

FILED June 2, 2022 (Date)

J.M.C.
Board / Commission
M. E.
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 21-190
Gina E. Hope)	
Salesperson (S64801000))	COMBINED STATEMENT OF
INACTIVE)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
933 52nd Court)	AND CONSENT ORDER IN A
West Des Moines, IA 50265)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Gina E. Hope** (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) (2022).

1. The Commission issued the Respondent real estate salesperson license number S64801000 on July 15, 2016. Respondent’s license is current and in full force and effect through December 31, 2024. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to UNbrokerage, LLC, a licensed real estate firm, license number F06034000, located in West Des Moines, Iowa. The Respondent’s license was placed on inactive status on May 27, 2021.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2021). 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 conduct which demonstrates bad faith, or improper, fraudulent or dishonest dealings and/or being unworthy to act as a real estate salesperson in such manner as to safeguard the interests of the public in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1)(h), 543B.56(1)(a), 543B.56(1)(b) (2021) by allowing a third party to sign real estate documents on behalf of a party involved in a real estate transaction without the authorization or consent of that party. See 193E Iowa Administrative Code sections 12.4(1)(b), 12.4(1)(c), 18.14(5)(j), 18.14(5)(s).

CIRCUMSTANCES

4. The Respondent, acting as the buyer's agent for a residential property located in Des Moines, Iowa, represented the buyer in an executed purchase agreement dated May 10, 2021.

5. On May 21, 2021 the Respondent sent a Property Inspection Addendum to the buyer for the buyer's signature. The document was sent through a secure, online platform called Dotloop, which allows for all parties to a real estate transaction to edit, complete, sign, and share documents.

6. The buyer never signed the Property Inspection Addendum. Yet, according to Dotloop records, the property inspection addendum was signed by someone purporting to be the buyer at 9:26 p.m. on May 21, 2021, through the Dotloop online workspace. The buyer did not authorize or otherwise consent to a third party signing the Property Inspection Addendum on the buyer's behalf. Consequently, not all signatures affixed to the required real estate documents were that of the buyer or otherwise authorized by the buyer.

7. By either affixing an unauthorized signature to the Property Inspection Addendum, or failing to adequately secure transaction documents so as to prevent the unauthorized execution of the Property Inspection Addendum, the Respondent failed to diligently exercise reasonable skill and care in providing brokerage services.

SETTLEMENT AGREEMENT

8. Respondent admits to the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2022).

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) (2022) 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 (2022).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. SUSPENSION. Respondent's real estate salesperson license shall be suspended for a period of no less than six (6) months. The six (6) month license suspension shall commence upon the date this Order is accepted by the Commission.

17. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of two thousand, five hundred dollars (\$2,500.00) as a condition precedent to the reinstatement of her Iowa real estate salesperson license. The civil penalty shall come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 21-190.

18. EDUCATION. Respondent shall attend the Commission approved twelve (12) hour course "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by Iowa law for license renewal. The original

certificate of attendance must be submitted to the Commission as a condition precedent to the reinstatement of her Iowa real estate salesperson license. The certificate of attendance shall come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 21-190.

19. LICENSEE REINSTATEMENT. Reinstatement of the Respondent's Iowa Real Estate license shall be governed by 193E Iowa Administrative Code section 18.15. Upon serving a minimum of six (6) months of the license suspension ordered in paragraph 16 and upon the Respondent's submission of the civil penalty and proof of education to the Commission's Executive Officer, the Respondent's real estate salesperson license shall be reinstated upon order of the Commission's Executive Officer.

20. 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 Gina E. Hope on this 21st day of April, 2022.

Gina E. Hope
By: GINA E. HOPE, Respondent

State of IOWA)

County of Polk)

Signed and sworn to before me on this 21st day of April, 2022, by:

Joseph Hope
Notary Public, State of Iowa
Printed Name: Joseph Hope
My Commission Expires: June 16, 2024



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
1st day of June, 2022.



JAMES M.H. CLINGMAN, Chair
Iowa Real Estate Commission