

FILED February 4, 2016 (Date)

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

REC
Board / Commission
Signature, Executive Officer

IN RE:)	
)	CASE NUMBER: 14-211
Valorie J. Brezina)	
Broker (B19958000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Developers Realty Group LLC)	SETTLEMENT AGREEMENT,
3227 111 th Street)	AND CONSENT ORDER IN A
Urbandale, IA 50322)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and Valorie J. Brezina (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) (2015).

1. The Commission issued the Respondent real estate broker license number B19958000 on September 8, 1983. Respondent's license is current and in full force and effect through December 31, 2015. At all times relevant to this matter, the Respondent was a licensed real estate broker associate assigned to Developers Realty Group, LLC, a licensed real estate firm, license number F05289000, located in Urbandale, 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 professional incompetency, engaging in a practice harmful or detrimental to the public, and/or being unworthy or incompetent to act as a real estate broker in such manner as to safeguard the interests of the public in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.34(1)(h) (2014) and 193E Iowa Administrative Code sections 10.3, 10.3(1), 11.1, 18.14(5)(k) by marketing properties for sale in Iowa without a current, written listing agreement.

COUNT II

4. Respondent is charged with engaging in a practice harmful or detrimental to the public in violation of Iowa Code §§ 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.57 (2014) and 193E Iowa Administrative Code §§ 11.1, 11.3, 12.2(6), 18.14(5)(s) by receiving compensation for the marketing of properties for sale without a written brokerage agreement specifying the compensation terms and conditions.

COUNT III

5. Respondent is charged with professional incompetency and/or engaging in a practice harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(i), 543B.34(1)(h), 543B.62(3)(b) (2014) by failing to keep her supervising broker fully informed of all activities being conducted on behalf of that broker or any other activities that might impact that broker's responsibilities. See 193E Iowa Administrative Code sections 7.11(1), 11.3, 18.14(5)(n).

CIRCUMSTANCES

6. The Respondent was identified as the listing agent and Developers Realty Group, LLC as the listing office on several for sale properties that appeared in fall 2014 on the Des Moines Area Association of Realtors (DMAAR) Multiple Listing Service (MLS).

7. Commission staff has requested from the Respondent copies of all documents maintained by the Respondent or her employing brokerage relating to these subject properties, including any written listing / brokerage agreements. As of the date of this filing, the Respondent has not provided the Commission copies of any written listing / brokerage agreements concerning any of the subject properties.

8. Regardless, the Respondent admits that she was paid a fee in October 2014 to market the subject properties for sale on the MLS.

9. The Respondent failed to inform her employing broker of her actions pertaining to the listing of these subject properties on behalf of Developers Realty Group, LLC, and her subsequent marketing of these properties for sale on the MLS.

SETTLEMENT AGREEMENT

10. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code § 543B.29(4).

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 (2015).

CONSENT ORDER

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

IREC Case No. 14-211
Valorie J. Brezina

18. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$2,000.00 (\$500 for Count I, \$1,000 for Count II, \$500 for Count III) 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 14-211.

19. 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 must be submitted to the Iowa Real Estate Commission no later than twelve (12) months after 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 14-211.

20. FUTURE COMPLIANCE. 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.

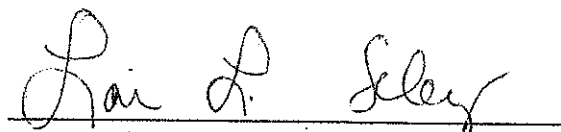
FOR THE RESPONDENT:

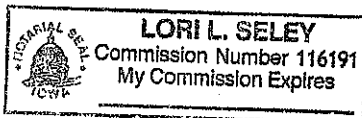
Voluntarily agreed to and accepted by Valorie J. Brezina on this 2 day of December, 2015.


By: VALORIE J. BREZINA, Respondent

State of Iowa
County of Polk


Signed and sworn to before me on this 2 day of December, 2015, by:


Notary Public, State of Iowa
Printed Name: Lori L Seley
My Commission Expires: 8/31/2016



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
4th day of FEBRUARY, 2018
6



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission