

FILED 8-3-23 (Date)

IREC

Board / Commission

Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 19-185
Keyway Management Company, LLC)	
Firm (F04973000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
1200 Valley West Drive #108)	AND CONSENT ORDER IN A
West Des Moines, IA 50266)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Keyway Management Company, LLC** (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 firm license number F04973000 on April 1, 2005. Respondent's license is current and in full force and effect through December 31, 2025. During the times relevant to this matter, Ron Dupuy (deceased) served both as the designated broker in charge and a licensed real estate broker officer of Keyway Management Company, LLC from 2005-2019, after Ron's passing an interim broker served both as the designated broker and in charge and a licensed real estate broker officer of Keyway Management Company, LLC from 2019-2020, Jesse Burns served both as the designated broker in charge and a licensed real estate broker officer of Keyway Management Company, LLC, located in West Des Moines, Iowa from 2020 to present.

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 aiding or abetting unlicensed persons, by allowing the unlicensed practice of real estate in Iowa in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1), 543B.34. See 193E Iowa Administrative Code sections 7.13, 18.2(6), 18.14(5)(s), 21.2(7).

CIRCUMSTANCES

4. During the times relevant to this matter, Ron Dupuy (deceased) served both as the designated broker in charge and a licensed real estate broker officer of Keyway Management Company, LLC from 2005-2019, after Ron's passing an interim broker served both as the designated broker and in charge and a licensed real estate broker officer of Keyway Management Company, LLC from 2019-2020, Jesse Burns served both as the designated broker in charge and as a licensed real estate broker officer of Keyway Management Company, LLC from 2020 to present. The designated brokers in charge were responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa, including supervising the acts or activities of unlicensed personnel. Keyway Management Company, LLC believed it had been operating in compliance with the applicable code and rules as it related to employed site personnel at third-party-owned government subsidized affordable rental housing properties, and similarly to other management companies around the state managing similar properties.
5. On May 6, 2019, an onsite examination of the Respondent's Iowa real estate trust account and transaction records was conducted by the Commission auditor (auditor).
6. The Commission's investigation revealed that [ten] unlicensed support personnel for the Respondent were engaged in acts contained in the definition of a real estate broker for rental properties in Adel, Columbus Junction, , Des Moines, Dubuque, Fairfield, Forest City, Marshalltown, Oskaloosa, and Sheldon, Iowa by performing real estate property management duties for a fee.
7. Consequently, the Respondent aided or abetted the unlicensed practice of real estate in Iowa.

SETTLEMENT AGREEMENT

8. 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).
9. Respondent acknowledges that it 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 its 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) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without notice and 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 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:

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 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 19-185.

17. FUTURE COMPLIANCE. The Respondent also 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:

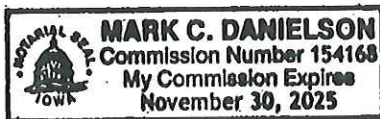
Voluntarily agreed to and accepted by **Keyway Management Company, LLC** on this 27th day of June, 2023.

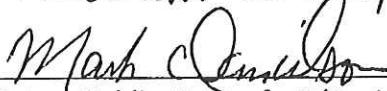

By: **Jesse Burns**, Broker for Respondent

State of IOWA

County of JOHNSON

Signed and sworn to before me on this 27th day of JUNE, 2023, by: **Jesse Burns**
AS BROKER FOR KEYWAY MANAGEMENT COMPANY, LLC.




Notary Public, State of IOWA
Printed Name: MARK C DANIELSON
My Commission Expires: 11/30/25

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of August, 2023.


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