

FILED June 7, 2019 (Date)

JREC

Board / Commission

[Signature]  
Signature Executive Officer

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

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IN RE:	)	
	)	CASE NUMBERS: 17-157, 17-208
Golden Circle Real Estate Group II	)	
Firm (F05715000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
2325 SW State Street, Suite D	)	SETTLEMENT AGREEMENT,
Ankeny, IA 50023	)	AND CONSENT ORDER IN A
	)	DISCIPLINARY CASE
RESPONDENT	)	

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The Iowa Real Estate Commission (Commission) and **Golden Circle Real Estate Group II** (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) (2018).

1. The Commission issued the Respondent real estate firm license number F05715000 on September 26, 2014. The Respondent firm license is current and in full force and effect through December 31, 2019. At all times relevant to this matter, Kyra C. Bell, additional broker officer license number B61748200, served both as the designated broker in charge and a licensed real estate broker officer for the Respondent real estate brokerage firm, located in Ankeny, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2018). 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 (CASE NO. 17-157)

3. Respondent is charged with advertising real estate under an unlicensed trade name in violation of Iowa Code section 543B.34(1) (2017). See 193E Iowa Administrative Code sections 10.1, 10.1(2), 10.1(3), 18.14(5)(s).

CIRCUMSTANCES

4. On June 6, 2017, an onsite examination of the Respondent's Iowa real estate trust account and transaction records was conducted by the Commission auditor (auditor).

5. The auditor found that the Respondent was advertising real estate in Iowa as "Keller Williams Ames," which was not licensed as a trade name with the Commission until June 12, 2017.

#### COUNT II (CASE NO. 17-208)

6. Respondent is charged with advertising real estate while a trade name license was lapsed or expired in violation of Iowa Code section 543B.34(1) (2017). See 193E Iowa Administrative Code sections 10.1, 10.1(2), 10.1(3), 18.14(5)(s).

#### CIRCUMSTANCES

7. From the time period of October 3, 2014 through December 31, 2016, licensed real estate trade name Pennie Carroll & Associates, license number T05688000 was current and in full force and effect, licensed to Golden Circle Real Estate Group II, license number F05715000.

8. Pursuant to Commission licensing records, the Respondent's Iowa real estate trade name license T05688000 expired on December 31, 2016. Subsequently, the Respondent reinstated its Iowa real estate trade name license on September 15, 2017.

9. Between the time period of January 1, 2017 and September 15, 2017, the Respondent was advertising real estate in Iowa as "Pennie Carroll & Associates, which was a lapsed trade name license, not reinstated with the Commission until September 15, 2017.

#### SETTLEMENT AGREEMENT

10. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated Statement of Charges.

11. Respondent acknowledges that it 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 its 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 (2018).

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

17. **CIVIL PENALTY.** Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$500 for Case No. 17-157, \$500 for Case No. 17-208) 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 Numbers 17-157, 17-208.

18. **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 **Golden Circle Real Estate Group II** on this \_\_\_\_\_ day of April 27, 2018.

Kyra C. Bell  
By: **KYRA C. BELL**, Broker Officer

State of Iowa )

County of Polk )

Signed and sworn to before me on this 27th day of April, 2018, by:



Janet K Boeyink  
Notary Public, State of Iowa  
Printed Name: Janet Boeyink  
My Commission Expires: 6-7-18

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 7th day of June, 2018.

Terrance M. Duggan  
**TERRANCE M. DUGGAN**, Chair  
Iowa Real Estate Commission