

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

Department of Commerce  
Professional Licensing Bureau

FILED

August 6, 2015 (Date)

REC  
Board / Commission

Signature Executive Officer

IN RE: )  
Stacey Ward )  
Salesperson (S56291000) )  
INACTIVE )  
1203 Lake Shore Drive )  
Altoona, IA 50009 )  
RESPONDENT )

CASE NUMBER: 14-247  
COMBINED STATEMENT OF  
CHARGES, INFORMAL  
SETTLEMENT AGREEMENT,  
AND CONSENT ORDER IN A  
DISCIPLINARY CASE

The Iowa Real Estate Commission (Commission) and **Stacey Ward** (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 real estate salesperson license number S56291000 on April 25, 2005. Respondent's license is in full force and effect until December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Real Estate Concepts Referral Company, LLC, a licensed real estate firm, license number F05452000, located in Des Moines, Iowa. The Respondent's license was placed on inactive status on November 6, 2014.

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. The Respondent is charged with failing to maintain all required records that support the continuing education claimed on the renewal of her Iowa real estate salesperson license in violation of Iowa Code sections 272C.2(1), 272C.(2), 543B.29(1)(c), 543B.34(1)(j) (2013) and 193E Iowa Administrative Code sections 16.5, 16.5(1), 18.14(5)(s).

COUNT II

4. The Respondent is charged with submitting, or causing to be submitted; whether intentional or otherwise, incorrect information on a renewal application and failing to comply with continuing education requirements. See Iowa Code sections 272C.10(1), 543B.15(5), 543B.29(1)(b), 543B.34(1)(k) (2013) and 193E Iowa Administrative Code sections 16.4(2), 16.5(4), 18.14(5)(s).

### CIRCUMSTANCES

5. On December 31, 2013, the Respondent submitted her on-line renewal application for an Iowa real estate salesperson license. On the renewal, the Respondent attested that she had completed the required thirty-six hours (36) of continuing education required by 193E Iowa Administrative Rule § 16.4(2).

6. In October of 2014, the Respondent was chosen for a random audit by the Commission for compliance with the continuing education requirements for her 2013 real estate license renewal.

7. The Respondent was unable to provide to the Commission any documentation substantiating compliance with the continuing education requirements.

8. Accurate and truthful attestation of one's continuing education 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(5) (2015). The Respondent's failure to complete all required continuing education as attested on her Iowa real estate salesperson license renewal application constituted a false statement of material fact.

### SETTLEMENT AGREEMENT

9. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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:**

16. CIVIL PENALTY. The Respondent shall pay to the Commission a civil penalty in the amount of five hundred dollars (\$500.00) as a condition precedent to:

- (a) The Respondent's reactivation of her inactive Iowa real estate salesperson license.
- (b) The Respondent's reinstatement of her Iowa real estate salesperson license in the event of its expiration.

The Commission shall not reactivate or reinstate the Respondent's real estate salesperson license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of her real estate salesperson license.

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

18. FUTURE COMPLIANCE. The Respondent 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.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Stacey Ward on this 30 day of June, 2015.

Stacey Ward  
By: STACEY WARD, Respondent

State of NEBRASKA  
County of DOUGLAS

Signed and sworn to before me on this 30<sup>TH</sup> day of JUNE, 2015, by:



Michael O'Hare  
Notary Public, State of ~~Iowa~~ NEBRASKA  
Printed Name: MICHAEL O'HARE  
My Commission Expires: 7-21-2016

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 6th day of August, 2015.

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