

BEFORE THE IOWA REAL ESTATE COMMISSION  
OF THE STATE OF IOWA

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IN THE MATTER OF: )

CAROL A. JOHN (B04885) )  
BROKER )

114 NORTH ELM )  
CRESTON, IA 50801 )

RESPONDENT )

CASE NUMBER 91-033

STIPULATION AND  
CONSENT ORDER

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On this 13 day of Dec, 1992, the Iowa Real Estate Commission and Carol A. John, 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 the 22nd day of April, 1980 as evidenced by license number B04885 which is in full force and effect through 12-31-94.

3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction of each allegation in the Statement of Charges.

4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order. The Statement of Charges is attached to this Stipulation and is incorporated into this Stipulation by this reference.

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.

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 117.29(3), 117.34(11) and 258A.3(2)(a) (1991).

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 Respondent, Carol A. John is REPRIMANDED.

IT IS FURTHER ORDERED that Respondent is hereby placed on probation for a period of six months from the date this document is accepted by the Commission which is shown on the last page of this Stipulation. During the period of probation, the Iowa Real Estate Commission may require Respondent to appear before them for the purpose of apprising the Commission of her activities in the practice of real estate.

IT IS FURTHER ORDERED that Respondent shall pay a civil fine to the Iowa Real Estate Commission in the amount of one hundred dollars (\$100.00) within 30 days of acceptance by the Commission. The fine shall be delivered or mailed to the Executive Secretary of the Iowa Real Estate Commission at the following address: 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

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.

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this 13 day of Nov, 1992.


  
Respondent U

Subscribed and Sworn to before me on this 13<sup>th</sup> day of November, 1992.



  
Notary Public, State of Iowa

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 19<sup>th</sup> day of NOVEMBER, 1992.

  
E. Joe Ann Lutz, Chairperson of the Iowa Real Estate Commission

cc: Sherie Barnett, Assistant Attorney General  
Skip Kenyon, Attorney; 211 Maple; Creston, IA 50801  
File 91-033

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

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IN RE:	)	CASE NUMBER: 91-033
	)	
CAROL A. JOHN (B04885)	)	
Broker	)	STATEMENT OF CHARGES
	)	
114 North Elm	)	
Creston, IA 50801	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 117, and 258A (1991).

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

Carol A. John is, and was at all times during the following events, a licensed real estate broker. Her license number is B04885. Carol A. John is the officer of Carol John Realty Inc. (F02568).

COUNT I

The Respondent is charged with failing to obtain an affirmative written disclosure to all parties clearly identifying which party the Respondent represented in the transaction and failing to obtain acknowledgement of the disclosure by separate signatures of the buyer and seller, in violation of Iowa Code section 117.55 and 193E Iowa Administrative Code sections 1.37 and 4.40(19).

CIRCUMSTANCES OF THE COMPLAINT

1. On March 12, 1991, Respondent listed property owned by Michael and Wilma Bradley, Creston, Iowa.
2. On August 8, 1991, a Purchase Agreement was signed by the buyer and seller.
3. Item "C" of the Purchase Agreement states: "The Buyers acknowledge that generally, the listing and selling (cooperating) brokers are Agents of the Sellers". The use of the word "generally" does not affirmatively disclose who the Respondent represented.

4. Respondent did not obtain separate signatures of the buyer and seller, acknowledging disclosure of agency.

FINDING OF PROBABLE CAUSE

On September 17, 1992 the Investigative Committee of 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 19<sup>th</sup> day of NOVEMBER, 1992.

  
Roger Hansen, Executive Secretary  
for the Iowa Real Estate Commission

cc: Sherie Barnett, Assistant Attorney General  
Skip Kenyon, Attorney; 211 N. Maple, Creston, IA 50801