

FILED November 6, 2014 (Date)

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

JAS
Board / Commission
[Signature]
Signature Executive Officer

IN RE:)	
)	CASE NUMBER: 11-241
Carmen Hocking)	
Salesperson (S37220000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Godwin Realty Inc.)	SETTLEMENT AGREEMENT,
6600 University Avenue)	AND CONSENT ORDER IN A
Des Moines, IA 50324)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Carmen Hocking** (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) (2011).

1. The Commission issued the Respondent real estate salesperson license number S37220000 on July 18, 1996. Respondent's license is current 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 Godwin Realty Inc., a licensed real estate firm, license number F03146000, located in Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2011). 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 that is harmful or detrimental to the public by conduct which demonstrates bad faith, or improper, fraudulent or dishonest dealings in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1), 543B.56(1)(a), 543B.56(1)(b) (2011); and 193E Iowa Administrative Code sections 12.4(1)(b), 12.4(1)(c), 18.14(5)(j), 18.14(5)(s) by allowing a third party to a transaction sign real estate documents on behalf of a party without the express written consent of the party involved in the real estate transaction.

CIRCUMSTANCES

4. In August 2010 – September 2010, the Respondent acting as an exclusive buyer's agent, represented the buyers in their purchase of real property located in Des Moines, IA.

5. Throughout the real estate transaction for the subject property, the Respondent allowed a thirty party to sign real estate documents on behalf of the buyers without the express written consent of the parties to the transaction. Consequently, not all signatures affixed to the required real estate documents were that of the buyers in the transaction that closed on September 22, 2010.

SETTLEMENT AGREEMENT

6. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) .

7. 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.

8. 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.

9. 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.

10. 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) (2011) 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.

11. 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.

12. 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 (2011).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

14. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of two thousand, five hundred dollars (\$2,500) no later than one hundred 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, referencing Case 11-241.

15. **EDUCATION.** The Respondent shall attend the Commission approved eight (8) hour course "Contract Law and Contract Writing" and 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, referencing Case 11-241.

16. **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.

IREC Case No. 11-241
Carmen Hocking

FOR THE RESPONDENT:

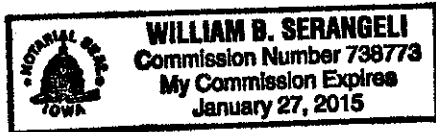
Voluntarily agreed to and accepted by Carmen Hocking on this 22nd day of October, 2014.

Carmen Hocking
By: CARMEN HOCKING, Respondent

State of IOWA)

County of POLK)

Signed and sworn to before me on this 22nd day of October, 2014, by:



William B. Serangeli
Notary Public, State of Iowa
Printed Name: William B. Serangeli
My Commission Expires: January 27, 2015

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 6th day of November, 2014.

Terrance M. Duggan
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission