

BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 S.E. HULSIZER  
ANKENY, IOWA

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INRE:	)	
	)	CASE NUMBER: 07-258
Sharon L. Klaus	)	
Salesperson (S32633)	)	
	)	COMBINED STATEMENT OF
First Realty, LTD.	)	CHARGES, INFORMAL
5500 Westown Parkway	)	SETTLEMENT AGREEMENT,
West Des Moines, Iowa 50266	)	AND CONSENT ORDER IN A
	)	DISCIPLINARY CASE
Respondent.	)	

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The Iowa Real Estate Commission (Commission) and Sharon L. Klaus (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.IO(I) and 272C.3(4) (2007).

1. The Commission issued the Respondent real estate salesperson license number S32633 on February 11, 1992. Respondent's license is current and in full force and effect through December 31, 2009. At all times relevant to this matter, the Respondent was licensed to First Realty, LTD, a licensed real estate firm (F01527) located in West Des Moines, Iowa..

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2007). 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.IO(1); 543B.I5(5); 543B.29(1) & (3), 543B.34(1) & (11) (2007); and 193E Iowa Administrative Code section 16.5(4).

CIRCUMSTANCES

4. On December 12, 2006, the Respondent submitted an on-line renewal application to the Commission for her Iowa real estate salesperson license. On the on-line renewal, the Respondent indicated she had completed the required thirty six hours of continuing education required by 193E Iowa Administrative Rule 16.2(2).

6. On October 24, 2007, the Respondent was sent a request for verification of her continuing education for the 2006 license renewal period. This request was sent to the Respondent's address of record.

7. The Respondent's response to the request for continuing education verification established that she had in fact completed the eight hour "Real Estate Office Administration" class after she had submitted her license renewal application to the Commission.

8. 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 sales person license renewal constituted a false statement of material fact.

### SETTLEMENT AGREEMENT

9. Respondent admits to the allegation in the above-stated Statement of Charges.

10. Respondent acknowledges that he 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 his 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.

11. 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.

12. 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.

13. 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) (2007) 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.

14. 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.

15. 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

16. REPRIMAND. Pursuant to 193E Iowa Administrative Code section 18.14(10), the Respondent is reprimanded.

17. 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 07-258.

18. 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 Sharon L. Klaus on this 28 of December, 2001.

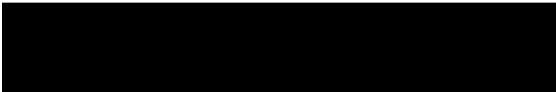


SHARON L. KLAUS, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 28<sup>th</sup> day of December, T  
by



Notary Public, State of Iowa  
Printed Name: LINDA S. CORELL  
My Commission Expires: 10/26/2010



07-258  
Klaus, Sharon L.

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on  
this 17 day of *January*, 2008.

