

**FILED** May 11, 2018 (Date)  
JRG  
Board / Commission  
[Signature]  
Signature, Executive Officer

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

IN RE:	)	
	)	CASE NUMBER: 17-116
Joan M. Murphy	)	
Broker (B01982000)	)	NOTICE OF HEARING AND
	)	STATEMENT OF CHARGES
Sole-proprietor Broker	)	
4499 Bunker Hill Drive	)	
Bettendorf, IA 52722	)	
	)	
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 (2017). 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 estate broker license number B01982000 on March 31, 1976. Respondent's license is in full force and effect until December 31, 2018. At all times relevant to this matter, the Respondent was a licensed real estate sole-proprietor broker located in Bettendorf, Iowa.

**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 **7<sup>th</sup> day of June, 2018 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 **31<sup>st</sup> day of May, 2018 at 9:30 o'clock AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). 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  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Phone: 515-281-3658  
Fax: 515-281-4209  
john.lundquist@ag.iowa.gov

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

NONE

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, Jeff Evans, 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 engaging in a practice harmful or detrimental to the public by failing to comply with the mandatory errors and omissions insurance requirement for her Iowa real estate broker license in violation of Iowa Code sections - 543B.29(1)(d), 543B.29(1)(j), 543B.34, 543B.47(1), 543B.47(6) (2017) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

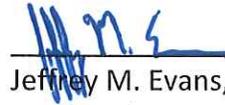
#### CIRCUMSTANCES

14. In March of 2017, the Respondent was sent a random audit by the Commission for compliance with the mandatory errors and omissions insurance requirement.

15. The Respondent failed to maintain uninterrupted errors and omission while she was actively licensed and could therefore not provide proof of insurance coverage to the Commission for the time period of January 1, 2017 to January 2, 2017.

In re: Joan M. Murphy  
IREC Case No. 17-116  
Page 4 of 4

This Notice of Hearing and Statement of Charges is filed and issued on the 10<sup>th</sup> day of May, 2018.



---

Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission

Copies to:

Assistant Attorney General John Lundquist

Department of Inspections and Appeals, assigned Administrative Law Judge

**FILED** May 23, 2018 (Date)  
IRSC  
Board / Commission  
J.M.E.  
Signature, Executive Officer

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

IN RE:	)	
	)	<b>CASE NUMBER: 17-116</b>
Joan M. Murphy	)	
Broker (B01982000)	)	<b>ORDER TO CONTINUE</b>
	)	<b>FORMAL HEARING</b>
Sole-Proprietor Broker	)	
4499 Bunker Hill Drive	)	
Bettendorf, IA 52722	)	
	)	
<b>RESPONDENT</b>	)	

This matter now comes before the Iowa Real Estate Commission on its own motion. Because the Commission was unable to perfect personal service upon the Respondent as required by Iowa Code §§ 17A.12(1), 17A.18(3), and 543B.35; the contested case hearing previously scheduled in this docket for June 7, 2018 is hereby continued to the 2<sup>nd</sup> day of **August, 2018** at **9:30 o'clock AM**, at 200 East Grand, Suite 350, Des Moines, Iowa. A prehearing conference will be held by telephone on the 26<sup>th</sup> day of **July, 2018** at **9:30 o'clock AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals.

Dated this 23<sup>rd</sup> day of May 2018.

J.M.E.  
Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission

FILED July 30, 2018 (Date)

JRE

Board / Commission

Signature, Executive Officer

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

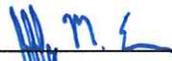
---

IN RE:	)	
	)	CASE NUMBER: 17-116
Joan M. Murphy	)	
Broker (B01982000)	)	ORDER TO CONTINUE
	)	FORMAL HEARING
Sole-Proprietor Broker	)	
4499 Bunker Hill Drive	)	
Bettendorf, IA 52722	)	
	)	
RESPONDENT	)	

---

This matter now comes before the Iowa Real Estate Commission on its own motion. Because the Commission was unable to perfect personal service upon the Respondent as required by Iowa Code §§ 17A.12(1), 17A.18(3), and 543B.35; the contested case hearing previously scheduled in this docket for August 2, 2018 is hereby continued pending further order of the Commission.

Dated this 30<sup>th</sup> day of July 2018.



\_\_\_\_\_  
Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission