

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

IN RE: )  
 ) CASE NUMBER: 23-094  
Legacy Group, Realtors LLC )  
Firm (F05894000) ) COMBINED STATEMENT OF  
 ) CHARGES, INFORMAL  
 ) SETTLEMENT AGREEMENT,  
4850 Armar Drive SE; Suite 1B ) AND CONSENT ORDER IN A  
Cedar Rapids, IA 52403 ) DISCIPLINARY CASE  
 )  
RESPONDENT )

The Iowa Real Estate Commission (Commission) and Legacy Group, Realtors 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 F05894000 on November 10, 2016. Respondent's license is current and in full force and effect through December 31, 2024. At all times relevant to this matter, Michelle Sproul-Bennett was the licensed real estate broker officer and the designated broker in charge, assigned to Legacy Group, Realtors LLC, located in Cedar Rapids, 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

1. Respondent is charged with failing to supervise a licensee employed by the firm in violation of Iowa Code sections 543B.29(1), 543B.34(1)(h), 543B.62(3)(b) by allowing a salesperson(s) employed by the firm to conduct real estate business (property management) independently outside the licensed broker or firm they are assigned to. See 193E Iowa Administrative Code §§ 7.11, 15.1, 18.2(6), 18.14(5)(m).

## COUNT II

2. Engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.1, 543B.2, 543B.5(6), 543B.29(1)(d), 543B.34(1) by failing to obtain a license for corporations before its acting as a real estate brokerage in the state of Iowa. See 193E Iowa Administrative Code sections 7.2(1), 18.14(5)(s).

## CIRCUMSTANCES

3. The Respondent is responsible for ensuring compliance with all applicable rules and regulations governing the operations in the state of Iowa.
4. In December of 2022, it was discovered the Respondent allowed licensed real estate salespersons and a licensed real estate broker associate assigned to Legacy Group, Realtors LLC, to conduct residential property management independently; therefore failing to have written property agreements between the owners of the properties and their designated firm.
5. The Respondent is responsible for providing supervision of any salesperson or broker associate employed by or otherwise associated with the Respondent. The Respondent failed to provide adequate supervision over the associated real estate salespersons and broker associate by allowing them to conduct residential property management in the state of Iowa independently outside of the licensed brokerage they are assigned to.

## SETTLEMENT AGREEMENT

6. 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).
7. 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.
8. 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.

9. 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.

10. 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.

11. 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.

12. 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:**

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

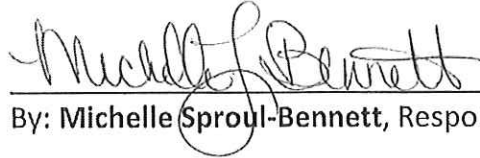
14. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$1,000.00) no later than six (6) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 23-094.

15. 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:**

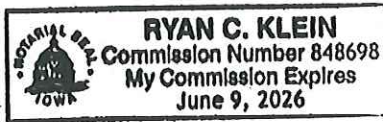
Voluntarily agreed to and accepted by Michelle Sproul-Bennett on this 7<sup>th</sup> day of June, 2023.

  
By: Michelle Sproul-Bennett, Respondent

State of Iowa

County of Linn

Signed and sworn to before me on this 14 day of July, 2023, by:



\_\_\_\_\_  
Notary Public, State of Iowa  
Printed Name: Ryan Klein  
My Commission Expires: June 9, 2026

**FOR THE COMMISSION:**

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

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