

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

IN RE:)	
)	CASE NUMBER: 09-074
Donna J. Webb)	
Salesperson (S58496))	
)	COMBINED STATEMENT OF
Bridge City Real Estate)	CHARGES, INFORMAL
215 North Ward)	SETTLEMENT AGREEMENT,
Ottumwa, Iowa 52501)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Donna J. Webb** (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 salesperson license number S58496 on April 25, 2007. Respondent's license is current and in full force and effect through December 31, 2009. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Bridge City Realty, Inc. a licensed real estate firm, license number F04833 located in Ottumwa, 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. The Respondent is charged with failing to comply with the mandatory errors and omissions insurance requirement in violation of Iowa Code sections 543B.29(9), 543B.47(1), 543B.47(6) (2009) and 193E Iowa Administrative Code sections 18.2(5), 8.14(5)(s), 19.6(6) & (7).

CIRCUMSTANCES

4. In April of 2009, the Respondent was sent a random audit for her mandatory errors and omissions insurance coverage.

5. The Respondent failed to obtain her errors and omission insurance for 2009 and could therefore not provide proof of insurance coverage to the Commission for the current policy period.

SETTLEMENT AGREEMENT

6. Respondent admits each and every allegation in the above-stated Statement of Charges.

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) (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.

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 (2009).

09-074

In re: Don

C O M P L A I N T O R D E R

IT IS THE ORDER OF THE COMMISSION:

13. Respondent shall pay to the Commission pursuant to Iowa Administrative Code section 18.14(1)(j), the amount of \$100.00, in full, as a civil penalty.

14. The Respondent shall pay the civil penalty to the Commission in full within 30 days after acceptance of this Order by the Commission. The Respondent shall submit a cover letter addressed to the Commission's Executive Office, effective date 09-07-2009.

15. COMPLIANCE. The Respondent shall at all future times fully and completely comply with the Commission's rules and regulations and the statutes and Commission's rules and regulations.

WHEREFORE, the Respondent and the Commission agree to the terms of the Settlement of Charges, Informal Settlement Agreement, and the Respondent has accepted by the Iowa Real Estate Commission.

FOR THE

Vol. July 2009

Accepted by Anna J. Webb on this 3 day of



Don Webb Respondent

State of Iowa

County of Wapello

Sign

on this 3rd day of July 2009, 2009, by



Publ. James Clingman of Iowa
Nan 11-9-2010
Commis pires

09-074

In re: Donna J. Webb

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on
this 23 day of July, 2009.



Laurie Dawley, Chair
Iowa Real Estate Commission