

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

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IN RE:	)	
	)	
CAROL SULSBERGER (S25275)	)	CASE NUMBER: 96-010
Salesperson	)	STATEMENT OF CHARGES
	)	
401 Main Street	)	
Mapleton, Iowa 51034	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

CAROL SULSBERGER was at all material times during the following events, a licensed real estate salesperson in Mapleton, Iowa. CAROL SULSBERGER is currently licensed as a salesperson assigned to Robert E. Cloud, a sole-proprietor broker, license number B03803, in Mapleton, Iowa. Her license number is S25275.

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) (1995), and Iowa Administrative Code Chapter 193E, sections 3.3(5), 3.3(5)(c), and 3.3(5)(d).


### CIRCUMSTANCES OF THE COMPLAINT

1. On December 27, 1994, the Real Estate Commission received the application for renewal of the Respondent's salesperson license number S25275, signed by Respondent and for Respondent's broker by Steven P. Cloud.
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 three hour course entitled "Trust Accounts" course number 057-503M, and the three hour course entitled "Do you Discriminate:" course number 057-504M, both courses through Key Real Estate School on October 23, 1993.
4. In December 9, 1995, Respondent was sent notification of the Commission's audit of continuing education and the Respondent sent her attendance certificates to the Commission and was not able to verify courses 057-503-M and 057-504-M. Commission records did not have respondent on class lists provided by instructors.
5. On January 4, 1996, Respondent was notified of the problem with courses 057-503-M and 057-504-M was not able to provide the required verification of attendance.
6. Key Real Estate School could not provide verification of Respondent's attendance for courses 057-503-M and 057-504-M.
7. Respondent subsequently completed the additional continuing education required 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. 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).

FINDING OF PROBABLE CAUSE

On April 18, 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 11<sup>th</sup> day of JULY, 1996.

  
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Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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401 Main Street )  
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STIPULATION AND  
CONSENT ORDER

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On this 11<sup>th</sup> day of JULY, 1996, the Iowa Real Estate Commission and CAROL SULSBERGER, 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 April 7, 1986, as evidenced by license number S25275, 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.

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**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by the Respondent on this \_\_\_\_\_ day of June 13, 1996.



State of IOWA)

CAROL SULSBERGER  
Carolyn

County of WOODBURY

Signed and sworn to before me on this 13th day of JUNE, 1996, by



Notary Public, State of Iowa  
Printed Name: JAMES ALAN COHRS  
My Commission Expires: 6/14/98

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 11th day of JULY, 1996.



Evelyn Rank, Chair  
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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