

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

IN RE:)
) CASE NUMBER: 23-017
Marie Benie Kibonge)
Salesperson (S71311000)) COMBINED STATEMENT OF
) CHARGES, INFORMAL
Iowa Realty Co. Inc.) SETTLEMENT AGREEMENT,
3501 Westown Parkway) AND CONSENT ORDER IN A
West Des Moines, IA 50266) DISCIPLINARY CASE
)
RESPONDENT)

The Iowa Real Estate Commission (Commission) and **Marie Benie Kibonge** (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).

1. The Commission issued the Respondent real estate salesperson license number S71311000 on March 28, 2023. Respondent's license is current and in full force and effect through December 31, 2025. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Iowa Realty Co Inc. a licensed real estate firm, license number F00710000, located in West Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. 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 issuing an insufficient funds check to the Commission in violation of Iowa Code § 543B.15(9). See Iowa Code §§ 272C.3(2)(e), 543B.9 and 193E Iowa Administrative Code §§ 9.2(4), 18.14(5)(o).

CIRCUMSTANCES

4. On or about January 4, 2023, the Respondent submitted her background fee. Respondent submitted an ACH payment in the amount of \$51.00 for the criminal history background to be completed.

5. On or about January 9, 2023, the aforementioned ACH payment was returned to the State Treasurer's Office as "Return Reason – Insufficient Funds." The Respondent subsequently resubmitted \$51.00 to the Commission for her background fee on or about January 10, 2023.

SETTLEMENT AGREEMENT

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

7. 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.

8. 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.

9. 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.

10. 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) 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.

11. 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.

12. 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.

CONSENT ORDER

IT IS THEREFORE ORDERED:

13. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of two hundred fifty dollars (\$250.00) no later than six (6) months 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 23-017.

14. 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 Marie Benie Kibonge on this 20 day of April, 2023.


By: **MARIE BENIE KIBONGE**, Respondent

IREC Case No. 23-017
Marie Benle Kibonge

State of Iowa

County of Johnson

Signed and sworn to before me on this 20 day of April, 2023, by:



Marisa E Stout

Notary Public, State of Iowa

Printed Name: Marisa E Stout

My Commission Expires: 4/5/2025

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 4th day of May, 2023.

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