

BEFORE THE IOWA REAL ESTATE COMMISSION
1918 SE HULSIZER
ANKENY, IOWA

INRE:)	CASE NUMBER: 07-193
)	
Diane K. Plum)	STATEMENT
Salesperson (842274))	OF
)	CHARGES
WOODLANDS)	
2018 INDIAN HILLS DRIVE)	
SIOUX CITY, IOWA 51104)	
)	

The Iowa Real Estate Commission (Commission) and Diane K. Plum (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) (2005).

1. The Commission issued the Respondent real estate salesperson license number 842274 on February 25, 2002. Respondent's license is current and in full force and effect through December 31, 2007. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to Realty Specialists, a licensed real estate firm, license number (F03080) in Sioux City, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2005). 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. Respondent is charged with engaging in a practice that is harmful or detrimental to the public in violation of Iowa Code sections 543B.29(3) by failing to represent a client's best interests. See Iowa Code §§ 543B.29(2), 543B.29(3); 193E Iowa Admin. Code §§ 12.4(1)(b), 12.4(1)(C)(7) and 18.14(5)(s).

CIRCUMSTANCES

4. Respondent, in representing the buyers, prepared an addendum calling for the sellers to pay \$1,000 towards the cost of roof repairs. As the lender would not allow this payment to be made to the buyer at closing, a new addendum was drafted by the Respondent calling for the monies to be escrowed by seller's brokerage upon closing. The Respondent failed to follow up with the seller's agent to assure that the new

addendum was addressed by the seller resulting in buyers not obtaining the monies previously agreed upon by all parties.

SETTLEMENT AGREEMENT

5. Without admission of wrongdoing or guilt the Respondent does not contest the allegation as spelled out in the above Statement of Charges.

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 _____ 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) (2005) 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 (2005).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

13. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$1,000 no later than May 1, 2008. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 07-193.

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 07-193.

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 Diane K. Plum on this January day of January, 2008.



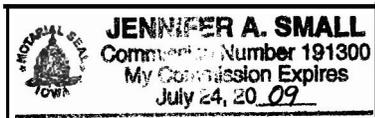
DIANE K. PLUM, Respondent :

State of Iowa)

County of Woodbury

07-193
Plum, Diane K.

Signed me on this 28 day of January
2008, by _____ and sworn to before _____



Notary Public, State of Iowa
Printed Name: Jennifer A. Small
My Commission Expires: 7/24/09

FOR THE COMMISSION:
