

FILED August 4, 2016 (Date)

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

386
Board / Commission
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 16-193
Dawnita Neff)	
Broker (B41639000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
QC Elite Homes Iowa, Inc.)	SETTLEMENT AGREEMENT,
3709 North Harrison Street)	AND CONSENT ORDER IN A
Davenport, IA 52806)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and Dawnita Neff (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 broker license number B41639000 on March 15, 2011. 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 broker associate, assigned to QCA Progressive Partners, LLC, a licensed real estate firm, license number F05441000, located in Davenport, Iowa. Respondent was assigned as the designated broker of the real estate brokerage firm at all times relevant to this matter.

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 failing to diligently exercise reasonable skill and care in supervising a licensee employed by the Respondent, by allowing the unlicensed practice of real estate in the State of Iowa in violation of Iowa Code sections 543B.1, 543B.29(1), 543B.62(3)(b) (2016) and 193E Iowa Administrative Code sections 7.11, 18.2(6), 18.14(5)(m).

CIRCUMSTANCES

4. From the time period of February 18, 2015 through February 19, 2016, the Respondent was the designated broker for QCA Progressive Partners, LLC.

5. On or about February 25, 2016, the Commission received a phone call from a licensee previously assigned to QCA Progressive Partners, LLC, inquiring about the status of her real estate, along with the reinstatement process. Commission records indicated the aforementioned licensee's Iowa real estate license had expired on December 31, 2015.

6. On or about March 4, 2016, the Commission received an 'Application for Reinstatement of an Individual License' from the aforementioned real estate salesperson previously assigned to the Respondent's real estate brokerage firm.

7. Between the time period of January 1, 2016 and March 4, 2016, while her Iowa real estate salesperson license was expired, the aforementioned licensee conducted activities requiring an active real estate license in the State of Iowa.

8. As designated broker of the real estate brokerage firm, the Respondent is responsible for providing supervision of any salesperson or broker associate employed by or otherwise associated with the Respondent. The Respondent failed to provide adequate supervision over the associated real estate salesperson licensee by allowing her to continue the practice of real estate in the state of Iowa with an expired license.

9. Pursuant to Commission licensing records, on or about February 18, 2016, the Respondent transferred her Iowa real estate broker license to QC Elite Homes Iowa, Inc., a licensed real estate firm, license number F05812000, located in Davenport, Iowa.

SETTLEMENT AGREEMENT

10. 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) (2016).

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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:

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

18. 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) 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 16-193.

19. 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:

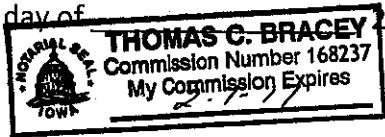
Voluntarily agreed to and accepted by Dawnita Neff on this 20th day of June, 2016

Dawnita Neff
By: **DAWNITA NEFF**, Respondent

State of Iowa)
County of Scott)

Signed and sworn to before me on this 20 day of June, 2016, by:

[Signature]



Notary Public, State of Iowa
Printed Name: THOMAS C. BRACEY
My Commission Expires: 2-1-17

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 5th day of August, 2016.

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