

FILED December 1, 2022 (Date)

I.R.E.C.
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: 22-239
Zuleyma M. Leal)	
Salesperson (S69579000)	)	INFORMAL SETTLEMENT
SUSPENDED	)	AGREEMENT AND CONSENT
	)	ORDER IN A DISCIPLINARY CASE
2315 Landon Rd. #213)	
Iowa City, IA 52245)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Zuleyma M. Leal** (Respondent) enter into this Informal Settlement Agreement and Consent Order in a Disciplinary Case (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 S69579000 on June 1, 2021. Respondent’s license is in full force and effect until December 31, 2023. 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 August 23, 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 admits to each and every allegation recited in the attached Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2022).

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.

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

11. SUSPENSION. Respondent's real estate salesperson license shall be suspended for a period of no less than six (6) months. The six (6) month license suspension commenced on August 23, 2022, per order of the Commission pursuant to Iowa Code section 543B.29(1)(f)(1). Upon completion of the suspension period, Respondent's salesperson license shall be reinstated subject to the probationary terms detailed below.

12. PROBATION. The Respondent's real estate salesperson license shall be placed on probation commencing upon the Commission's acceptance of this Order and ending on December 31, 2025. The Respondent's probation shall be subject to the following terms:

- A. The Respondent shall maintain full compliance with all terms and conditions of her court-ordered probation in the matter of *State v. Leal*, Johnson Co. No. FECR130485. Respondent shall promptly provide all necessary documentation to verify such compliance upon request of the Commission.
- B. The Respondent shall notify the Commission within ten (10) days of the entry of any order either discharging or revoking the term of probation entered against her in the matter of *State v. Leal*, Johnson Co. No. FECR130485.
- C. Upon a finding of cause, the Commission may order the Respondent to be evaluated pursuant to Iowa Code § 272C.9.
- D. Should the Respondent commit any felony or misdemeanor criminal offense or commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.
- E. In addition to the reporting requirements detailed in Iowa Code § 543B.29(f)(1), the Respondent shall notify the Commission of any conviction for a criminal offense within ten (10) days of the court entering judgment. Should the

Respondent fail to timely report the entry of any criminal conviction, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

13. 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 Informal Settlement Agreement and Consent Order in a Disciplinary Case are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

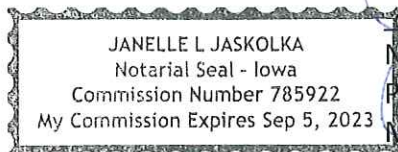
Voluntarily agreed to and accepted by **Zuleyma M. Leal** on this 7th day of November, 2022.

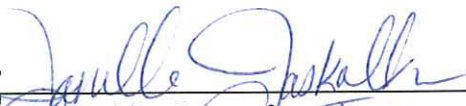

By: **ZULEYMA M. LEAL**, Respondent

State of Iowa)

County of Johnson)

Signed and sworn to before me on this 7th day of November, 2022, by:




Notary Public, State of Iowa
Printed Name: Janelle Jaskolka
My Commission Expires: September 5, 2023

In re: Zuleyma M. Leal
IREC Case No. 22-239

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
1 day of December, 2022.



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

FILED August 23, 2022 (Date)
JAGC
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: 22-239
Zuleyma M. Leal)	
Salesperson (S69579000)	)	NOTICE OF HEARING AND
SUSPENDED	)	STATEMENT OF CHARGES
)	
1408 Prairie Du Chien Rd)	
Iowa City, IA 52245)	
)	
RESPONDENT)	

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.

The Commission issued the Respondent real estate salesperson license number S69579000 on June 1, 2021. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Lepic Kroeger Realtors, LLC, a licensed real estate firm, license number F02229000, located in Iowa City, Iowa. Respondent's license is in full force and effect until December 31, 2023. 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

- HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 15th day of **September 2022**, at 1:30 o'clock PM at 200 East Grand Ave, Suite 350, Des Moines, Iowa.
- 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.
- 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 6th day of September, 2022 at 1:30 o'clock PM 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
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Phone: 515-281-3658
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, e-mail, 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 Fax 515-725-9032.

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 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.10(5), 272C.15, 543B.15(3) and 193E Iowa Administrative Code §§ 18.2(1) & 18.2(4).

CIRCUMSTANCES

14. On or about August 12, 2022, the Respondent entered a plea of guilty in the Iowa District Court for Johnson County to the charge of Manufacture, Deliver or Possess with Intent to Manufacture or Deliver Cocaine, a class C felony, in violation of Iowa Code § 124.401(1)(c)(2)(b). *See* 08/12/2022 Order of Disposition – Deferred Judgment, *State v. Leal*, Johnson Co. No. FECR130485. The court accepted the Respondent's guilty plea, granted her a deferred judgment, and ordered her to serve two years supervised probation. *Id.*

15. As of the date of this filing, the Respondent's deferred judgment has not been discharged by the court and she remains under supervised probation. The Respondent, therefore, stands convicted of the felony criminal offense of Manufacture, Deliver or Possess with Intent to Manufacture or Deliver Cocaine in violation of Iowa Code § 124.401(1)(c)(2)(b). *See* Iowa Code section 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.”).

16. The criminal conviction entered against the Respondent in Polk County case number FECR130485 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 manufacture, delivery, or possession of controlled substances in violation of Iowa Code section 124.401(1) is on the Commission’s list of specific convictions that directly relate to the real estate profession.

This Notice of Hearing and Statement of Charges is filed and issued on the 23rd day of August, 2022.



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 August 23, 2022 (Date)

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

IR&E
Board / Commission
Signature Executive Officer

IN RE:)	
	)	CASE NUMBER: 22-239
Zuleyma M. Leal)	
Salesperson (S69579000)	)	EMERGENCY ORDER TO
	)	SUSPEND LICENSE
Lepic Kroeger Realtors, LLC)	
2346 Mormon Trek Blvd)	
Iowa City, IA 52246)	
RESPONDENT)	

The Iowa Real Estate Commission ("Commission") enters the following emergency suspension order against Respondent **Zuleyma M. Leal** 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 S69579000 on June 1, 2021. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Lepic Kroeger Realtors, LLC, a licensed real estate firm, license number F02229000, located in Iowa City, Iowa. Respondent's license is in full force and effect until December 31, 2023.
2. On August 12, 2022, the Respondent entered a plea of guilty in the Iowa District Court for Johnson County to the charge of Manufacture, Deliver or Possess with Intent to Manufacture or Deliver Cocaine in violation of Iowa Code § 124.401(1)(c)(2)(b). See 08/12/2022 Order of Disposition – Deferred Judgment, *State v. Leal*, Johnson Co. No. FECR130485. The court accepted the Respondent's guilty plea and granted her a deferred judgment. See *Id.* As a condition of her deferred judgment, the court ordered the Respondent to serve two years of supervised probation. See *Id.*
3. As of the date of this filing, the Respondent's deferred judgment has not been discharged by the court and she remains under probation supervision.
4. The Respondent first notified Commission staff of the proceedings in *State v. Leal*, Johnson Co. No. FECR130485 on August 18, 2022.
5. The crime of Manufacture, Deliver or Possess with Intent to Manufacture or Deliver Cocaine in violation of Iowa Code § 124.401(1)(c)(2)(b) constitutes a felony criminal offense.

6. Furthermore, the criminal conviction entered against the Respondent in Johnson County case number FECR130485 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). The manufacture, delivery, or possession of controlled substances in violation of Iowa Code section 124.401(1) is on the Commission's list of specific convictions that directly relate to the real estate profession.

CONCLUSIONS OF LAW

7. 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.

8. Upon notification that 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). The hearing shall be conducted within thirty days of the licensee's notification to the Commission of the felony criminal conviction. *Id.*

9. The Respondent stands convicted of the felony criminal offense of Manufacture, Deliver or Possess with Intent to Manufacture or Deliver Cocaine in violation of Iowa Code § 124.401(1)(c)(2)(b). See Iowa Code section 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.>").

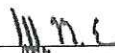
10. Because the Commission was notified of the Respondent's conviction of a felony criminal offense, the Commission has no discretion but to immediately suspend her real estate salesperson license and schedule a hearing to determine what, if any disciplinary action shall be imposed against the Respondent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

In re: Zuleyma M. Leal, IREC Case No. 22-239
Emergency Suspension Order

ORDER

IT IS THEREFORE ORDERED that Iowa real estate salesperson license number S69579000 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 23rd day of August 2022.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission