

FILED February 6, 2014 (Date)

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

IR'EL
Board of Commissioners
[Redacted]
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 13-225
Erin Caldwell-Owen)	
Salesperson (S61569000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Lora L. Ahrens-Olerich, Broker Sole Proprietor)	SETTLEMENT AGREEMENT,
1327 SE Marshall Street)	AND CONSENT ORDER IN A
Boone, IA 50212)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and Erin Caldwell-Owen (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2013).

1. The Commission issued the Respondent a real estate salesperson license number S61569000 on June 27, 2012. Respondent's license is active and in full force and effect until December 31, 2014. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Lora L. Ahrens-Olerich, a licensed real estate broker sole proprietor, license number B40001000, located in Boone, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2013). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. The Respondent is charged with, and upon a voluntary plea of guilty, has been convicted of a criminal offense involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code sections 543B.29(1)(f) (2013). See also Iowa Code § 272C.10(5), Iowa Code § 543B.15(3), Iowa Code § 543B.29(1)(f)(2), and 193E Iowa Administrative Code §§ 18.2(1) & (4).

COUNT II

4. The Respondent is charged with failing to notify the Commission of the licensee's conviction of an offense included in Iowa Code § 543B.15(3), in violation of Iowa Code § 543B.29(1)(f)(1) (2013). See also Iowa Code § 272C.10(5), Iowa Code § 543B.15(3), and 193E Iowa Administrative Code §§ 18.2(1) & (4).

CIRCUMSTANCES

5. On or about August 20, 2013, the Respondent pleaded guilty in the Iowa District Court for Boone County to one count of fraudulent practices in the third degree in violation of Iowa Code section 714.11(1), an aggravated misdemeanor. See State of Iowa v. Erin Caldwell Owen, Boone County No. FECR108267. The Respondent was sentenced to two years in prison, suspended; a fine of \$625; two years probation; and was ordered to pay restitution in the amount of \$19,053.

6. The Respondent failed to report the guilty plea entered in Boone County No. FECR108267 to the Commission in a timely manner as required by Iowa Code § 543B.29(1)(f)(1) (2013).

SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute two (2) violations (Count I & II) for purposes of Iowa Code section 543B.29(4) (2013).

8. Respondent acknowledges that she has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives her right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

9. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

10. This Order shall be part of the permanent record of Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

11. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2013) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

12. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

(a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

13. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement, and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2013).

CONSENT ORDER

14. REPRIMAND. Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

15. SUSPENSION. The Respondent's real estate salesperson license shall be suspended for a period of one hundred twenty (120) consecutive days. The effective date of the license suspension shall be the date this Order is accepted by the Commission. The Respondent shall return real estate salesperson license number S61569000 to the Commission immediately upon notification that this Order has been accepted by the Commission.

16. PROBATION. Upon completion of the license suspension ordered in paragraph 15 above, the Respondent shall be placed on probation indefinitely, but for a period of no less than two hundred forty (240) days. Provided that a minimum of 240 days have elapsed from the commencement of probation, the Respondent shall be discharged from probation immediately upon the Respondent's presentation to the Commission of a certified copy of the order discharging the restitution due in Boone County No. FECR108267. Should the Respondent commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke the Respondent's salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

17. **EDUCATION.** The Respondent shall attend the Commission approved twelve (12) hour course "Developing Professionalism and Ethical Practices." 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 twelve (12) 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 13-225.

18. **FUTURE COMPLIANCE.** The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

WHEREFORE, the terms of this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Erin Caldwell-Owen on this 13th day of January, 2014.

[Redacted Signature]

By: ERIN CALDWELL-OWEN, Respondent

State of Iowa

County of Boone

Signed and sworn to before me on this 13th day of January, 2014, by

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: Jason Springer

My Commission Expires: 2-28-15

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 13th day of January, 2014.

[Redacted Signature]

SUSAN J. SANDERS, Chair
Iowa Real Estate Commission