

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

IN THE MATTER OF:)	Case No. 11-248
)	
Carolyn H. Helmlinger)	
Broker (B39892))	
)	
Coldwell Banker Mid-America Group)	COMBINED STATEMENT OF
1401-50 th Street, Ste. 105)	CHARGES, INFORMAL SETTLEMENT
West Des Moines, Iowa 50266)	AGREEMENT, AND CONSENT ORDER
)	IN A DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Carolyn H. Helmlinger** (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) (2011).

1. The Commission issued the Respondent real estate broker license number B39892 on August 16, 1999. Respondent's license is current and in full force and effect through December 31, 2013. At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Coldwell Banker Mid-America Group, a licensed real estate firm, license number Fo2963, located in West Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2011). 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 diligently exercise reasonable skill and care in supervising a licensee employed by the Respondent by allowing the practice of real estate while a license was inactive, lapsed, or expired in the State of Iowa in violation of Iowa Code sections 543B.1, 543B.29(3), 543B.62(3)(b) (2011), and 193E Iowa Administrative Code sections 7.11, 18.2(6), and 18.14(5)(m).

Circumstances

4. In December of 2010, an Inactive real estate salesperson was hired by the Respondent to work for the Respondent's brokerage. At no time relevant to this matter did the Respondent request with the Commission to have the salespersons license reactivated.

5. From December of 2010 until July 13, of 2011 the before-referenced licensee conducted activities requiring a real estate license in the State of Iowa while her Iowa real estate license was Inactive.

6. The Respondent failed to provide adequate supervision over the associated real estate licensee by allowing her to continue the practice of real estate in the State of Iowa on an Inactive license.

Settlement Agreement and Consent Order

7. Respondent admits to the allegations 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 her right to notice and a hearing and all attended rights, including the right to seek judicial review. The 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 Admin 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 may 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 the 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 prime facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a)(2011) 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 the Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be made a public record available for inspection and copying in its entirety in accordance of Iowa Code chapter 21.2 (2011).

Consent Order

14. Civil Penalty. The Respondent shall pay a civil penalty to the Commission in the amount of \$500 no later than thirty (30) 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 and refer to case 11-248.

15. FUTURE COMPLIANCE. Respondent agrees that at all future times he shall 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 **Carolyn H. Helmlinger** on this
1 day of Sept., 2011.

[Redacted Signature]

By: **Carolyn H. Helmlinger**, Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 1 day of September, 2011, by:

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: Jodi Jensen

My Commission Expires: 3-9-12



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on
this 22 day of Sept, 2011.

[Redacted Signature]

LAURIE DAWLEY, Chair
Iowa Real Estate Commission