

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

IN RE:))) JEFFERY A. MARTIN) Broker (B33317))) MARTIN ENTERPRISES, INC. (CANCELED)) 210 SOUTH LOCUST) GLENWOOD, IA 51534))))	CASE NUMBER A04-129 STIPULATION AND ORDER
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On this 13th day of JANUARY, 2005, the Iowa Real Estate Commission and **JEFFERY A. MARTIN**, 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 5, 2001, which is in full force and effect through December 31, 2006.

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 each and every allegation in the Statement of Charges.

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.

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 Commission approved eight (8) hour broker pre-license education course: "Iowa Real Estate Trust Accounts." 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 thirteen (13) 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 A04-129.

IT IS FURTHER ORDERED AND AGREED that in the future if the Respondent changes license type and he is required to have a real estate trust account, the he shall establish and properly maintain trust account records.

IT IS FURTHER ORDERED AND AGREED 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 **JEFFERY A. MARTIN** on this 4 day of January, 2005.

[Redacted Signature]
JEFFERY A. MARTIN, Respondent

State of Iowa)

County of Mills)

Signed and sworn to before me on this 4 day of January, 2005, by



[Redacted Signature]
Notary Public, State of Iowa
Printed Name: Laura Craig-Buchholz
My Commission Expires: 8/3/07

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 13th day of JANUARY, 2005.

[Redacted Signature]
James E. Hughes, Chair
Iowa Real Estate Commission [Redacted]

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

IN RE:)	
)	
)	CASE NUMBER A04-129
JEFFREY A. MARTIN)	
Broker (B33317))	STATEMENT
)	OF
Martin Enterprises, Inc. (Canceled))	CHARGES
210 SOUTH LOCUST)	
GLENWOOD, IA 51534)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

JEFFREY A. MARTIN was at all material times, during the following events, a licensed broker officer in charge of Martin Enterprises, a licensed real estate firm (F04419) in Glenwood, Iowa. The firm license was canceled September 30, 2004. He is currently licensed as a Broker Associate with N P Dodge Real Estate (F00356) in Omaha, NE. His license, number B33317 was issued March 5, 2001 and is in full force and effect through 12-31-2006.

COUNT I

The Respondent is charged with engaging in practices involving his trust account which are harmful or detrimental to the public, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), 543B.34(7) (2003) and 193E--IAC sections), 13.1(a) & (c), 13.1(14) and 18.14(5)(f)(1) by the following:

- a. Failed to deposit a \$200 earnest money check, disbursed the funds at closing, resulting in a negative balance, and commingling of trust funds, and
 - b. Trust account contained funds for several outstanding escrow agreements that were dated more that three years before the date of the audit.
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Martin


CIRCUMSTANCES OF THE COMPLAINT

1. On or about August 26, 2004, an audit was conducted by Jeff Evans.
2. The audit found the following violations: 1). A \$200 earnest money deposit was not deposited into the trust account, disbursed at closing, resulting in a negative balance and commingling of funds, and 2). The account contained several outstanding escrow balances that were dated over three years before the date of the audit.

FINDING OF PROBABLE CAUSE

On September 16, 2004 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.

Executed this 13th day of JANUARY, 2005.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission
