

BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 S.E. HULSIZER  
ANKENY, IOWA

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IN RE:	)	
	)	CASE NUMBER: 10-463
Lindsay M. Firzlaff	)	
Salesperson (S44671)	)	
	)	STIPULATION AND
RESPONDENT	)	VOLUNTARY SURRENDER
	)	OF SALESPERSON LICENSE
	)	
10421 Timothy Street	)	
Dubuque, Iowa 52003	)	

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The Iowa Real Estate Commission (Commission) and **Lindsay M. Firzlaff** (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) (2009).

1. The Commission issued the Respondent a real estate salesperson license number S44671 on March 16, 2004. Respondent's license is currently suspended pursuant to Iowa Code section 543B.29(1)(e) as amended by S.F. 2326 (2010) and expires on December 31, 2012.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). 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 failing to notify the Commission of her conviction of a reportable criminal offense within ten days of the conviction in violation of Iowa Code sections 543B.15(3), 543B.29(1)(e) (2010 Supp.) and 193E Iowa Administrative Code sections 4.5(5), 18.1, 18.14(1)(a) & (c), 18.14(5)(s).

COUNT II

4. The Respondent is charged with having been convicted of a felony criminal offense and/or 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 section 543B.29(1) as amended by S.F. 2326 (2010).

See also Iowa Code § 272C.10(5) (2009); Iowa Code § 543B.15(3) as amended by S.F. 2326 (2010); 193E Iowa Admin. Code §§ 18.2(1) & (4).

### CIRCUMSTANCES

5. On or about September 28, 2010, Respondent was convicted in the Iowa District Court for Dubuque County of the charges of Theft 1<sup>st</sup> Degree and Theft 4<sup>th</sup> Degree.

6. The Respondent failed to notify the Commission of the Theft convictions within ten days of the Court's entry of the convictions.

### SETTLEMENT AGREEMENT

7. Respondent admits each and every allegation in the above-stated Statement of Charges.

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) (2009) 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 (2009).

### CONSENT ORDER

14. **IT IS THEREFORE ORDERED:** Respondent's Iowa Real Estate Salesperson License S44671 is **SURRENDERED** for an indefinite time and not less than five years from completion of all terms of the conviction.

15. **RESPONDENT ACKNOWLEDGES** that the effective date of surrender shall be the date this Stipulation is accepted by the Commission.

16. **RESPONDENT FURTHER ACKNOWLEDGES** that Iowa law allows the Respondent to reapply for an Iowa Real Estate License if the surrender or revocation took place five (5) years (or longer) prior to reapplication, **AND** that the Respondent must qualify as a salesperson starting over as if never licensed, **AND** that reapplication may or may not be granted by the Iowa Real Estate Commission and that the violation of law herein may provide a basis for denial.

**WHEREFORE**, the terms of this Stipulation and Voluntary Surrender of License is agreed to by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by **Lindsay M. Firzlaff** on this 19<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
By: **LINDSAY M. FIRZLAFF**, Respondent

State of IA )

County of Johnson )

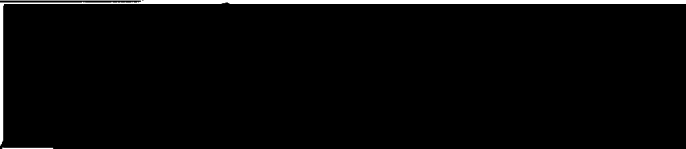
Signed and sworn to before me on this 19 day of October, 2010, by



Notary Public, State of Iowa  
Printed Name: Karin Bond  
My Commission Expires: 2/28/11

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 9 day of December, 2010.



LAURIE DAWLEY, Chair  
Iowa Real Estate Commission

