

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

IN RE:)	
)	
)	CASE NUMBER: 96-081
REBECCA A. JACKSON (S32251))	
Salesperson)	
)	STATEMENT OF
6900 University)	CHARGES
Des Moines, Iowa 50311)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1998).

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

REBECCA A. JACKSON was at all material times during the following events, licensed salesperson, licensed with First Realty LTD., West Des Moines, Iowa, a real estate firm, license number F0152700. She is currently licensed with Godwin Realty, Des Moines, Iowa, a licensed real estate firm, license number F03146. Her license number is S36615.

COUNT I

The Respondent is charged with conduct detrimental to the public by failing to adequately disclose a materially adverse fact to the Buyers, thereby placing the clients, the Buyers and Sellers, in a position of potential legal liability by allowing the transaction to close knowing the septic system did not pass inspection, in violation of Iowa Code section 543B.29(3) and 543B.56(1)(a), (b), and (c), and 543B.56(2)(b) (1997), and IAC 193E—1.45(1)(b) and (c) and 4.40(19).

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CIRCUMSTANCES OF THE COMPLAINT

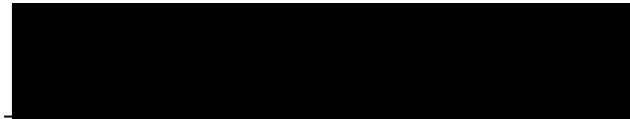
1. On February 21, 1995, the Respondent listed the property located at 6418 N.W. 52nd Court, Johnston, Iowa, for \$116,000, Doug and Sarah Higgins, sellers.
2. On March 19, 1995, the Baderstadts signed accepting Respondent's dual agency representation.
3. On March 20, 1995, the Higgins signed accepting Respondent's dual agency representation.
4. On or about March 26, 1995, the Higgins accepted an offer written by the Respondent for \$113,000 with Richard K. Baderstadt and Kathleen C. Baderstadt, buyers.
5. On or about April 27, 1995, A-1 Septic Tank Service, 5900 S. E. 6th Avenue, RR 5, Des Moines, Iowa, at approximately 9:30 p.m. contacted the Sellers and informed the Sellers that the septic system did not pass inspection. Thereafter, Sellers contacted the Respondent and informed her of the inspection results.
6. The Respondent did not, on the evening of April 27., 1995, contact the Buyers to advise them of the septic system problem, the effect upon closing scheduled for the next day, or to discuss possible plans to address the issue and close as scheduled.
7. At closing, the Respondent did not independently determine if the Buyers were fully aware of the failed septic system inspection and of the options available to them prior to closing, but relied on the statements of the loan closer that the inspection results had been passed on to the Buyers. As a consequence of this, the Respondent did not obtain written documentation evidencing disclosure to the Buyers.
8. The property closed April 28, 1995. The Higgins were charged \$120.00 for the A-1 Septic Tank Service \$75.00 inspection. The written statement is dated 5-2-95.
9. The Buyers, thereafter, experienced problems with the septic system and incurred unrelated expenses, resulting in a law action being filed in the Iowa District Court for Polk County against the Sellers and others.

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FINDING OF PROBABLE CAUSE

On December 12, 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 5th day of MARCH, 1998.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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Salesperson)

6900 University)
Des Moines, Iowa 50311)

CASE NUMBER: 96-081

STIPULATION AND
CONSENT ORDER

On this 5th day of MARCH, 1998, the Iowa Real Estate Commission and REBECCA A. JACKSON, each hereby agrees 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. Respondent has a right to a hearing on the charges, but waives his right to a 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 contested case hearing.

2. The Respondent was issued a salesperson license to practice real estate on September 13, 1991, as evidenced by license number S32251, which is in full force and effect through December 31, 1999.

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 voluntary Stipulation and Consent Order.

5. Respondent denies each and every allegation in the Statement of Charges, but will agree not to contest the Consent Order and the remedies contained herein.

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) (1998).

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 \$ 500.00 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.

FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 20th
day of February, 1998.

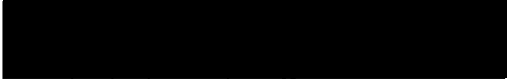


REBECCA A. JACKSON, Respondent

State of Iowa)

County of Polk)

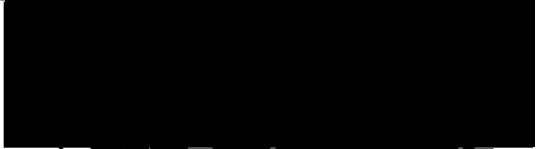
Signed and sworn to before me on this 20th day of February, 1998, by



Notary Public, State of Iowa
Printed Name: Mary Godwin
My Commission Expires: 7/10/98

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission
on the 5th day of MARCH, 1998.



RUSSELL D. NADING, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General