

FILED

August 4, 2016

(Date)

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

IR&L  
Board / Commission  
Signature Executive Officer

IN RE:	)	
	)	CASE NUMBER: 16-139
Platinum Realty, LLC	)	
Firm (F05810000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
9393 W. 110 <sup>th</sup> Street, Suite 170	)	SETTLEMENT AGREEMENT,
Overland Park, KS 66210	)	AND CONSENT ORDER IN A
	)	DISCIPLINARY CASE
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Platinum Realty, LLC** (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) (2016).

1. The Commission issued the Respondent real estate firm license number F05810000 on November 23, 2015. Respondent's firm license is now current and in full force and effect through December 31, 2017. At all times relevant to this matter, Dennis T. Perkins, broker license number B64162000, was the designated broker of the Respondent real estate brokerage firm, located in Overland Park, Kansas.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2016). 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 engaging in a practice harmful or detrimental to the public by operating an unlicensed branch office in Iowa in violation of Iowa Code §§ 543B.29(1)(d), 543B.31 and 543B.34(1) (2016). See 193E Iowa Administrative Code §§ 2.1, 7.1(3) and 18.14(5)(s).

CIRCUMSTANCES

4. From the time period of November 23, 2015 through May 10, 2016, the Respondent real

estate brokerage firm was maintaining a second place of business at 5550 Wild Rose Lane, Suite 400, West Des Moines, Iowa, which was not properly licensed as a branch office with the Commission.

5. The Commission issued the Respondent real estate branch license number F05810001 and broker-in-charge branch license B64354001 for 5550 Wild Rose Lane, Suite 400, West Des Moines, Iowa on May 10, 2016.

### **SETTLEMENT AGREEMENT**

6. Respondent admits each and every allegation in the above-stated Statement of Charges.

7. Respondent acknowledges that it 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 its 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) (2016) 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 Agreement 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 (2016).

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

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

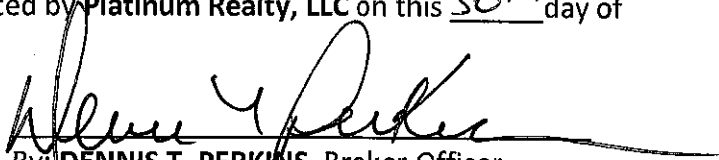
14. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) no later than thirty (30) days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 16-139.

15. 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 Platinum Realty, LLC on this 30<sup>th</sup> day of June, 2016.

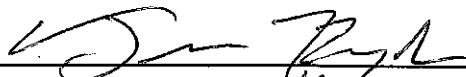
  
By: **DENNIS T. PERKINS**, Broker Officer

State of Kansas

County of Johnson

Signed and sworn to before me on this 30<sup>th</sup> day of June, 2016, by:

**JAMES REYNOLDS**  
Notary Public-State of Kansas  
My Appt. Expires 3/10/18

  
Notary Public, State of Kansas  
Printed Name: James Reynolds  
My Commission Expires: 03/10/2018

IREC Case No. 16-139  
Platinum Realty, LLC

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this  
4th day of August, 2016.

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