

FILED December 3, 2015 (Date)

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

IREL  
Board / Commission  
[Signature]  
Signature, Executive Officer

IN RE:	)	
	)	CASE NUMBER: 15-246
Lance C. Phillips	)	
Salesperson (S58613000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
Space Simply, LLC	)	SETTLEMENT AGREEMENT,
2200 NW 159 <sup>th</sup> Street, Suite 300	)	AND CONSENT ORDER IN A
Clive, IA 50325	)	DISCIPLINARY CASE
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and Lance C. Phillips (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 S58613000 on May 30, 2007. Respondent's license is current and in full force and effect through December 31, 2015. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Space Simply, LLC, a licensed real estate firm, license number F05757000, located in Clive, Iowa.

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 failing to diligently exercise reasonable skill and care in providing real estate brokerage services to a client in violation of Iowa Code sections 543B.34(1), 543B.56(1)(b) (2015) and 193E Iowa Administrative Code sections 11.1, 12.4(1)(a), 12.4(1)(b), 18.14(5)(s) by failing to have a definite expiration date on an executed listing agreement.

### CIRCUMSTANCES

4. On or about August 31, 2015, an onsite examination of the Space Simply, LLC's Iowa real trust account and transaction records was conducted by the Commission auditor.
5. In a random sampling of transaction files, the auditor discovered two (2) real estate transactions for properties located in Johnston, Iowa and Windsor Heights, Iowa in which the Respondent was acting as a listing agent on behalf of his affiliated broker; the executed listing agreements for the respective properties did not include a definite expiration date.

### SETTLEMENT AGREEMENT

6. 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).
7. Respondent acknowledges that he 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 his 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(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.
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 (2015).

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

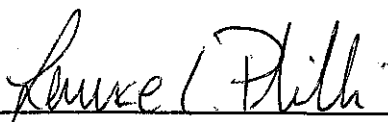
13. EDUCATION. Respondent shall attend the Commission approved twelve (12) hour course "Listing Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 15-246.

14. FUTURE COMPLIANCE. 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 **Lance C. Phillips** on this 22<sup>nd</sup> day of Oct, 2015.

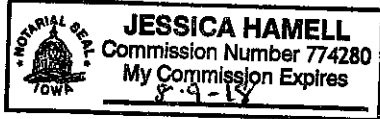
  
By: **LANCE C. PHILLIPS**, Respondent

IREC Case No. 15-246  
Lance C. Phillips

State of Iowa )

County of Dallas )

Signed and sworn to before me on this 22 day of October, 2015, by:



Jessica Hamell  
Notary Public, State of Iowa  
Printed Name: Jessica Hamell  
My Commission Expires: 8-9-18

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of December, 2015.

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