

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 10-308
Phyllis A. Collier)	
Broker (B37379))	
)	COMBINED STATEMENT OF
Central Iowa Realty and Appraisal Service)	CHARGES, INFORMAL
112-4th Street, SW)	SETTLEMENT AGREEMENT,
State Center, Iowa 50247)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Phyllis A. Collier** (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 real estate broker's license number B37379 on April 25, 2000. Respondent's license is current and in full force and effect through December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Central Iowa Realty and Appraisal Service, a licensed firm, license number (F05336) in State Center, Iowa.

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. Pursuant to Iowa Code section 546.10(7) (2009), the Respondent is charged with having had a professional license suspended, revoked, or otherwise disciplined by a licensing authority in this state or another state. See also Iowa Code §§ 543B.15(4), 543B.29(1)(c) & (k), 543B.34(11) (2009); and 193E Iowa Admin. Code §§ 18.2(1), 18.14(5)(s).

CIRCUMSTANCES

4. On June 16, 2010, the Iowa Real Estate Appraiser Examining Board entered its Findings of Fact, Conclusions of Law, Decision and Order in compliant case No. MS07-10 through which it revoked the Respondent's real estate appraiser license. A true and accurate

copy of the Iowa Real Estate Appraiser Examining Board's final order in case No. MS07-10 is attached and incorporated in its entirety herein.

SETTLEMENT AGREEMENT

5. Respondent admits each and every allegation in the above-stated 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 violations 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(1)(c), 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.

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 (2009).

CONSENT ORDER

IT IS THEREFORE ORDERED:

12. PROBATION. The Respondent shall be placed on probation for three (3) years commencing on the date this Order is approved by the Commission. Throughout the probationary period, the Respondent shall comply fully with all statutes and Commission rules regulating the practice of real estate in the State of Iowa. Any future violation of law governing the practice of real estate in the State of Iowa by the Applicant during the probationary period shall be grounds for the revocation and/or denial of the renewal of the Respondent's real estate broker license. In view of the paperwork deficiencies that ultimately lead to the revocation of her real estate appraiser license, the Respondent agrees to seek all necessary professional assistance to ensure that all documentation prepared in the course of her practice of real estate is accurate and complete.

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 **Phyllis A. Collier** on this 31 day of December, 2010

[Redacted Signature]

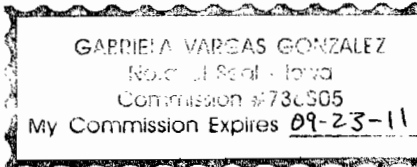
PHYLLIS A. COLLIER, Respondent

State of IOWA)

County of Marshall)

Signed and sworn to before me on this 31st day of December, 2010 by:

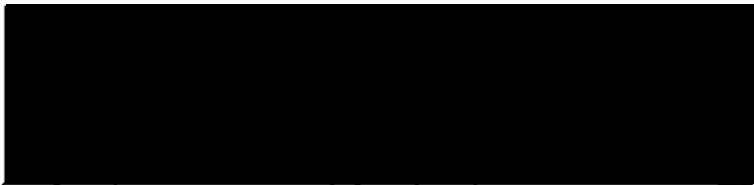
[Redacted Signature]



Notary Public, State of Iowa
Printed Name: Gabriela Vargas Gonzalez
My Commission Expires: 09-23-11

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 20
day of January, 2011.



LAURIE DAWLEY, Chair
Iowa Real Estate Commission