

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

FILED

October 2, 2014 (Date)

IR&C  
Board / Commission

Signature Executive Officer

IN RE:	)	
	)	CASE NUMBER: 13-226
Phyllis J. Kline	)	
Broker (B31315000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
KLC Property Management Solutions, L.C.	)	SETTLEMENT AGREEMENT,
815 Office Park Road, Suite 9	)	AND CONSENT ORDER IN A
West Des Moines, IA 50265	)	DISCIPLINARY CASE
	)	
Respondent.	)	

The Iowa Real Estate Commission (Commission) and Phyllis J. Kline (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 real estate broker license number B31315000 on August 8, 2007. Respondent's license is current and in full force and effect through December 31, 2015. At all times relevant to this matter, the Respondent was a licensed real estate broker officer, assigned to KLC Property Management Solutions, L.C., license number F05206000, located in West Des Moines, 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 engaging in a practice harmful or detrimental to the public by knowingly aiding or abetting the unlicensed practice of real estate in Iowa in violation of Iowa Code §§ 543B.29(1)(c), 543B.34(1)(i)(1) (2013); and 193E Iowa Administrative Code §§ 7.11, 18.2(6), 18.14(5)(s).

**CIRCUMSTANCES**

4. In approximately July 2013, the Commission became aware that while under the supervision of the Respondent, KLC Property Management Solutions, L.C. had an unlicensed person acting in the capacity of a real estate broker or salesperson in the State of Iowa between the time period of June 2007 and August 2012.

### SETTLEMENT AGREEMENT

5. As an effort to resolve this Complaint without the need for further investigation and/or a formal IREC hearing on the matters alleged in the Complaint, and not as an admission of wrongdoing, liability, or other culpability for the allegations in the above-stated Statement of Charges, Respondent consents to the allegations in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2013).

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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**

**IT IS THEREFORE ORDERED:**

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

13. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) no later than one hundred and eighty (180) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to Case 13-226.

14. EDUCATION. The Respondent shall attend the Commission approved eight (8) hour course "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 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 13-226.

15. 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 **Phyllis J. Kline** on this 21st day of August, 2014.

[Redacted Signature]

By: **PHYLLIS J. KLINE**, Respondent

State of Iowa

County of Polk

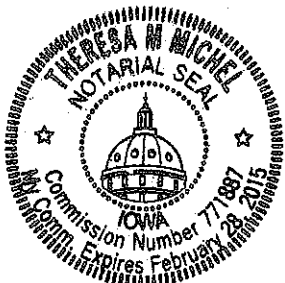
Signed and sworn to before me on this 21st day of August, 2014, by:

[Redacted Signature]

Notary Public, State of Iowa

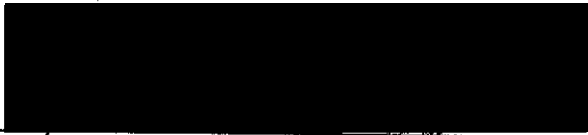
Printed Name: Theresa Michel

My Commission Expires: February 28, 2015



**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this  
2nd day of OCTOBER, 2014.



TERRANCE M. DUGGAN, Chair  
Iowa Real Estate Commission