

FILED August 2, 2018 (Date)
JREC
Board / Commission
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 17-205
Lisa M. Vecerka)	
Salesperson (S55894000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Hedges Associates Inc)	SETTLEMENT AGREEMENT,
5408 Blairs Forest Way NE)	AND CONSENT ORDER IN A
Cedar Rapids, IA 52402)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Lisa M. Vecerka** (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 salesperson license number S55894000 on February 2, 2005. Respondent's license is current and in full force and effect through December 31, 2019. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Hedges Associates, Inc., a licensed real estate firm, license number F00597000, located in Cedar Rapids, 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

3. Respondent is charged with engaging in practices harmful or detrimental to the public and/or failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1)(h), 543B.56(1)(a), 543B.56(1)(b) (2017) by allowing occupancy of a property to the buyers without a funded closing and without the express written consent of the sellers. See 193E Iowa Administrative Code § 18.14(5)(s).

CIRCUMSTANCES

4. The Respondent, acting as the buyer's agent for the subject property located in Cedar Rapids, Iowa, represented the buyers in an executed purchase agreement dated June 10, 2017. The closing for the transaction was scheduled to take place on July 28, 2017.

5. Before the scheduled closing date, the buyers informed the sellers of their inability to close as scheduled and drafted an Interim Occupancy Agreement until the rescheduled closing date of August 11, 2017 for the listing agent to provide to the sellers for their consideration.

6. On July 28, 2017 the sellers discovered the buyers moving into the subject property without an executed Interim Occupancy Agreement.

7. The Respondent failed to diligently exercise reasonable skill and care in providing brokerage services to all parties to a transaction by providing the keys of the subject property to the buyers without an executed Interim Occupancy Agreement; consequently allowing the buyers access to the subject property without the express written consent of the sellers before the time of closing.

SETTLEMENT AGREEMENT

8. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2018).

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 (2018).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) 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 17-205.

17. EDUCATION. The Respondent shall attend the Commission approved eight (8) hour course "Contract Law and Contract Writing." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission no later than twelve (12) months after acceptance of this Order by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 17-205.

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 **Lisa M. Vecerka** on this 26 day of June, 2018.

Lisa M. Vecerka
By: **LISA M. VECERKA**, Respondent

State of Iowa)

County of Linn)

Signed and sworn to before me on this 24 day of June, 2018, by:



Nancy Hrubes
Notary Public, State of Iowa
Printed Name: Nancy Hrubes
My Commission Expires: 9-17-18

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 2nd day of August, 2018.

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