

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

---

IN RE:	)	
	)	
MARSHA FREEMAN (B29855)	)	CASE NUMBER: 95-065
Broker Associate	)	STATEMENT OF CHARGES
	)	
Ambrose & Associates Realtors, Inc.	)	
805 S. Gilbert Street	)	
Iowa City, Iowa 522401742	)	

---

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1994).

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

MARSHA FREEMAN was at all material times during the following events, a licensed real estate salesperson or broker associate in Iowa City, Iowa. MARSHA FREEMAN is currently licensed as a broker associate assigned to Ambrose & Associates, in Iowa City, Iowa. Her license number is B29855.

COUNT I

The Respondent is charged with failure to verify continuing education for a 1995 real estate salesperson renewal, in violation of Iowa Code sections 543B.29(1) and (3) (1994), and Iowa Administrative Code Chapter 193E, sections 3.3(5), 3.3(5)(c), and 3.3(5)(d).

95-065

### CIRCUMSTANCES OF THE COMPLAINT

1. On January 3, 1995, the Real Estate Commission received the application for renewal of the Respondent's salesperson license number S29855, signed by Respondent and Respondent's broker Ambrose & Associates Realtors, Inc., a licensed real estate firm (F02169), by Daniel Berry.
2. Respondent filed a "Iowa Real Estate Commission Continuing Education Report Form" with the renewal application, that listed the course title, course number, credit hours, name of school, and the date of completion, and affirmed that she had met the education requirement and the information provided was true and correct.
3. Respondent indicated on the "Iowa Real Estate Commission Continuing Education Report Form" that she had attended the six hour course entitled "Sure I Know the Code of Ethics", course number 021-53466, on May 4, 1993, through the Iowa Association of Realtors, Bonnie Sparks, instructor.
4. On June 13, 1995, Respondent was sent notification of the Commission's audit of continuing education and the Respondent sent her attendance certificates to the Commission, which was found to have included a registration confirmation, not an attendance certification for course 021-53466.
5. On June 27, 1995, Respondent was notified of the problem with course 021-53466 and was not able to provide the required verification of attendance.
6. On July 7, 1995, the Iowa Association of Realtors, the education provider, advised the Commission that their records indicated that Respondent registered and paid for the course, but did not attend.
7. Respondent completed the 60 broker prelicense education and passed the exam on 7-28-95 and was issued a broker associate license, number B29855, on August 10, 1995. The 60 hour broker prelicense education was accepted to make up the six hour deficiency that occurred on the 1994 renewal, to remain active.
8. Verification for all other continuing education was provided, it did not appear that the Respondent intentionally filed a false or fraudulent renewal. Even though Respondent did not appear to intentionally violate the law, the filing of a false affirmation on continuing education records is prima facie evidence of a violation of Iowa Code sections 543B.29(1),(3), pursuant to 193E IAC 3.3(5)(d).

95-065  
page 3

FINDING OF PROBABLE CAUSE

On November 9, 1995, 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 25<sup>th</sup> day of JANUARY, 1996.



Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

95-065

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

---

IN RE:	)	
	)	
	)	CASE NUMBER: 95-065
MARSHA FREEMAN (B29855)	)	
Broker Associate	)	STIPULATION AND
	)	CONSENT ORDER
Ambrose and Associates Realtors, Inc.	)	
805 S. Gilbert Street	)	
Iowa City, Iowa 522401742	)	

---

On this 25<sup>th</sup> day of JANUARY, 1996, the Iowa Real Estate Commission and MARSHA FREEMAN, 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 salesperson license to practice real estate on September 8, 1989, as evidenced by license number S29855, and it was converted to a broker license on the 10th day of August, 1995, as evidenced by license number B29855 which is in full force and effect through December 31, 1997.
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.

95-065

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 shall pay a civil penalty in the amount of \$100.00 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.

95-065

**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 28 day of December, 1995.



MARSHA FREEMAN

State of IOWA

County of JOHNSON

Signed and sworn to before me on this 28th day of December, 1995, by



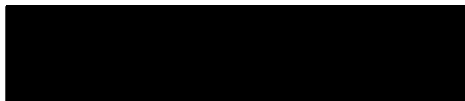
Notary Public, State of Iowa

Printed Name: Daniel L. Berry

My Commission Expires: Jan 27, 1998

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 25 day of January, 1995. 1996



Theresa A. Loffredo, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

95-065