

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

November 6, 2014 (Date)
REC
Board/Commission
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 10-540
Peg Kugler)	
Salesperson (S30433000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Re/Max Home Group)	SETTLEMENT AGREEMENT,
3731 Pheasant Lane)	AND CONSENT ORDER IN A
Waterloo, IA 50701)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Peg Kugler** (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).

1. The Commission issued the Respondent real estate broker license number S30433000 on February 19, 1990. Respondent's license is in full force and effect until December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to Re/Max Home Group, license number F04022000, located in Waterloo, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. 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, failing to provide brokerage services to all parties honestly and in good faith, and/or failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(1)(b), 543B.29(1)(c), 543B.34, 543B.56(1)(a), 543B.56(1)(b) (2009); and 193E Iowa Administrative Code sections 14.1(5), 18.14(5)(s) by failing to provide an amended Seller Disclosure Statement.

CIRCUMSTANCES

4. In June 2010, the Respondent on behalf of her affiliated broker, entered into a listing agreement with the sellers for a property located in Waterloo, Iowa.
5. The Respondent, acting as an exclusive seller's agent, obtained a Seller Property Disclosure Statement from the seller dated June 8, 2010.
6. On September 1, 2010, information on Line #22(3) of the Seller Property Disclosure Statement form concerning homeowner association fees became outdated and consequently, inaccurate.
7. On September 30, 2010, before presenting an Offer to Purchase Real Estate for the subject property, the buyer was presented the Seller Property Disclosure Statement dated June 8, 2010 and subsequently affixed her signature to said document.
8. The Respondent failed to provide an amended Seller Property Disclosure Statement when the information disclosed became inaccurate and misleading.

SETTLEMENT AGREEMENT

9. Respondent admits 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) (2013).
10. 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.
11. 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.
12. 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.

13. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) 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.

14. 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.

15. 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:

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

17. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of one thousand, five hundred dollars (\$1,500.00) 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 09-259.


18. **EDUCATION.** The Respondent shall attend the Commission approved eight (8) hour "Contract Law and Contract Writing" class. 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 10-540.

19. **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:

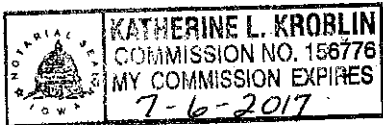
Voluntarily agreed to and accepted by **Peg Kugler** on this 23rd day of October, 2014.

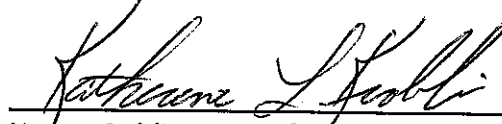

By: **PEG KUGLER**, Respondent

State of Iowa

County of Blackhawk

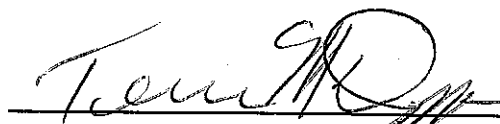
Signed and sworn to before me on this 23rd day of October, 2014, by




Notary Public, State of Iowa
Printed Name: Katherine L. Kroblin
My Commission Expires: 7-6-2017

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this day of 11-6-, 2014.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission