

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

Department of Commerce  
Professional Licensing Bureau  
**FILED** 11-2-23 (Date)  
IREC  
Board / Commission  
*Renee Fair*  
Signature, Executive Officer

IN RE:	)	
	)	CASE NUMBER: 18-098
Julie M. Calder	)	
Salesperson (S26895000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
Re/Max Real Estate Concepts	)	SETTLEMENT AGREEMENT,
8020 Douglas Avenue	)	AND CONSENT ORDER IN A
Urbandale, IA 50322	)	DISCIPLINARY CASE
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Julie M. Calder** (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) (2018).

1. The Commission issued the Respondent real estate salesperson license number S26895000 on August 10, 2018. Respondent's license is current and in full force and effect through December 31, 2023. At all times relevant to this matter, the Respondent did not possess an Iowa real estate license issued by the Commission pursuant to Iowa Code chapter 543B. In the absence of an Iowa real estate license, the Respondent is prohibited from practicing real estate in the state of Iowa unless otherwise exempted by law. See Iowa Code §§ 543B.1, 543B.7.

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 a practice that is harmful or detrimental to the public by engaging in acts contained in the definition of a real estate broker as set in Iowa Code § 543B.3 and representing herself to the public as a salesperson without first obtaining a license in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(3). See 193E Iowa Administrative Code sections 7.13(4)(b)(4), 21.2(1), 21.2(2).

### CIRCUMSTANCES

4. On April 27, 2018, an onsite examination of Re/Max Real Estate Concepts real estate trust account and transaction records was conducted by the Commission auditor (auditor).

5. The Commission's investigation revealed that as nonlicensed support personnel for Re/Max Real Estate Concepts, the Respondent was engaged in acts contained in the definition of a real estate broker as set in Iowa Code § 543B.3 for multiple residential properties in Des Moines, Iowa and its surrounding area. The Commission's investigation revealed that the Respondent was actively engaged in performing real estate broker duties by showing properties independently, collecting rents, and entering into rental agreements on behalf of Re/Max Real Estate Concepts.

6. The Commission has jurisdiction over those actions by unlicensed persons that fall within the prohibitions described in Iowa Code section 543B.34(3), including those acts constituting dealing in real estate performed by the Respondent described above. Upon a finding that the Respondent practiced real estate without a license, the Commission is required by Iowa law to issue both a cease and desist order and a civil penalty against the Respondent. See Iowa Code § 543B.34(3).

7. Rather than engage in the formal administrative process described in 193E Administrative Code chapter 21 and because the Respondent pursued and was ultimately issued a real estate salesperson license August 10, 2018 by the Commission, the parties find that an informal resolution of this matter is appropriate.

### 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 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.

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 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 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:**

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

16. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of one hundred dollars (\$100.00) 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 18-098.

17. 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.

RECEIVED  
OCT 5 2023

**FOR THE RESPONDENT:**

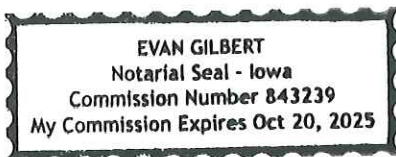
Voluntarily agreed to and accepted by **Julie M. Calder** on this 28<sup>th</sup> day of September, 2023.

Julie M. Calder  
By: **JULIE M. CALDER**, Respondent

State of Iowa

County of Johnston

Signed and sworn to before me on this 28<sup>th</sup> day of September, 2023, by:



Evan Gilbert  
Notary Public, State of Iowa  
Printed Name: Evan Gilbert  
My Commission Expires: Oct 20, 2025

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 2 day of November, 2023.

James M.H. Clingman for IREC  
**JAMES M.H. CLINGMAN**, Chair  
Iowa Real Estate Commission