

FILED June 2, 2022 (Date)

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

J.R.L.  
Board / Commission  
J.R.L.  
Signature, Executive Officer

IN RE:	)	
	)	CASE NUMBER: 21-078
Kay L. Lawrence	)	
Salesperson (S61017000)	)	VOLUNTARY SURRENDER
SUSPENDED	)	OF SALESPERSON LICENSE
	)	THROUGH CONSENT ORDER
1414 South Ninth Street	)	
Clinton, IA 52732	)	
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Kay L. Lawrence** (Respondent) enter into this Voluntary Surrender of Salesperson License through Consent Order (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 S61017000 on May 9, 2011. Respondent’s license is in full force and effect until December 31, 2022. The Respondent’s license is presently suspended per order of the Commission entered pursuant to Iowa Code section 543B.29(1)(f)(1).

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 the administrative rules of the Commission.

**SETTLEMENT AGREEMENT**

3. On April 19, 2022, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent does not contest that she has been convicted of the felony criminal offense of Theft in the First Degree as cited in the attached Statement of Charges.

4. The Respondent acknowledges that she has a right to 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 a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes the final agency order in this contested case pursuant to Iowa Code

section 17A.10 and 193 Iowa Administrative Code 7.

5. The 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. The 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.

6. This Order shall be part of the permanent record of the 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.

7. 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. 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.

8. 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.

9. Upon acceptance by both the Commission and Respondent, this Order, including all attached exhibits, shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

RECEIVED

2022 APR 22 PM 12:42

CLINTON COUNTY  
SHERIFF'S OFFICE

CONSENT ORDER

**IT IS THEREFORE ORDERED:**

10. VOLUNTARY SURRENDER: The Respondent voluntarily agrees to surrender her Iowa Real Estate Salesperson License (S61017000) to the Iowa Real Estate Commission in lieu of a formal hearing as required by Iowa Code section 543B.29(1)(f)(1). The effective date of the license surrender shall be the date this Order is accepted by the Commission.

11. LICENSEE REAPPLICATION: Reinstatement of the Respondent's Iowa Real Estate license shall be governed by Iowa Code sections 272C.15, 543B.15 and 193E Iowa Administrative Code rule 18.15. The Respondent specifically acknowledges that pursuant to 193E Iowa Administrative Code rule 18.15(2), the Respondent shall not be eligible to seek reinstatement of her real estate salesperson license for a minimum of two years from the date her license surrender is effective; that pursuant to 193E Iowa Administrative Code rule 18.15(4)(c), the Commission shall not grant an application for reinstatement until she has fully satisfied all terms of the sentencing and restitution orders entered in *State v. Lawrence*, Clinton Co. No. FECR080576; and, that pursuant to 193E Iowa Administrative Code rule 18.15(3), the Respondent must qualify as a salesperson starting over as if never licensed.

**WHEREFORE**, the terms of this Voluntary Surrender of Salesperson License through Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Kay L. Lawrence on this 30<sup>th</sup> day of April, 2022.

  
By: KAY L. LAWRENCE, Respondent

State of Iowa )

County of Clinton )

Signed and sworn to before me on this 30<sup>th</sup> day of April, 2022, by:

In re: Kay L. Lawrence  
IREC Case No. 21-078



A handwritten signature in black ink that reads "Jessica Lawrence".

Notary Public, State of Iowa  
Printed Name: Jessica Lawrence  
My Commission Expires: 10-28-23

**FOR THE COMMISSION:**

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

J.M.C. FOR IREC  
**JAMES M.H. CLINGMAN**, Chair  
Iowa Real Estate Commission

FILED April 19, 2022 (Date)

JREL  
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 NUMBER: 21-078
Kay L. Lawrence	)	
Salesperson (S61017000)	)	NOTICE OF HEARING AND
SUSPENDED	)	STATEMENT OF CHARGES
	)	
1414 South Ninth Street	)	
Clinton, IA 52732	)	
	)	
RESPONDENT	)	

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The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code sections 17A.12(2), 17A.18A, 543B.29(1)(f) and 543B.35 (2022). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2022). Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

1. The Commission issued the Respondent real estate salesperson license number S61017000 on May 9, 2011. Respondent's license is in full force and effect until December 31, 2022. The Respondent's license is presently suspended per order of the Commission entered pursuant to Iowa Code section 543B.29(1)(f)(1).

**NOTICE OF HEARING**

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 18<sup>th</sup> day of May, 2022, at 9:30 o'clock AM at 200 East Grand Ave, Suite 350, Des Moines, Iowa.

2. **ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.

3. **ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

4. **PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the 11<sup>th</sup> day of May, 2022 at 9:30 o'clock AM before an Administrative Law Judge from the Iowa

Department of Inspections and Appeals (“ALJ”). Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

5. **PRESIDING OFFICER.** The full Commission shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

6. **HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

8. **STATE’S COUNSEL.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

John R. Lundquist  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319

Phone: 515-281-3658  
[john.lundquist@ag.iowa.gov](mailto:john.lundquist@ag.iowa.gov)

9. **RESPONDENT’S COUNSEL.** Copies of all pleadings filed with the Commission shall also be provided to Respondent’s counsel of record:

NONE

10. **SETTLEMENT.** The procedural rules governing the Commission’s settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General John R. Lundquist.

11. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, email, or in person about this Notice of Hearing and Statement of Charges. Commission members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Commission office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General John R. Lundquist at 515-281-3658, or the Commission's Executive Officer at 515-725-9026 or email [jeff.evans@iowa.gov](mailto:jeff.evans@iowa.gov).

12. **ADA NOTICE.** If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Commission's Executive Officer at 515-725-9026. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

### STATEMENT OF CHARGES

#### COUNT I

13. The Respondent is charged with having been convicted of a felony criminal offense and/or a criminal offense involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code section 543B.29(1)(f) (2022). *See also* Iowa Code §§ 272C.15; 543B.15(3) and 193E Iowa Administrative Code §§ 18.2(1) & 18.2(4).

#### COUNT II

14. Respondent is charged with failing to timely notify the Commission of her conviction of a criminal offense included in Iowa Code section 543B.15(3)(a), in violation of Iowa Code section 543B.29(1)(f)(1) (2022).

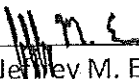
#### CIRCUMSTANCES

15. On or about February 3, 2022, the Respondent plead guilty in Clinton County case number FECR080576 to the felony charge of Theft in the First Degree in violation of Iowa Code section 714.2(1). *See* 02/03/2022 Order Accepting Plea and Setting Sentencing, *State v. Lawrence*, Clinton Co. No. FECR080576. On March 31, 2022, the Court adjudged the Respondent guilty of this charge and entered sentence against her. *See* 03/31/2022 Sentencing Order, *State v. Lawrence*, Clinton Co. No. FECR080576.

16. The criminal conviction entered against the Respondent in Clinton County case number FECR080576 creates an unreasonable risk to public safety as the offense involved or otherwise implicated conduct that directly relates to the duties and responsibilities of a real estate salesperson. See Iowa Code § 272C.15(1) (2022).

17. The Respondent failed to report the conviction entered against her in Clinton County No. FECR080576 to the Commission within ten days of entry as required by Iowa Code § 543B.29(1)(f)(1). The failure of a licensee to timely notify the Commission of a qualifying conviction is sufficient grounds for revocation of that licensee's real estate license. See *Id.*

This Notice of Hearing and Statement of Charges is filed and issued on the 19<sup>th</sup> day of April, 2022.

  
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Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission

Copies to:  
Assistant Attorney: General John Lundquist  
Department of Inspections and Appeals, assigned Administrative Law Judge



FILED April 19, 2022 (Date)

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

JAC L  
Board / Commission  
W M L  
Signature Executive Officer

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IN RE:	)	
	)	CASE NUMBER: 21-078
Kay L. Lawrence	)	
Salesperson (S61017000)	)	EMERGENCY ORDER TO
INACTIVE	)	SUSPEND LICENSE
	)	
1414 South Ninth Street	)	
Clinton, IA 52732	)	
	)	
RESPONDENT	)	

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The Iowa Real Estate Commission ("Commission") enters the following emergency suspension order against Respondent **Kay L. Lawrence** pursuant to Iowa Code sections 17A.18A and 543B.29(1)(f) (2022):

FINDINGS OF FACT

1. The Commission issued the Respondent real estate salesperson license number S61017000 on May 9, 2011. Respondent's license is in full force and effect until December 31, 2022.
2. On or about February 3, 2022, the Respondent plead guilty in Clinton County case number FECR080576 to the charge of Theft in the First Degree in violation of Iowa Code sections 714.2(1). See 02/03/2022 Order Accepting Plea and Setting Sentencing, *State v. Lawrence*, Clinton Co. No. FECR080576. On March 31, 2022, the Court adjudged the Respondent guilty of this charge and entered sentence against her. See 03/31/2022 Sentencing Order, *State v. Lawrence*, Clinton Co. No. FECR080576.
3. The crime of Theft in the First Degree in violation of Iowa Code section 714.2(1) constitutes a felony criminal offense.
4. Furthermore, the criminal conviction entered against the Respondent in Clinton County case number FECR080576 involved or otherwise implicated conduct that directly relates to the duties and responsibilities of a real estate salesperson. See Iowa Code § 272C.15(1) (2022).

CONCLUSIONS OF LAW

5. Iowa Code section 17A.18A authorizes the Commission to immediately suspend a license or take other appropriate emergency action in situations involving an immediate danger to the public health, safety, or welfare.

6. Upon notification that a licensed real estate broker or salesperson has been convicted of a felony criminal offense, the Commission shall immediately suspend the license of that real estate broker or salesperson pending the outcome of a hearing conducted pursuant to Iowa Code § 543B.35 to determine the nature of the disciplinary action, if any, the Commission will impose as a result of that conviction. *See* Iowa Code § 543B.29(1)(f)(1); *see also* Iowa Code § 272C.15.


7. The Respondent stands convicted of the felony criminal offense of Theft in the First Degree in violation of Iowa Code section 714.2(1). *See* Iowa Code § 543B.29(1)(f) (defining "conviction" to mean "a conviction for an indictable offense and includes the court's acceptance of a guilty plea, a deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction.>").

8. Because the Respondent now stands convicted of a felony criminal offense, the Commission has no discretion but to immediately suspend her real estate salesperson license and schedule a hearing to determine what, if any disciplinary action shall be imposed against the Respondent as a result of that felony criminal conviction. *See* Iowa Code § 543B.29(1)(f)(1).

ORDER

**IT IS THEREFORE ORDERED** that Iowa real estate salesperson license number S61017000 issued to the Respondent is immediately **SUSPENDED**. A notice of hearing and statement of charges scheduling the hearing required by Iowa Code section 543B.29(1)(f)(1) shall be issued concurrently with this order.

Dated this 19<sup>th</sup> day of April 2022.

  
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Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission