

FILED October 3, 2019 (Date)  
INSC  
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: 18-246
Monica M. Henderson	)	
Salesperson (S61387000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
Gold Coast Real Estate Inc.	)	SETTLEMENT AGREEMENT,
4908 Underwood Ave	)	AND CONSENT ORDER IN A
Omaha, NE 68132	)	DISCIPLINARY CASE
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Monica M. Henderson** (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 S65590000 on June 5, 2017. 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 20<sup>th</sup> Century, Ltd., a licensed real estate firm, license number F01399000, located in Bellevue, Nebraska.

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. The Respondent is charged with engaging in practices harmful or detrimental to the public by conducting real estate business independently outside of the licensed broker or firm she is assigned to in violation of Iowa Code sections 543B.24, 543B.29(1)(d), 543B.33, 543B.34(1), 543B.34(1)(f), 543B.62(3)(b). See 193E Iowa Administrative Code sections 4.1(3), 7.1(8), 7.11(1), 18.14(5)(n), 18.14(5)(s).

## CIRCUMSTANCES

4. Commission licensing records indicate the Respondent was licensed to 20<sup>th</sup> Century, Ltd., a licensed real estate firm, license number F01399000, from June 5, 2017 to March 26, 2019.

5. In late 2018 and throughout the early part of 2019, the Respondent, while assigned to 20<sup>th</sup> Century, Ltd., was practicing real estate for the licensed real estate firm, Gold Coast Real Estate, Inc., license number F05853000, which was a real estate brokerage that she was not currently assigned to.

6. Subsequently, the Respondent submitted a transfer application request on January 22, 2019, requesting that her license be transferred from 20<sup>th</sup> Century, Ltd. to Gold Coast Real Estate, Inc. The transfer request was consummated on March 26, 2019 after the (electronic) signatures of both the releasing broker and new affiliated broker were obtained.

7. In 2018 and 2019, the Respondent conducted activities in that state of Iowa requiring a real estate license outside of the licensed broker or firm that she was assigned to.

## 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) (2019).

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) (2019) 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 (2019).

### **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 one thousand dollars (\$1,000.00) 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 18-246.

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 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:**

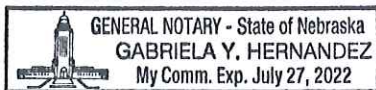
Voluntarily agreed to and accepted by **Monica M. Henderson** on this 25<sup>th</sup> day of September, 2019.

Monica M. Henderson  
By: **MONICA M. HENDERSON**, Respondent

State of Nebraska )

County of Douglas )

Signed and sworn to before me on this 25<sup>th</sup> day of September, 2019, by:



Gabriela Y. Hernandez  
Notary Public, State of Nebraska  
Printed Name: Gabriela Y. Hernandez  
My Commission Expires: July 27, 2022

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3<sup>rd</sup> day of OCTOBER, 2019.

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