

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

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IN RE: )  
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 )  
DEBRA BRAYTON ) STATEMENT OF CHARGES  
Broker (B28991) )  
 )  
 ) CASE NUMBER: 95-054  
H C R 70 Box 1191 )  
Camdenton, MO 65020 )  
 )

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

DEBRA BRAYTON is and was at all material times during the following events a licensed real estate Officer Broker, license number is B28991, and designated broker of Boulevard Realty LTD, Washington, Iowa, a licensed real estate firm, license number F03618.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by leasing or renting real estate without a current written property management agreement or other written authorization, signed by the owner, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1995) and Iowa Administrative Code Chapter 193E, sections 1.30, 1.30(1), 1.30(2) and 4.40(10) (1995).

COUNT II

The Respondent is charged with engaging in a practice harmful or detrimental to the public by depositing and disbursing property management trust funds into the real estate trust account without written authorization, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1995) and Iowa Administrative Code Chapter 193E, sections 1.27(6)(c)(1), 1.30(1)(c) and 4.40(6) (1995).

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### CIRCUMSTANCES OF THE COMPLAINT

1. Respondent did not have written authorization or a property management agreement with the property owner, Jim Buchmayer, to rent the property or to provide for trust funds to be disbursed from the real estate trust account. Respondent indicates she had a verbal agreement with the owner, Jim Buchmayer, to find a renter that will stay for six months in return for a real estate fee of one half of the first month's rent.
2. On April 03, 1995, Respondent negotiated a residential rental agreement signed by Travis Letts, tenant, for the property located at 118 S. Iowa Avenue, Apartment 1st Back, Washington, Iowa.
3. The Respondent collected the first month's rent in the amount of \$250.00 cash from the tenant, and deposited the funds into the real estate trust account of Boulevard Realty LTD, April 03, 1995.
4. The individual trust account ledger for the property indicates that on April 03, 1995 check # 4116 was written in the amount of \$125.00 payable to Jim Buchmayer.
5. The individual trust account ledger for the property indicates that on April 03, 1995 check # 4117 was written in the amount of \$125.00 payable to Boulevard Realty, LTD.

### FINDING OF PROBABLE CAUSE

On the 25th day of January, 1996 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 7<sup>th</sup> day of MARCH, 1996.



Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

Pam Griebel, Assistant Attorney General

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ANKENY, IOWA

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IN RE:	)	
	)	
DEBRA BRAYTON (B28991)	)	CASE NUMBER: 95-054
Broker	)	
	)	STIPULATION AND
	)	CONSENT ORDER
H C R 70 Box 11911	)	
Camden, MO 65020	)	

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On this 7<sup>th</sup> day of MARCH, 1996, the Iowa Real Estate Commission and DEBRA BRAYTON, 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 January 23, 1991, as evidenced by license number B28991, 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.

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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) (1995).

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**.

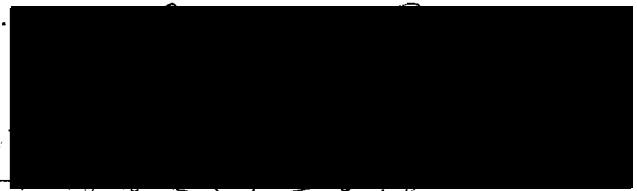
IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$250.00 to the Commission within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission.

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.

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**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 14<sup>th</sup> day of February, 1996.



DEBRA BRAYTON

State of IA)

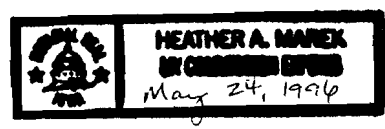
County of WASH)

Signed and sworn to before me on this 14 day of February, 1996, by



Notary Public, State of Iowa  
Printed Name: HEATHER MAREK  
My Commission Expires: 5-24-96

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**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 7 day of March, 1996.



Theresa A. Loffredo, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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