

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

IN RE:)	
)	CASE NUMBER: 20-217
Kati L. Lemberg)	
Broker (B45212000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Trendy, Inc.)	SETTLEMENT AGREEMENT,
1728 Central Avenue, Suite 1)	AND CONSENT ORDER IN A
Fort Dodge, IA 50501)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Kati L. Lemberg** (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).

1. The Commission issued the Respondent real estate broker license number B45212000 on April 6, 2007. Respondent's license is now current and in full force and effect through December 31, 2024. At all times relevant to this matter, the Respondent was a licensed real estate broker associate, assigned to Trendy, Inc., license number F05748000, located in Fort Dodge, Iowa.

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 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 in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1), 543B.56(1)(a), 543B.56(1)(b):

(a) Failing to provide brokerage services to all parties to the transaction honestly and in good faith. See 193E Iowa Administrative Code 12.3(1)(c)(7).

(b) Failing to diligently exercise reasonable skill and care in providing brokerage services to all parties. See 193E Iowa Administrative Code 12.3(1)(b).

- (c) Negotiating a sale of real property directly with an owner if it is known that the owner has a written unexpired contract in connection with the property which grants an exclusive right to sell to another broker. See 193E Iowa Administrative Code sections 7.15(4), 11.1(2).

CIRCUMSTANCES

4. On September 10, 2020 the Commission received a complaint against the Respondent.
5. From the time period of May 21, 2018 through August 4, 2020, the Respondent was a licensed real estate broker associated assigned to Legacy Realty Group, LLC, license number F06012000, located in Fort Dodge, Iowa.
6. On July 16, 2020, the Respondent notified Legacy Realty Group, LLC that she was resigning from the company.
7. On August 4, 2020, the Respondent's real estate broker license was transferred to Trendy, Inc., license number F05748000, located in Fort Dodge, Iowa.
8. On August 10, 2020, the Respondent received an offer on the subject property, in which Legacy Realty Group, LLC, represented the seller of the subject property, the City of Badger.
9. The Respondent presented the offer to the City of Badger without her former broker's or Legacy Realty Group, LLC's knowledge.
10. At this time, the Respondent was assigned to Trendy, Inc. and the subject property was in an exclusive listing agreement with the Respondent's former broker and Legacy Realty Group, LLC.

SETTLEMENT AGREEMENT

11. Respondent admits 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).

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

19. **CIVIL PENALTY.** Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) no later than twelve (12) 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 20-217.

20. EDUCATION. The Respondent shall attend the Commission approved twelve (12) hour course, "Listing Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance shall be submitted to the Iowa Real Estate Commission within (12) months of the 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 20-217.

21. 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 Kati L. Lemberg on this 31st day of March, 2023.

Kati L. Lemberg
By: KATI L. LEMBERG, Respondent

State of Iowa

County of webster

Signed and sworn to before me on this 31st day of March, 2023, by:

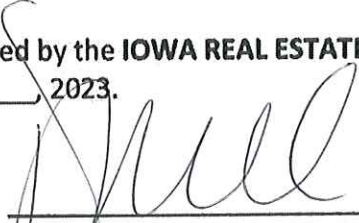


Tami Anderson
Notary Public, State of Iowa
Printed Name: Tami Anderson
My Commission Expires: 5-12-26

IREC Case No. 20-217
Kati Lemberg

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
6 day of April, 2023.



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