

FILED November 1, 2018 (Date)

JRE
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: 17-147
Kaylee C. Christensen)	
Salesperson (S65650000))	
)	CONSENT AGREEMENT AND
Cornerstone Property Mgmt. Group, LLC)	CEASE AND DESIST ORDER
2221 15 th Avenue S, PO Box 576)	
Fort Dodge, IA 50501)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Kaylee C. Christensen** (Respondent) enter into this Consent Agreement and Cease and Desist Order (Order) pursuant to Iowa Code Sections 17A.10(1) and 543B.34(3) (2017).

1. The Commission issued the Respondent real estate salesperson license number S65650000 on June 23, 2017. Respondent's license is current and in full force and effect through December 31, 2019. At all times relevant to this matter, however, the Respondent did not possess an Iowa real estate license issued by the Commission pursuant to Iowa Code chapter 543B. In the absence of an Iowa real estate license, the Respondent was prohibited from practicing real estate in the state of Iowa unless otherwise exempted by law. See Iowa Code §§ 543B.1, 543B.7.

2. The Commission is authorized by statute to commence legal proceedings to secure compliance with the licensing requirements of Iowa Code chapter 543B. See Iowa Code §§ 543B.34, 543B.44, 543B.49. Upon a finding that a person practiced real estate without a license, the Commission is required by Iowa law to issue both a cease and desist order and a civil penalty against the Respondent. See Iowa Code § 543B.34(3).

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with engaging in the unlicensed practice of real estate in Iowa in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(3) (2017). See 193E Iowa Administrative Code sections 7.13(4)(b)(4), 21.2(1), 21.2(2).

CIRCUMSTANCES

4. On April 25, 2017, an onsite examination of Connections Real Estate Group, PLLC's Iowa real estate trust account and transaction records was conducted by the Commission auditor (auditor).

5. The auditor's investigation revealed that prior to obtaining her real estate license, the Respondent performed activities on behalf of Connections Real Estate Group, PLLC that constituted the practice of a real estate broker as set in Iowa Code section 543B.3 for which an Iowa real estate license was required, including showing properties independently and collecting rents for multiple residential properties in Fort Dodge, Iowa and its surrounding area.

6. The Commission has jurisdiction over those actions by unlicensed persons that fall within the prohibitions described in Iowa Code section 543B.34(3), including the above-described acts constituting dealing in real estate performed by the Respondent.

SETTLEMENT AGREEMENT

7. Rather than engage in the formal administrative process described in 193E Administrative Code chapter 21 and because the Respondent pursued and was ultimately issued a real estate salesperson license June 23, 2017 by the Commission, the parties find that an informal resolution of this matter is appropriate.

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

9. 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.

10. 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.

11. 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.

12. 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) (2018) 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.

13. 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.

14. 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 (2017).

CONSENT ORDER

IT IS THEREFORE ORDERED:

15. CEASE AND DESIST. The Respondent shall cease and desist from performing any future acts as a real estate broker in violation of Iowa Code chapter 543B without required licensure.

16. CIVIL PENALTY. 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 17-147.

17. 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 Consent Agreement and Cease and Desist Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Kaylee C. Christensen** on this 20th day of October, 2018.


By: **KAYLEE C. CHRISTENSEN**, Respondent

State of Iowa)

County of Webster)

Signed and sworn to before me on this 26th day of October, 2018, by:



Cathy L. Mickelson
 Notary Public, State of Iowa
 Printed Name: Cathy L. Mickelson
 My Commission Expires: Jan. 12, 2019

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 1st day of November, 2018.

Dennis L. Stolk
TERRANCE M. DUGGAN, Chair
 Iowa Real Estate Commission
Dennis L. Stolk, Vice Chair