

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

IN RE:)	
)	CASE NUMBER: 07-101
Karen C. Moseley)	
Salesperson (S58030))	
)	STIPULATION AND
RESPONDENT)	VOLUNTARY SURRENDER
)	OF SALESPERSON LICENSE
INACTIVE.)	
Box 191)	
Charles City, Iowa 50616)	

The Iowa Real Estate Commission (Commission) and **Karen C. Moseley** (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) (2007).

1. The Commission issued the Respondent a real estate salesperson license number S58030 on October 17, 2006. Respondent's license is Inactive but current until December 31, 2008. At all times relevant to this matter, the Respondent was a licensed salesperson assigned to Julie McQuaid, a licensed broker sole proprietor, license number B30954, located in Clear Lake, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2007). 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 making a false statement of material fact on an application for a real estate salesperson license, in violation of Iowa Code sections 272C.10(1); 543B.15(5); 543B.29(1) & (3), 543B.34(1) & (11) (2007); and 193E Iowa Administrative Code section 16.5(4).

CIRCUMSTANCES

4. On October 16, 2006, the Respondent submitted an application to the Commission for her Iowa real estate salesperson license. On the Application, the Respondent answered question 9d by stating she has not had any disciplinary action taken against her by any state board or similar licensing agency. She also answered question 10b by stating she had no criminal charges pending against her.

5. On May 8, 2007, information was received from the Real Estate Council of British Columbia stating the Respondent's license to practice real estate in that jurisdiction was

suspended effective January 9, 2002. Additionally, the Respondent is under Indictment for six (6) criminal charges, with court action pending in those matters.

6. Truthful and complete disclosure of one's criminal and licensing history is essential to the Commission's determination of whether an applicant meets all requirements for renewing an Iowa real estate salesperson license. See Iowa Code § 543.15 (2007). The Respondent's failure to accurately disclose her criminal and/or licensing on her real estate sales person license application constituted a false statement of material fact.

SETTLEMENT AGREEMENT

7. Without admission of wrongdoing or guilt, the Respondent does not contest the allegations delineated 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 his 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) (2007) 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 (2007).

CONSENT ORDER

14. **IT IS THEREFORE ORDERED:** Respondent's Iowa Real Estate Salesperson License S58030 is **SURRENDERED** for an indefinite time and not less than two years.

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 code section 543B.15 as amended by H.F. 924 (2007) restricts when the Respondent may be eligible to reapply for an Iowa Real Estate License, **AND** that if the Respondent reapplies for licensure as an Iowa real estate professional, she 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. See 193 Iowa Admin. Code § 7.38.

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:

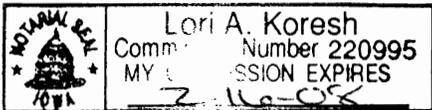
Voluntarily agreed to and accepted by **Karen C. Moseley** on this 18th day of September, 2007.

 9-18-07
KAREN C. MOSELEY, Respondent

State of Iowa)
County of Floyd)

Signed and sworn to before me on this 18th day of September, 2007, by





Notary Public, State of Iowa
Printed Name: Lori A Koresh
My Commission Expires: 2-16-2008

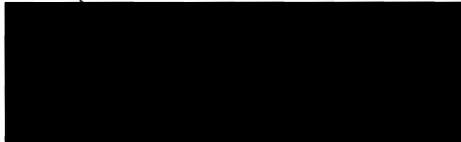
07-101

Moseley, Karen C.

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FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 11th day of October, 2007.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission