

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

COPY

IN RE: )

BRETT LINDMAN )  
Salesperson (S38666) )

IOWA REALTY CO. INC. )  
3501 WESTOWN PKY )  
WEST DES MOINES, IA 50266 )

CASE NUMBER: 01-044

STIPULATION  
AND  
ORDER

On this 6<sup>th</sup> day of DECEMBER, 2001, the Iowa Real Estate Commission and BRETT LINDMAN, 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 salesperson license on April 13, 1998 which is in full force and effect through December 31, 2002.

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. The 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.

01-044

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) (2001).

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 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 BRETT LINDMAN on this 5 day of NOVEMBER, 2001.



**BRETT LINDMAN, Respondent**

State of Iowa)

County of Polk)

Signed and sworn to before me on this 5<sup>th</sup> day of November, 2001, by

3-16-03



Notary Public, State of Iowa

Printed Name: Jan Helland

My Commission Expires: 3-16-03

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 6<sup>th</sup> day of DECEMBER, 2001.



**Robert J. Miller, Chair**  
Iowa Real Estate Commission

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

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IN RE:	)	
	)	
	)	CASE NUMBER: 01-044
BRETT LINDMAN	)	
Salesperson (S38666)	)	STATEMENT OF
	)	CHARGES
IOWA REALTY CO. INC.	)	
3501 WESTOWN PKY	)	
WEST DES MOINES, IA 50266	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2001).

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

BRETT LINDMAN is, and was at all material times during the following events, a licensed salesperson with Iowa Realty Co. Inc. a license real estate firm, license number F0071, in West Des Moines, Iowa. His license, number S38666, is in full force and effect through December 31, 2003.

COUNT I

The Respondent is charged with engaging in a practice harmful or detrimental to the public by arranging for a client to obtain access to listed properties knowing that an agent would not be present, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public) and 543B.56(1)(b) (2001), and Iowa Administrative Code Chapter 193E section 4.54(19).

CIRCUMSTANCES OF THE COMPLAINT

1. On or about May 2, 2001, Respondent contacted Lora Shreve an agent with First Realty of Ames, to arrange to show properties listed in the Ogden and Boone, Iowa areas. Shreve informed Respondent that she would not be available, but she would leave the keys to the properties at her home for him to pick up.
2. On or about May 2, 2001, Respondent contacted another agent to arrange showings of properties listed in the Ogden and Boone, Iowa areas.
3. On or about May 2, 2001, due to an emergency, the Respondent could not attend the showings. Respondent failed to inform Shreve, but did contact the other agent, who provided the access code to the property and advised the Respondent to have clients enter the property if they arrived before her at the property. Respondent provided his clients with this information.
4. The clients obtained the keys left for Respondent by Shreve and entered the property located at 301 East Locust, Ogden, Iowa, approximately one hour prior to the appointment. The owner was home in the shower at the time. After hearing noises that indicated the house was occupied, the clients left the property.

FINDING OF PROBABLE CAUSE

On September 20, 2001 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 6<sup>th</sup> day of DECEMBER, 2001.

  
Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission