

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

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<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 08-218</b>
<b>Judith D. Moore</b>	)	
<b>Salesperson (S58562)</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>Ed Mead Real Estate</b>	)	<b>CHARGES, INFORMAL</b>
<b>35 North 1<sup>st</sup> Street</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>Marshalltown, IA 50158-6758</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 **Judith D. Moore.** (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) (2007).

1. The Commission issued the Respondent real estate salesperson license number S58562 on May 9, 2007. 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 a licensed real estate salesperson assigned to Ed Mead Real Estate, a licensed sole proprietor, license number (B01846) in Marshalltown, 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. Respondent is charged with engaging in practices harmful or detrimental to the public, and failing to diligently exercise reasonable care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(3), 543B.34(1) and (8), 543B.56(1)(b) (2007), and 193E Iowa Administrative Code sections 7.15(1), (2), (4), 11.1(1) & (3), 11.3(8) & (9), and 18.14(5)(s) by interfering with a valid listing agreement.

**CIRCUMSTANCES**

4. On June 13, 2008, the Respondent listed the property located at 208 N.W. 3<sup>rd</sup> Street, State Center, Iowa, while actively licensed with Kenny G. Development Company. The expiration date for the listing was scheduled as January 31, 2009.

5. On August 11, 2008, the Respondent's Active salesperson license was returned to the Commission to be placed on Inactive status.

6. On August 13, 2008, the Respondent's Inactive salesperson license was activated at the request of Edward Mead, broker sole proprietor for Ed Mead Real Estate, located in Marshalltown, Iowa.

7. While there was a valid listing agreement in effect with Kenny G Development Company for the property located at 208 N.W. 3<sup>rd</sup> Street, State Center, Iowa, the Respondent sent the Seller of the property a blank cancellation form via mail. The listing cancellation was dated August 13, 2008.

8. On August 15, 2008, the Respondent initiated a new listing agreement for the above property with Ed Mead Real Estate, her new broker employer.

**SETTLEMENT AGREEMENT**

9. Respondent without admission or wrongdoing or guilt agrees to resolve the allegation with an Informal Settlement Agreement.

10. 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.

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 (2007).

### **CONSENT ORDER**

#### **IT IS THEREFORE ORDERED:**

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

14. CIVIL PENALTY. The Respondent shall pay to the Commission a civil penalty in the amount of \$1,000.00 as a condition precedent to:

- (a) The Respondent's reactivation of her inactive Iowa real estate salesperson license.
- (b) The Respondent's reinstatement of her Iowa real estate salesperson license in the event of its expiration.

The Commission shall not reactivate or reinstate the Respondent's real estate salesperson license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of her real estate salesperson license.

18. EDUCATION. Pursuant to 193E Iowa Administrative Code Section 18.14 (1)(f), 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 for license renewal. The original certificate of attendance must be addressed to the Executive Officer for the Iowa Real Estate Commission under cover letter referencing complaint case number 08-218 prior to:

- (a) The Respondent’s reactivation of her inactive Iowa real estate salesperson license.
- (b) The Respondent’s reinstatement of her Iowa real estate salesperson license in the event of its expiration.

19. 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 **Judith D. Moore** on this 06 day of April, 2010.



**JUDITH D. MOORE.**, Respondent

State of \_\_\_\_\_)

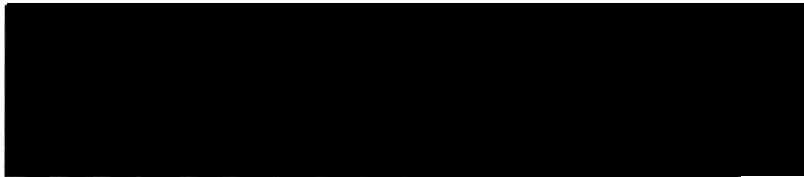
County of \_\_\_\_\_)

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by:

\_\_\_\_\_  
Notary Public, State of Iowa  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this  
day of April, 2010.



**Laurie Dawley, Chair**  
Iowa Real Estate Commission