

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

IN RE:)	
)	
)	CASE NUMBER: 04-101
ANITA L SMALL)	
Broker (B02606))	STIPULATION
)	AND
WOODLAND REALTY)	ORDER
2018 INDIAN HILLS DRIVE)	
SIoux CITY, IA 51104-1602)	

On this 14th day of April, 2005, the Iowa Real Estate Commission and ANITA L SMALL, 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 May 13, 1980, and is in full force and effect through December 31, 2007.
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 courses: "Iowa Real Estate Trust Accounts and "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 certificates 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 04-101.

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 ANITA L. SMALL on this 26 day of February, 2005.

[Redacted Signature]

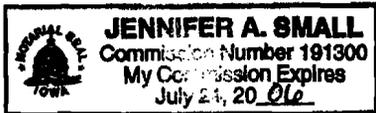
ANITA L. SMALL, Respondent

State of Iowa

County of Woodbury

Signed and sworn to before me on this 26 day of February, 2005, by

[Redacted Signature]



Notary Public, State of Iowa
Printed Name: JENNIFER A. SMALL
My Commission Expires: 7/24/06

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 14th day of April, 2005.

[Redacted Signature]

James E. Hughes, Chair
Iowa Real Estate Commission

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

IN RE:)	
)	
)	CASE NUMBER: 04-101
ANITA L. SMALL)	
Broker (B02606))	STATEMENT
)	OF
WOODLAND REALTY)	CHARGES
2018 INDIAN HILLS DRIVE)	
SIoux CITY, IA 51104-1602)	
)	

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.

ANITA L. SMALL was at all material times, during the following events, a licensed Sole-proprietor Broker, dba Woodland Realty, in Sioux City, Iowa. Her license, number B02606 was issued May 13, 1980 and is in full force and effect through 12-31-2007.

COUNT I

The Respondent engaged in practices harmful or detrimental to the public by failing to properly handle the notice of deficiencies, releasing the earnest money deposit without the written consent of all parties, and failing to adequately supervise an assigned salesperson, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) 543B.56(1)(b) and IAC 193E-7.11, 13.1(8) and 18.14(5)(f)(2).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about March 24, 2004, a salesperson licensed with Respondent, listed the property located at 3316 Jennings Street, Sioux City, IA for \$115,000. On or about June 15, 2004, Respondent drafted a \$110,000 offer, \$1,000 earnest money, with contingencies.
2. The Buyer obtained an inspection that found so many items wrong, the Buyer decided they did not want to purchase the property. The inspection was given to the Seller without benefit of explanation or direction as to what items the Buyer wanted repaired. The Buyer made written request for return of the earnest money on July 6, 2004. Shortly thereafter, Respondent released the earnest money to the Buyer without the written consent or knowledge of the Seller.
3. Respondent, as broker, should have known the requirements for release of earnest money and how to properly handle the deficiency notice which is included in the standard language of the Respondent's offer form.
4. The listing salesperson did seek assistance from his supervising broker and did follow the Respondent's directions.

FINDING OF PROBABLE CAUSE

On December 2, 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 14th day of APRIL, 2005.



Roger L. Hansen, Executive Officer
Iowa Real Estate Commission