

THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
DONNA J. ANDERSON (S33802))	CASE NUMBER: 97-008 (b)
Salesperson)	
)	STIPULATION AND
)	CONSENT ORDER
Central Iowa Realty)	
104 1 ST Avenue S)	
State Center, Iowa 50247)	

On this 21st day of AUGUST, 1997, the Iowa Real Estate Commission and DONNA J. 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. The Respondent has a right to a hearing on the charges, but she waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

2. The Respondent was issued a salesperson license to practice real estate on April 14, 1993, as evidenced by license number S33802, which is in full force and effect through December 31, 1998.

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.

#6 + #5 * 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) (1997).

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 that Respondent shall take eight (8) hours of real estate continuing education in "Iowa Trust Account," the course must be approved as a "Broker Pre-License Course." These hours can be used for other real estate continuing education required by law for license renewal. 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 certificates of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case 97-008.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

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.

97-008(6)

97-008
page 3
Anderson

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 6 day of August, 1997.

[Redacted Signature]

DONNA J. ANDERSON, Respondent

State of Iowa

County of Marshall

Signed and sworn to before me on this 6 day of August, 1997, by

[Redacted Name]



Notary Public, State of Iowa

Printed Name: Joyce Yegge

My Commission Expires: 11-28-97

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 21st day of AUGUST, 1997.

[Redacted Signature]

Russell D. Nading, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

97-008 (b)

THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

IN RE:)	
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)	CASE NUMBER: 97-008
DONNA J. ANDERSON (S33802))	
Salesperson)	STATEMENT OF
)	CHARGES
Central Iowa Realty)	
104 1 ST Avenue S)	
State Center, Iowa 50247)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1997).

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

DONNA J. ANDERSON is, and was at all material times during the following events, a salesperson with Sandra Jean Bryant, a Sole-Proprietor Broker, dba Central Iowa Realty, T0378300, in State Center, Iowa. Her license number is S33802.

COUNT I

The Respondent is charged with engaging in conduct or practice that is harmful or detrimental to the public by performing acts as a real estate broker without a broker license and otherwise complying with the requirements of Iowa Code chapter 543B, in violation of Iowa Code sections 543B.1, 543B.3, 543B.6, and 543B.29(3) (1995), and 193E IAC sections 1.30 and 4.40(19).

97-008 (6)

COUNT II

The Respondent is charged with accepting a commission from a person other than her employing broker, in violation of Iowa Code sections 543B.34(5) (1995), and Iowa Administrative Code Chapter 193E, section 4.40(19).

CIRCUMSTANCES OF THE COMPLAINT

1. On November 5, 1996, Donna J. Anderson, entered into a written agreement with Michele Garcia, owner, to manage the property located at 208 North 11th Avenue, Marshalltown, Iowa,
2. The Anderson/Garcia agreement provided for Anderson to have "complete control of all decisions about renters and repairs of all the properties" and to receive compensation for managing the property.
3. Donna J. Anderson rented the property to Lori Perry and collected \$350.00 per month rent and a \$350.00 deposit. Anderson was paid a fee of one half the first month rent and 10% of rent receipts thereafter for this service.
4. Anderson maintains that all rents and the deposit were deposited directly into the bank account of the owner, Michele Van Syoc's bank account.
5. Anderson maintains Van Syoc wrote checks on the under funded account, and by the end of December, 1996, she "boxed everything up and sent it back to her."
6. On January 23, 1997, documents were filed in the Marshall County Recorder's Office supporting forfeiture of a real estate sales contract between Thomas E. and Martha R. Hill, sellers, and Michelle Bagnall, buyer, and effectively established title in fee simple in Thomas E. and Martha R. Hill.

97-008(b)

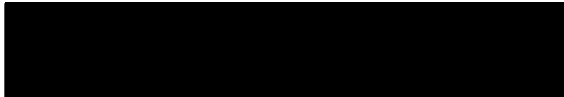
97-008
Anderson
page 3

- Michelle Garcia, Michelle Van Syoc, and Michelle Bagnall are names used by the same person at various stages of the process.

FINDING OF PROBABLE CAUSE

On June 4, 1997, 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.

Dated this 21ST day of AUGUST, 1997.


Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

97-008 (6)