

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

IN RE:)	
)	
LOIS J. CARTER (B10329))	CASE NUMBER: A94-034
Broker)	STATEMENT OF CHARGES
)	
1551 Rodeo Avenue)	
Monroe, Iowa 50170)	
)	

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.

LOIS J. CARTER is, and was at all times during the following events, a licensed real estate broker. Her license number is B10329. LOIS J. CARTER is a sole-proprietor broker in Monroe, Iowa.

COUNT I

The Respondent is charged with failing to maintain adequate trust account records, failing to maintain individual ledger sheets for each transaction, and failing to have monthly written reconciliation of the general ledger balance with the bank balance and with the individual ledger sheets to ensure agreement, in violation of Iowa Code sections 543B.29(2) and 543B.34(8), (1993), and Iowa Administrative Code Chapter 193E, sections 1.27, 1.27(6)(b), 1.27(6)(a)(3), 4.40(5) and 4.40(5)(b).

COUNT II

The Respondent is charged with having \$69.70 in unidentified funds in the trust account, in violation of 543B.29(3), 543B.34 (8), and 543B.46(4) and Iowa Administrative Code Chapter 193E, sections 1.27(1)(c) and 4.40(6)(h).

COUNT III

The Respondent is charged with failing to obtain a written escrow agreement signed by the parties when all funds were not disbursed at closing, in violation of Iowa Code sections 543B.29(2) and (3) and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, sections 1.27(9), 4.40(6)(d), and 4.40(10).

A94-034

COUNT IV

The Respondent is charged with selling property after the expiration of the listing agreement, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, sections 1.23 and 4.40(10).

COUNT V

The Respondent is charged with failing to maintain copies of the closing statements on file, in violation of Iowa Code sections 543B.29(3) and 543B.34(8) (1993) and Iowa Administrative Code Chapter 193E, sections 1.28 and 4.40(5)(c).

CIRCUMSTANCES OF THE COMPLAINT


1. On September 29, 1994, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Lois J. Carter, broker.
2. Lois J. Carter failed to maintain adequate trust account records, did not have individual ledgers, and did not have written monthly reconciliations.
3. The trust account of Lois J. Carter was found to contain \$69.70 in unidentified funds.
4. Lois J. Carter failed to obtain a written escrow agreement when all monies were not disbursed at closing in the Hørskov/Free transaction.
5. Lois J. Carter sold property with an expired listing agreement in the Kuening/Pfledging transaction.
6. Lois J. Carter failed to have a copy of the closing statements in the Hearshman/Plumb transaction.

A94-034

FINDING OF PROBABLE CAUSE

On November 3, 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 25 day of JANUARY, 1995.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

A94-034

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1918 SE HULSIZER
ANKENY, IOWA

IN RE:)	
)	
LOIS J. CARTER (B10329))	CASE NUMBER: A94-034
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
1551 Rodeo Avenue)	
Monroe, Iowa 50170)	
)	

On this 25 day of JANUARY, 1995, the Iowa Real Estate Commission and LOIS J. CARTER, 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 9th day of May, 1984 as evidenced by license number B10329 which is in full force and effect through December 31, 1995.
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.

A94-034

A94-034

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 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 A94-034.

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.

A94-034

A94-034

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 13 day of Dec, 1994.



LOIS J. CARTER, Respondent

State of IOWA)

County of JASPER)

Signed and sworn to before me on this 13 day of DECEMBER, 1994, by



Notary Public, State of Iowa

Printed Name: JOHN M FRIEDERICH

My Commission Expires: 3/21/96

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 25 day of JANUARY, 1995.



Jerry F. Duggan, Chairman
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

A94-034