondent. The 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 94-013.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 26 day of August, 1994.



Deborah A. Anderson, Respondent

State of Iowa)

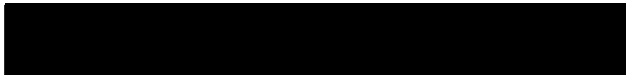
County of Dalb)

Signed and sworn to before me on this 26 day of August, 1994, by _____.



Notary Public, State of Iowa
Printed Name: Joe Ann Lutz
My Commission Expires: 10-10-97

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 3rd day of NOVEMBER, 1994.



Jerry F. Duggan, Chairman
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General