

FILED May 7 2015 (Date)

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

IAEC
Board / Commission
Signature Executive Officer

IN RE:)	
)	CASE NUMBER: 14-126
Billie J. Pence)	
Broker (B43092000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
QC Elite Homes, Inc.)	SETTLEMENT AGREEMENT,
1485 41 st Street)	AND CONSENT ORDER IN A
Moline, IL 61265)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Billie J. Pence** (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) (2015).

1. The Commission issued the Respondent a real estate broker license number B43092000 on October 9, 2002. Respondent's license is active and in full force and effect until December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate broker associate, assigned to Dream Catchers Realty Corp., license number F05051000, located in Andalusia, Illinois.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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 conducting real estate business independently outside of the licensed broker or firm she is assigned to in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b). See 193E Iowa Administrative Code sections 4.1(3), 7.1(9), 7.11(1), 18.14(5)(n), 18.14(5)(s).

COUNT II

4. Respondent is charged with failing to obtain a license for her corporation before its acting as a real estate brokerage in the state of Iowa in violation of Iowa Code sections 543B.1, 543B.2, 543B.5(6), 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) (2013). See 193E Iowa Administrative Code sections 7.2(1), 18.14(5)(s).

CIRCUMSTANCES

5. Commission licensing records indicate the Respondent was licensed to Dream Catchers Realty Corp. as a broker associate from December 20, 2013 to June 2, 2014.

6. On or about May 21, 2014 and May 23, 2014 the Respondent, while assigned to Dream Catchers Realty Corp., had a salesperson that was not properly assigned to her list two properties located in Iowa for a company (QC Elite Homes, Inc.) that was not licensed in Iowa.

7. QC Elite Homes, Inc. was licensed in Iowa on June 2, 2014 by the Commission, with the Respondent assigned to the new firm as the sole broker officer. Subsequently, the Respondent had the aforementioned salesperson's license transferred to the firm on the same date.

SETTLEMENT AGREEMENT

8. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

9. 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.

10. 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.

11. 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.

12. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) and 272C.3(2)(a) (2015) 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.

13. 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.

14. 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 (2015).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$1,000.00 (\$500 for Count I, \$500 for Count II) no later than 180 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, referencing Case Number 14-126.

17. FUTURE COMPLIANCE. The Respondent also 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.

IREC Case No. 14-126
Billie J. Pence

Voluntarily agreed to and accepted by **Billie J. Pence** on this 14 day of April, 2015.



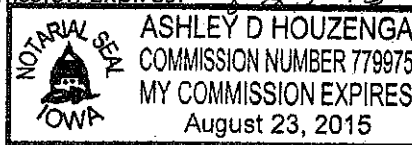
Billie J. Pence
By: **BILLIE J. PENCE**, Respondent

State of Illinois

County of Rock Island

Signed and sworn to before me on this 14th day of April, 2015, by:

Ashley D. Houzenga
Notary Public, State of Iowa
Printed Name: Ashley D. Houzenga
My Commission Expires: 8-23-15



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 7th day of May, 2015.

Terrance M. Duggan
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission