

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

IN RE:)	
)	CASE NUMBER: 06-075
Margery Stratton)	
Salesperson (S15127))	
)	COMBINED STATEMENT OF
Ruhl & Ruhl Commercial Company)	CHARGES, INFORMAL
5111 Utica Ridge Road)	SETTLEMENT AGREEMENT,
Davenport, IA 52807)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and Margery Stratton (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) (2005).

1. The Commission issued the Respondent real estate salesperson license number S15127 on October 12, 1977. Respondent's license is set to expire on December 31, 2008. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to Ruhl & Ruhl Commercial Company, a licensed real estate firm, license number F03925 in Davenport, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2005). 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 making misleading, deceptive, untrue, or fraudulent representations, in violation of Iowa Code sections 543B.29 and 543B.34 (2005) by:

- (a) Making a false statement of material fact on an application for a real estate license. See Iowa Code §§ 543B.1, 543B.15(5), 543B.29(1) & (3), 543B.34(1) & (11), and 193E Iowa Admin. Code §§ 16.5.
- (b) Failing to complete required continuing education for the 2004 license renewal period. See Iowa Code §§ 272C.2 and 193E Iowa Admin. Code §§ 4.4(1), 4.5(2)(c), 16.4, 18.2(5) and 18.14(5)(s).

CIRCUMSTANCES

4. In March of 2006, the Commission sent the Respondent a random audit requesting verification of her continuing education hours for the 2004 license renewal period.

5. The Respondent in her reply to the Commission's audit request acknowledged that she had failed to attend any continuing education classes for the 2004 license renewal period.

6. The Respondent's 2004 on-line renewal application falsely indicated that she had completed the required 36 hours of continuing education required for the renewal of her salesperson license.

SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges.

8. Respondent acknowledges that he 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 his right to notice and a hearing and all attendant rights, including the right to seek judicial review. This 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 Administrative 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 might 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 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 prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2005) 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 Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2005).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

15. **EDUCATION.** Pursuant to 193E Iowa Administrative Code sections 16.4(2) and 16.6 the Respondent shall attend thirty-six (36) hours of continuing education. The original certificates of attendance must be submitted to the Iowa Real Estate Commission under a cover letter addressed to the Commission's Executive Officer and refer to case 06-075. The continuing education hours mandated by this paragraph shall not count toward the continuing education requirement necessary for any future renewal of the Respondent's salesperson license. Nor may the continuing education hours mandated by this paragraph count toward the education requirements detailed in 193E Iowa Administrative Code section 3.1(5) for licensure as a real estate broker.

16. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of \$2,500 no later than 30 calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 06-075.

17. **SUSPENSION.** The Respondent's salesperson license is hereby **INDEFINITELY SUSPENDED**, effective immediately upon acceptance of this Agreement by the Commission. The Respondent shall not be eligible for reinstatement of her salesperson license until she has fully complied with all requirements imposed upon her by paragraphs 15 and 16 of this Agreement and submits an application for reactivation of her license to the Commission pursuant to 193E Iowa Administrative Code section 16.6. Under no circumstances, however, shall the Respondent be eligible to apply for reactivation of her salesperson license prior to the elapse of a minimum of 60 calendar days from the date of the Commission's acceptance of this Agreement.

18. **FUTURE COMPLIANCE.** The Respondent shall at all future times 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 **Margery Stratton** on this 12 day of June, 2006.

[Redacted Signature]

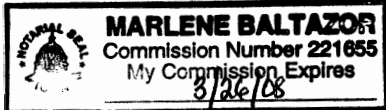
Margery Stratton, Respondent

State of Iowa)

County of Scott)

Signed and sworn to before me on this 12th day of June, 2006, by

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: Marlene Baltazor

My Commission Expires: 3/26/08

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 13 day of July, 2006.

[Redacted Signature]

JAMES E. HUGHES, Chair
Iowa Real Estate Commission