

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
)	CASE NUMBER 04-147
JASON D. BREDDING)	
Salesperson (S36357))	STIPULATION
)	AND
Coldwell Banker Mid-America)	ORDER
1401 50th Street)	
West Des Moines, IA 50266)	
)	

On this 12th day of JANUARY, 2006, the Iowa Real Estate Commission and **Jason D. Bredding**, 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 has a right to a hearing on the charges, but waives the 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.
 3. The Respondent was issued a real estate salesperson license on August 21, 1995 which is in full force and effect through December 31, 2006.
 4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
 5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.
 6. Respondent admits each and every allegation in the Statement of Charges.
 7. 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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8. 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.

9. 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) (2005).

10. 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.

11. 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 ORDERED that the Respondent's Salesperson License number S36357 is hereby **SUSPENDED** for a period of ninety (90) days, effective immediately upon acceptance of this stipulation by the Commission. **IT IS FURTHER ORDERED** that the ninety day suspension is **IMMEDIATELY STAYED**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty to the Commission in the amount of \$500.00 no later than 30 calendar days after acceptance of this settlement by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-147.

IT IS FURTHER ORDERED that the Respondent shall personally attend the twelve (12) hour Commission approved education course "Developing Professionalism and Ethical Practices." 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 within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to case 04-147.

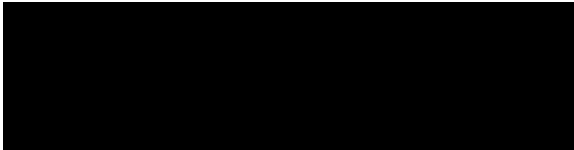
IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

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04-147
Breeding

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **Jason D. Breeding**
on this 9th day of December, 2005.



Jason Breeding, Respondent

State of Iowa)

County of Polk)

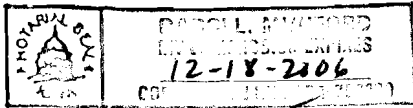
Signed and sworn to before me on this 9th day of December, 2005, by

Jason D. Breeding

Notary Public, State of Iowa

Printed Name: Darin L. Munton

My Commission Expires: 12-18-2006



FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on this 12th day of JANUARY, 2005.



James E. Hughes, Chair
Iowa Real Estate Commission

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	
JASON D. BREDING)	CASE NUMBER 04-147
Salesperson (S36357))	
)	STATEMENT
)	OF
COLDWELL BANKER MID-AMERICA)	CHARGES
1401 50th Street)	
West Des Moines, IA 50266)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2004).

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

JASON D. BREDING was at all material times, during the following events, a licensed salesperson with Iowa Realty Co. (F00710) in West Des Moines, Iowa. His license, number S363567 was issued August 21, 1995 and is in full force and effect through 12-31-2006.

COUNT I

The Respondent engaged in practices harmful or detrimental to the public by knowingly making deceptive, untrue or fraudulent representations by signing certification documents on behalf of the homeowners association without authorization or knowledge of the association that indicated he owed no money on the two units he owned and was selling, knowing or having reason to believe that he did owe money, in violation of Iowa Code sections 543B.29(3), 543B.34(1), 543B.56(1)(a) & (c) 543B.56(2)(a) & (b) (2003) and IAC 193E- 12.3(2)(a) and 18.14(5)(s).

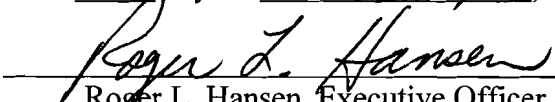
CIRCUMSTANCES OF THE COMPLAINT

1. On or about March 17, 2004, Respondent listed property he owns located at 811 Burr Oaks Drive # 1305. On or about March 23, 2004, Respondent listed property he owns located at 811 Burr Oaks Drive #904.
2. On or about March 9, 2004 an offer was accepted on unit #1305 for \$130,00. The Seller Property Condition Disclosure Statement item # 25 "Is there an anticipated change in the dues or any pending assessment?" was left unanswered.
3. On or about April 11, 2004, an offer was accepted on unit # 904 for \$149,900. The Seller Property Condition Disclosure Statement item # 25 "Is there an anticipated change in the dues or any pending assessment?" the "no" box was marked.
4. Information available indicates problems with penalties dating back to 2002. By early 2004, Respondent owed approximately \$525 delinquent penalties on both units. On or about April 9, 2004 title to unit # 1305 transferred, and on or about June 2, 2004, title to # 904 transferred. Respondent signed Certification of Owner's Association Assessments, Dues, or Unpaid Charges in both transactions on behalf of the home owner's association without the knowledge or authorization of the association, knowing he was not authorized to sign, and knowing or having reason to believe delinquent dues and penalties had not been paid.

FINDING OF PROBABLE CAUSE

On September 9, 2005 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 12th day of JANUARY, 2006.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission