

FILED March 3, 2016 (Date)

IOEC
Board / Commission
[Signature]
Signal, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 14-031
Pennie Carroll)	
Broker (B42362000))	
)	INFORMAL SETTLEMENT
Golden Circle Real Estate Group II)	AGREEMENT AND CONSENT
2325 SW State Street, Suite D)	ORDER IN A DISCIPLINARY CASE
Ankeny, IA 50023)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Pennie Carroll** (Respondent) enter into this Informal Settlement Agreement and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2016).

1. The Commission issued the Respondent real salesperson license number S42362000 on March 21, 2002. The Commission subsequently issued the Respondent real estate broker license number B42362000 on September 16, 2011. Respondent's real estate broker license is current and in full force and effect through December 31, 2016.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

SETTLEMENT AGREEMENT

3. On December 10, 2015, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1.

4. The parties voluntarily enter into this Order in compromise of contested matters. Without admission of wrongdoing or guilt, the Respondent does not contest the allegations stated in the attached Statement of Charges. More specifically, Respondent denies the truth of the allegations and enters this Consent Decree solely to expeditiously and economically resolve the allegations stated in the attached Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4).

5. The Respondent acknowledges that she has a right to a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order solely for the reasons as set forth in paragraph 4 above, the Respondent waives her right to a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.

6. The 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. The 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.

7. This Order shall be part of the permanent record of the Respondent and may 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.

8. 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) 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.

9. 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.

10. Upon acceptance by both the Commission and the 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.

CONSENT ORDER

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

12. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of two thousand dollars (\$2,000.00) no later than six (6) months 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 14-031.

13. EDUCATION. Respondent shall attend the following Commission approved courses: the twelve (12) hour "Listing Practices" course and twelve (12) hour "Developing Professionalism and Ethical Practices" course. These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificates of attendance shall be submitted to the Iowa Real Estate Commission no later than twelve (12) months after acceptance of this Order by the Commission and must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 14-031.

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:

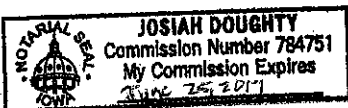
Voluntarily agreed to and accepted by Pennie Carroll on this 26 day of February, 2016.

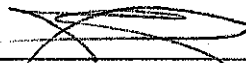

By: PENNIE CARROLL, Respondent

State of)

County of)

Signed and sworn to before me on this 26 day of February, 2016, by:




Notary Public, State of Iowa
Printed Name: Josiah Doughty
My Commission Expires: June 25, 2017

IREC Case No. 14-031
Pennie Carroll

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
3rd day of MARCH, 2016.



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FILED December 10, 2016 (Date)

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

IREL
Board / Commission
[Signature]
Signature, Executive Officer

IN THE MATTER OF:)	
)	CASE NUMBER: 14-031
Pennie Carroll)	
Broker (B42362000))	NOTICE OF HEARING AND
)	STATEMENT OF CHARGES
Golden Circle Real Estate Group II)	
2325 SW State Street, Suite D)	
Ankeny, IA 50023)	
)	
RESPONDENT)	

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2015). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

The Commission issued the Respondent real salesperson license number S42362000 on March 21, 2002. The Commission subsequently issued the Respondent real estate broker license number B42362000 on September 16, 2011. Respondent's real estate broker license is current and in full force and effect through December 31, 2016.

NOTICE OF HEARING

- 1. HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 3rd day of **March, 2016**, at **9:30 o'clock AM**, at 200 East Grand, Suite 350, Des Moines, Iowa.
- 2. ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.
- 3. ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.
- 4. PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the **25th day of February, 2016 at 9:30 o'clock AM** before an Administrative Law Judge ("ALJ") from the Iowa Department of Inspections and Appeals. You are responsible for notifying the Commission office of the telephone number at which you or your counsel can be reached.

Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

5. **PRESIDING OFFICER.** The full Commission shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

6. **HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

8. **STATE'S COUNSEL.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

John R. Lundquist
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Phone: 515-281-3658
Fax: 515-281-4209
John.Lundquist@iowa.gov

9. **RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Commission shall also be provided to Respondent's counsel of record:

Gregory G.T. Ervanian
Graham, Ervanian and Cacchiatore, L.L.P.
317 6th Avenue, Suite 900
Des Moines, Iowa 50309

Phone: 515-243-0421

Fax: 515-282-4235
ggte@grahamlawiowa.com

10. **SETTLEMENT.** The procedural rules governing the Commission's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General John R. Lundquist.

11. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail or in person about this Notice of Hearing and Statement of Charges. Commission members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Commission office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General John R. Lundquist at 515-281-3658, or the Commission's Executive Officer at 515-725-9026 or Fax 515-725-9032.

12. **ADA NOTICE.** If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Commission's Executive Officer at 515-725-9026. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

STATEMENT OF CHARGES

COUNT I

13. Respondent is charged with professional incompetency and/or engaging in a practice harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.29(1)(i), 543B.34(1)(h), 543B.62(3)(b) (2013) by failing to keep her supervising broker fully informed of all activities being conducted on behalf of that broker or any other activities that might impact that broker's responsibilities. See 193E Iowa Administrative Code sections 7.11(1), 11.3, 13.5, 18.14(5)(n).

CIRCUMSTANCES

14. From the time period of February 15, 2011 through September 27, 2013 the Respondent was either a licensed real estate salesperson or a real estate broker associate assigned to DS Ventures, LLC, a licensed real estate firm, license number F05474000, located in Ankeny, Iowa.

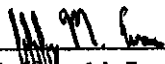
15. On or about September 27, 2013 the Respondent left employment with DS Ventures, LLC, and became a real estate broker associate assigned to Golden Circle Real Estate Group, a licensed real estate firm, license number F05542000, located in Clive, Iowa.

16. When providing copies of listing agreements she entered on behalf of DS Ventures, LLC, to her then employing broker, the Respondent concealed the seller's contact information on no less than four (4) listing agreements.

17. When the Respondent left employment with DS Ventures, LLC, she failed to turn over to her former employing broker all original, unredacted listing agreements and other real estate transaction files relating to real estate services she provided while associated with DS Ventures, LLC.

18. The Respondent's actions potentially harmed the sellers of the properties whose records were not provided in full to DS Ventures, LLC, and/or precluded her former employing broker from fulfilling all duties required by Iowa Code chapter 543B and the Commission's administrative rules.

This Notice of Hearing and Statement of Charges is filed and issued on the 10th day of December, 2015.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:
Assistant Attorney General, John Lundquist
Respondent's Counsel
Respondent's Designated Broker
Department of Inspections and Appeals, assigned Administrative Law Judge