

FILED October 30, 2017 (Date)

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

JNEC
Board / Commission
M. E.
Signature, Executive Officer

IN RE:)
) CASE NUMBER: 17-195
Anita M. Olson-Kiene)
5572 Pierce Street) CONSENT AGREEMENT AND ORDER
Saint Charles, IA 50240)
))
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Anita M. Olson-Kiene** (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4) and 543B.19 (2017).

1. The parties acknowledge the following:

- A. On or about August 8, 2017, the Applicant submitted an Application for Individual License (Application) to the Commission for a new Iowa real estate salesperson license. On the Application, the Applicant answered question 9c by stating that a professional licensing authority in Iowa or another jurisdiction had taken disciplinary action against her.
- B. In explanation of her response to question 9c, the Applicant disclosed on the Application that the Iowa Supreme Court had issued an order on September 23, 2016, publically reprimanding her conduct as a licensed attorney in the state of Iowa. A true and accurate copy of said order is attached as EXHIBIT A. In seeking the reprimand, the Iowa Supreme Court Attorney Disciplinary Board concluded that the Applicant had engaged in dishonesty, fraud, deceit, or misrepresentation while acting as a "real estate transaction coordinator" on behalf of a licensed Iowa real estate firm.
- C. An applicant for a real estate salesperson's license who has had a professional license of any kind revoked or suspended or who has had any other form of discipline imposed, in this or any other jurisdiction, may be denied a license by the Commission on the ground of the revocation, suspension, or other discipline. See Iowa Code § 543B.15(4).
- D. The Commission, when considering the denial of a license, shall consider the nature of the offense that led to previous license discipline; any documented aggravating or extenuating circumstances; the time lapsed since the

revocation or conduct; the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the Commission deems relevant. See Iowa Code § 543B.15(6).

2. Upon review of the factors delineated in Iowa Code section 543b.15(6) , the Commission concludes that the Applicant's professional licensing history as detailed above in subparagraph 1-B does not disqualify her for an Iowa real estate salesperson license. However, because the Applicant's misconduct that led to the public reprimand of her law license directly related to and impacted the conduct of the real estate profession in the state of Iowa, the Commission finds that the imposition of conditions upon any license issued to the Applicant is an appropriate precaution to safeguard the safety and wellbeing of the public.

3. In recognition of the fact that the Applicant has had a professional license reprimanded as detailed above in subparagraph 1-B, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate salesperson license, the Applicant shall serve a probationary period throughout the duration her first license term.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives her right to adjudicate the merits of her pending Application for a new real estate salesperson license through the commencement of a contested case proceeding before the Commission, and all rights attendant to a contested case proceeding including the right to seek judicial review of the Commission's actions.

5. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

6. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

7. This Agreement shall be public record.

IT IS THEREFORE ORDERED THAT:

8. Upon the Commission's approval of this Agreement, the Applicant shall be issued an Iowa real estate salesperson license subject to a probationary period. During the probationary period, the following terms shall apply:

- A. The Applicant shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate in the state of Iowa.
- B. Any violation of law governing the practice of real estate in the state of Iowa committed by the Applicant during the pendency of the probationary period shall be grounds for the immediate revocation and/or denial of the renewal of the Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.
- C. The Applicant shall not be eligible to receive an Iowa real estate broker license during the pendency of the probationary period. The Applicant may, however, count all time she is actively licensed as an Iowa real estate salesperson during the probationary period toward fulfilling the twenty-four months experience requirement imposed by Iowa Code § 543B.15(7) upon real estate broker applicants. Any Iowa real estate broker application submitted by the Applicant will be reviewed by the Commission on the merits at that time.

9. The probationary period imposed by this order shall end upon the expiration of the Applicant's initial salesperson license on December 31, 2019.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Real Estate Commission and the Applicant.



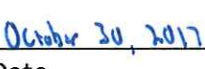
ANITA M. OLSON-KIENE
Applicant

 FOR IREC

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission



Date



Date