

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 S.E. HULSIZER
ANKENY, IOWA

IN RE:)	CASE NUMBER: 89-035
Bertha M. Rolf (B02381))	
Broker)	INFORMAL SETTLEMENT
406 West Mt. Pleasant Street)	
P O Box 219)	
West Burlington, Iowa 52655)	

Pursuant to Iowa Code Section 17A.10(1989) and 193E Iowa Administrative Code Section 4.12(117), this Informal Settlement is entered into between Bertha M. Rolf and the Iowa Real Estate Commission (Commission). The parties agree as follows:

STIPULATED STATEMENT OF FACTS

1. The Commission has jurisdiction of this matter under Iowa Code Chapters 17A, 117, and 258A(1989) as well as the administrative rules found in Chapter 193E of the Iowa Administrative Code.
2. Bertha M. Rolf is, and was at all times during the following events, a licensed real estate broker. Her license number is B02381.
3. On March 23, 1989, The Department of Inspections and Appeals completed an examination of Broker Rolf's trust account.
4. Broker Rolf failed to maintain Individual Ledger Sheets for each transaction.
5. Broker Rolf's trust account was short \$363.38.
6. Broker Rolf deposited \$363.38 in the trust account to correct the shortage.

7. Iowa Code Section 117.46(4)(1989) states:

Each broker shall only deposit trust funds received on real estate or business opportunity transactions as defined in section 117.6 in said common trust account and shall not commingle the broker's personal funds or other funds in said trust account with the exception that a broker may deposit and keep a sum not to exceed one hundred dollars in said account from the broker's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to said trust account.

8. Iowa Administrative Code Section 193E 1.27(117) states:

Trust account. Earnest payments, rents collected, property management funds, and other trust funds received by the broker shall be deposited in an identified "trust" account in a bank, savings and loan association, savings bank, or credit union located in Iowa. A broker shall maintain in the broker's office a general ledger for the trust account and an account ledger for each account or transaction which shall provide a complete record of all moneys received on real estate transactions, rents, and management funds, including the sources of the money, the date of receipt, depository, and date of deposit; and when a transaction has been completed, the final disposition of the moneys. The notification to the commission of the name, depository, and address of the broker's trust account shall include the account number.

9. Iowa Administrative Code Section 193E--4.40(117)(5)b states:

Violations for which civil penalties may be imposed.

5. Maintaining inadequate transaction records such as:

b. Failing to maintain individual account ledgers.

AGREED ORDER

By agreement it is therefore ORDERED, ADJUDGED, and DECREED by the Iowa Real Estate Commission as follows:

1. Bertha M. Rolf has the right to a hearing on this matter, but waives her right to a hearing and all attendant rights by freely entering into this Informal Settlement.
2. Broker Rolf agrees to establish and properly maintain trust account records following the Generally Accepted Accounting Principals. The trust account records shall include a General Ledger, Individual Ledgers for all transactions, Personal Funds Ledger and Interest Card.
3. Broker Rolf agrees to do monthly trust account reconciliations as a preventive measure against trust account irregularities.
4. This Informal Settlement shall be made part of the permanent record of Bertha M. Rolf and shall be considered by the Commission in determining the nature and severity of the disciplinary action to be imposed for any future license law violations by the Broker.
5. Failure to comply with the provisions of this agreed order shall be considered prima facie evidence of a violation of Iowa Code Sections 117.29(3) and 117.34(2)(1989). However, no action may be taken against any licensee without a hearing as provided for in Iowa Code Section 117.35(1989).
6. The within settlement is subject to the approval of the Commission and if the Commission fails to approve this settlement, it shall be of no force or effect on either the Commission or the licensee, and it shall not be admissible for any purposes at any further proceedings in this matter.

FOR THE BROKER:

Dated this 1st day of August, 1990.

[Redacted Signature]

Bertha M. Rolf

Signed and sworn to before me this 1st day of August, 1990.

[Redacted Signature]

Notary Public, State of Iowa

FOR THE COMMISSION:

Signed this 16th day of August, 1990.

[Redacted Signature]

E. Joe Ann Lutz, Chairperson

Executed this 20th day of August, 1990.

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the U. S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings, on August 20, 1990.

[Redacted Signature]

K. Marie Thayer,
Administrator