


CIRCUMSTANCES OF THE COMPLAINT

1. In June 1, 2001, Respondent, as agent for Mel Foster Company, listed the property located at 5379 White Post Court, Bettendorf, Iowa for \$384,900. On July 11, 2001, Respondent, acting as dual agent, prepared an offer for \$394,900 cash with a \$1000 earnest money check to be held by Mel Foster Company, Inc. The offer was accepted July 11, 2001. The earnest money check was did not accompany the offer as indicated by the written terms. The Buyers mailed the earnest money check from South Carolina to the Respondent after July 14, 2001.
2. On or about July 21, 2001 the Buyer experienced heath problems and asked the Respondent to hold the check. On or about August 4, 2001, the Buyer contacted the Respondent and requested return of the earnest money as they would not be able to complete the transaction. Sometime after this request, the Respondent mailed the check back to the buyers.
3. The Seller contacted the broker requesting the earnest money from the failed transaction. The broker had no record of receiving the earnest money check from the Respondent. The Respondent left Mel Foster Company and at that time agreed to \$1000 of commissions due be paid to the Seller. On July 30, 2003, a check was written to the Seller for \$1000.

FINDING OF PROBABLE CAUSE

On November 20, 2003 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 26th day of FEBRUARY, 2004.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission

03-077

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

IN RE:)

DEBBIE PAVANO)
Salesperson (S39885))

RUHL & RUHL REAL ESTATE)
5403 VICTORIA AVE. SUITE 100)
DAVENPORT, IA 52807)

CASE NUMBER: 03-077

STIPULATION
AND
ORDER

On this 26th day of FEBRUARY, 2004, the Iowa Real Estate Commission and **DEBBIE PAVANO**, 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 13, 1999 and is in full force and effect through December 31, 2004.

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 the allegations in the charges, but agrees to resolve the charges by entering into this Consent Order.

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) (2003).

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 is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall personally attend the eight (8) hour Commission approved prebroker education course "Contract Law and Contract Writing." These hours shall be in addition to any real estate continuing education required by law for license renewal. The Respondent shall additionally personally attend the four (4) hour Commission approved continuing education course "Ethics." These hours may be use for continuing education required by law for license renewal. The original certificates of attendance for both courses must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this agreement by the Commission. The certificates of attendance must come under a cover letter addressed to the Commission's Executive Officer and must refer to case 03-077.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$ 500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 03-077.

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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FOR THE RESPONDENT:

This Stipulation and Consent Order is voluntarily entered into by **DEBBIE PAVANO** on this 19th day of January, 2004.



DEBBIE PAVANO, Respondent

State of Iowa)

County of Scott)

Signed and sworn to before me on this 19 day of January, 2004, by



Notary Public, State of Iowa
Printed Name: Brooke Bennett
My Commission Expires: March 15, 2004

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 26th day of FEBRUARY, 2004.



James E. Hughes, Chair
Iowa Real Estate Commission