

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

| | | |
|----------------------------|---|---------------------|
| IN RE: |) | |
| |) | |
| |) | CASE NUMBER: 99-077 |
| CAROL J WALDEN |) | |
| Broker (B16549) |) | STATEMENT OF |
| |) | CHARGES |
| 203 FIRST STREET W |) | |
| P O BOX 135 |) | |
| MOUNT VERNON, IA 523140135 |) | |
| |) | |

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1999).

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

CAROL J WALDEN was at all material times during the following events, a licensed real estate sole-proprietor broker in Mount Vernon, Iowa. Her license, number B16549, is in full force and effect through 12-31-2000.

COUNT I

Respondent is charged with engaging in a practice harmful or detrimental to the public by knowingly filing a deed that had been changed after it had been signed by the parties to the transaction, in violation of Iowa Code sections 543B29(3) (practice harmful or detrimental to the public) and 543B.34(1) and (8) (1999).

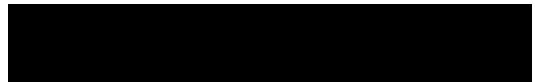
CIRCUMSTANCES OF THE COMPLAINT

1. On or about March 20, 1999, Respondent entered into a brokerage agreement Jeffery and Jeanette Barr for real estate brokerage services to be performed in the purchase of the property located at 120 7th Avenue South East, Mount Vernon, Iowa. Respondent prepared the offer and obtained other documents as required.
2. On or about June 24, 1999, Respondent notarized the signatures of Robert F. and Mary E. Zinkula on the Warranty Deed-Joint Tenacy. On June 25, 1999, the closing agent for United Settlement Service L. C. discovered the property description on the deed did not match the the abstract, title opinion, or the mortgage. The deed was subsequently changed to include "and Outlot B" and the transaction closed. The sellers and Guy P. Booth the attorney that prepared the deed were not aware of the change.
3. On June 25, 1999, the Respondent filed the deed at the Linn County Iowa Recorder, Cedar Rapids, Iowa, knowing the document had been changed without obtaining new notarized signatures of the parties as required.
4. On July 14, 1999, Respondent filed a corrected deed with "and Outlot B" removed, with properly notarized signatures.

FINDING OF PROBABLE CAUSE

On December 9, 1999, 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 25th day of MAY, 2000.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General

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| IN RE: |) | |
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| |) | CASE NUMBER: 99-077 |
| CAROL J WALDEN |) | |
| Broker (B16549) |) | STIPULATION |
| |) | AND |
| |) | CONSENT ORDER |
| 203 FIRST STREET W |) | |
| P O BOX 135 |) | |
| MOUNT VERNON, IA 523140135 |) | |

On this 25th day of MAY, 2000, the Iowa Real Estate Commission and CAROL J WALDEN, 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 broker license on March 23, 1979 as evidenced by license number B16549, which is in full force and effect through December 31, 2000.
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 has been filed and notice of hearing served.
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 543B.29(3), 543B.34(2) and 272C.3(2)(a) (1999).

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 ORDERED that the Respondent is **Reprimanded**.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$ 250.00 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 CAROL J WALDEN on this 22 day of MAY, 2000.



CAROL J WALDEN, Respondent

State of IOWA

County of LINN

Signed and sworn to before me on this 22 day of MAY, 2000, by



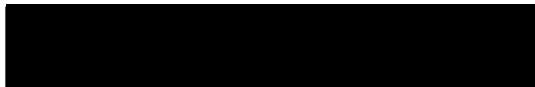
Notary Public, State of Iowa

Printed Name: Susan R. Mitchell

My Commission Expires: 3-5-03

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 25th day of MAY, 2000.



Evelyn M. Rank, Chair
Iowa Real Estate Commission

cc: Pam Griebel, Assistant Attorney General