

**BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 SE HULSIZER  
ANKENY, IOWA**

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<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 08-177</b>
<b>Lorie J. Foley</b>	)	
<b>Salesperson (S42796)</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>American Realty Dubuque, Inc.</b>	)	<b>CHARGES, INFORMAL</b>
<b>2115 John F. Kennedy Road</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>Dubuque, Iowa 52002</b>	)	<b>AND CONSENT ORDER IN A</b>
	)	<b>DISCIPLINARY CASE</b>
<b>Respondent.</b>	)	

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The Iowa Real Estate Commission (Commission) and Lorie J. Foley (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) (2005).

1. The Commission issued the Respondent real estate salesperson license number S15127 on July 9, 2002. Respondent's license is in full force and effect until December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to American Realty Dubuque, Inc., a licensed real estate firm, license number F000056 in Dubuque, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2008). 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. The Respondent is charged with making a false statement of material fact on an application for a real estate salesperson license, in violation of Iowa Code sections 272C.10(1); 543B.15(5); 543B.29(1) & (3), 543B.34(1) & (11) (2007); and 193E Iowa Administrative Code section 16.5(4).

CIRCUMSTANCES

4. On November 14, 2007, the Respondent submitted an on-line renewal application to the Commission for her Iowa real estate salesperson license. On the on-line renewal, the

Foley, Lorie J.

Respondent indicated she had completed the required thirty six hours of continuing education required by 193E Iowa Administrative Rule 16.2(2).

5. On June 5, 2008, the Respondent was sent a request for verification of her continuing education for the 2007 license renewal period. This request was sent to the Respondent's address of record.

6. The Respondent's response to the request for continuing education verification established that she had in fact not completed the four hour "Ethics" class she attested to have taken prior to submitting her license renewal application to the Commission.

7. Accurate, truthful, and complete disclosure of one's continuing education history is essential to the Commission's determination of whether an applicant meets all requirements for renewing an Iowa real estate salesperson license. See Iowa Code § 543.15(5) (2007). The Respondent's failure to accurately disclose her continuing education on her real estate salesperson license renewal constituted a false statement of material fact.

### **SETTLEMENT AGREEMENT**

8. Respondent admits each and every allegation in the above-stated Statement of Charges.

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(3), 543B.34(2) and 272C.3(2)(a) (2005) 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 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 (2005).

### **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 \$500 no later than 30 calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 08-177.

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.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by **Lorie J. Foley** on this 18<sup>th</sup> day of August, 2008.

[Redacted Signature]

Lorie J. Foley, Respondent

State of IA)

County of DUBUQUE

Signed and sworn to before me on this 18 day of August, 2008, by

[Redacted Name]

Notary Public, State of Iowa

Printed Name: Debra Frommelt

My Commission Expires: 11-1-08



Debra Frommelt  
Iowa Notary Seal  
Commission number 187335  
My Commission Expires 11/01/08

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 11 day of Sept., 2008.

[Redacted Signature]

JAMES E. HUGHES, Chair  
Iowa Real Estate Commission