

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

IN RE:)	
)	
JULIA A. SHEFFLER (B02544))	CASE NUMBER: A96-076
Broker)	
)	STATEMENT OF
Sheffler Real Estate)	CHARGES
1603 Main Street)	
Keokuk, Iowa 52623-2743)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (1995).

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

JULIA A. SHEFFLER was at all material times during the following events, a licensed real estate broker license number B02544. JULIA A. SHEFFLER is a sole proprietor broker in Keokuk, Iowa.

COUNT I

The Respondent is charged with failing to maintain adequate trust account records that resulted in the general ledger, individual ledgers, and the bank statement not being in agreement, in violation of Iowa Code sections 543B.29(2) and 543B.34(8), (1995), and Iowa Administrative Code Chapter 193E, sections 1.27(6) and 4.40(5).

COUNT II

The Respondent is charged with managing property with inadequate property management agreements, in violation of Iowa Code sections 543B.29(3) (1995) and Iowa Administrative Code Chapter 193E, sections 1.30(1) and 4.40(19).

COUNT III

The Respondent is charged with having \$268.08 in unidentified funds in the trust account, in violation of 543B.29(3), and 543B.46(4) (1995) and Iowa Administrative Code Chapter 193E, sections 1.27(1)(c) and 4.40(6)(h).


CIRCUMSTANCES OF THE COMPLAINT

1. On May 10, 1996, Iowa Real Estate Commission Field Auditor J. Michael Sharp, examined the trust account records of Julia A. Sheffler, Keokuk, Iowa.
2. The audit found that the Respondent's general ledger, individual ledgers, and bank statement each had a different balance amount.
3. Respondent was managing two properties with property management agreements that did not provide for the terms and conditions for termination of the agreement by the broker or the owner of the properties.

FINDING OF PROBABLE CAUSE

On August 22, 1996 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 12th day of DECEMBER, 1996.



Roger L. Hansen, Executive Secretary
Iowa Real Estate Commission

cc. Pam Griebel, Assistant Attorney General

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ANKENY, IOWA

IN RE:)	
)	
JULIA A. SHEFFLER (B02544))	CASE NUMBER: A96-076
Broker)	
)	STIPULATION AND
)	CONSENT ORDER
Sheffler Real Estate)	
1603 Main Street)	
Keokuk, Iowa 52632-2743)	
)	
)	

On this 12th day of DECEMBER, 1996, the Iowa Real Estate Commission and JULIA A. SHEFFLER, 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 was issued a broker's license to practice real estate on the 3rd day of October, 1975 as evidenced by license number B04411 which is in full force and effect through December 31, 1997.
3. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.
4. A Statement of Charges will be filed against Respondent together with this Stipulation and Consent Order.
5. Respondent admits each and every allegation in the Statement of Charges.
6. 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.
7. 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.

A96-076

8. 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) (1995).

9. 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.

10. 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 shall take eight (8) hours of real estate continuing education in "Trust Account and Closing Procedures" in addition to the estate continuing education required by law for license renewal. The course must be approved as a "Broker Pre-License Course". 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. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Secretary and must refer to case A96-076.

IT IS FURTHER ORDERED that the respondent shall send copies of the most recent monthly reconciliation, bank statement, general ledger, and individual ledgers to the Commission's field auditor, J. Michael Sharp, within 30 days of acceptance of this Stipulation and Consent Order by the Commission.

IT IS FURTHER ORDERED 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 the Respondent on this 20th day of November, 1996.



JULIA A. SHEFFLER, Respondent

State of Iowa)

County of Lee)

Signed and sworn to before me on this 20th day of November 1996, by



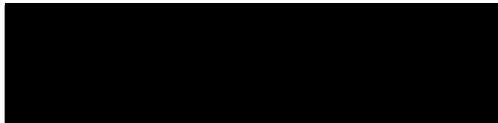
Notary Public, State of Iowa

Printed Name: LURA JEAN CATTON

My Commission Expires: 10-6-98

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on the 12 day of December, 1996.



Evelyn Rank, Chair
Iowa Real Estate Commission