

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN THE MATTER OF:)	Case No. 11-154
)	
Ruth J. Anderson)	
Broker (B18212))	
)	
Onawa Real Estate)	COMBINED STATEMENT OF
905 Iowa Ave.)	CHARGES, INFORMAL
Onawa, Iowa 51040)	SETTLEMENT AGREEMENT
)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent		

The Iowa Real Estate Commission (Commission) and **Ruth J. Anderson** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2011).

1. The Commission issued the Respondent real estate broker license number (B18212) on January 8, 1981. Respondent's license is current and in full force and effect through December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate broker sole proprietor, operating as Onawa Realty, a licensed real estate tradename, license number (T02869) located in Onawa, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2011). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

Statement of Charges

Count I

3. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to provide brokerage service to all parties to a transaction honestly and in good faith in violation of Iowa Code section 543B.29(1)(c), 543B.34(11), 543B56(1) & (2) by soliciting a brokerage agreement with a Buyer knowing the Buyer had a valid Exclusive Agency Agreement with another brokerage. See 193E Iowa Admin. Code section 11.3(7) and 18.14(5)(s).

Circumstances

4. Respondent is broker of record for Onawa Real Estate.

5. On April 6, 2011, the Respondent, through personal service by the Monona County Sheriff's Dept. was provided a copy of an Exclusive Agency Agreement directly involving a client of a competing brokerage.

6. The Respondent, knowing a valid Exclusive Agency Agreement existed interfered with the Agreement by offering to show properties listed by Onawa Real Estate to the client of the competing brokerage.

Settlement Agreement

7. Respondent admits to the allegations in the above-stated Statement of Charges.

8. Respondent acknowledges that she has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives her right to notice and a hearing and all attendant rights, including the right to seek judicial review. The Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Admin Code 7.4.

9. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent may have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

10. This Order shall be part of the permanent record of the Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

11. Failure to comply with the terms of this Order shall be prime facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a)(2011) and shall be grounds for further disciplinary action. However, no action may be taken against the respondent for violations of this Order without a hearing, or waiver of hearing.

12. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

(a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

13. Upon acceptance by both the Commission and the Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be made a public record available for inspection and copying in its entirety in accordance of Iowa Code chapter 212 (2011).

Consent Order

14. **REPRIMAND.** Pursuant to 193E Iowa Administrative Code section 18.14 (1)(j), the Respondent is reprimanded.

15. **EDUCATION.** The Respondent shall attend the Commission approved eight (8) hour course "Real Estate Law and Agency Law." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to case 11-154.

16. **FUTURE COMPLIANCE.** Respondent agrees that at all future times she shall fully and promptly comply with all pertinent orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

WHEREFORE, the terms of this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Ruth J. Anderson** on this 11th day of July, 2011.

By: **Ruth J. Anderson**, Respondent

In Re: Ruth J. Anderson

11-154

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State of IOWA

County of MONONA

Signed and sworn to before me on this 11 day of
JULY, 2011, by


Notary Public, State of Iowa

Printed Name: GARY G. TAYLOR

My Commission Expires: 2-22-12

Gary G. Taylor
IOWA NOTARIAL SEAL
Commission Number 403288
My commission expires February 22, 2012

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE**
COMMISSION on this 28 day of July, 2011.


LAURIE DAWLEY, Chair
Iowa Real Estate Commission