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

IN RE:	)	
	)	**CASE NUMBER: 09-214**
Carroll Real Estate, Inc.	)	
Firm (F04617)	)	
	)	**COMBINED STATEMENT OF**
	)	**CHARGES, INFORMAL**
1510 Teg Drive	)	**SETTLEMENT AGREEMENT,**
Iowa City, Iowa 52246	)	**AND CONSENT ORDER IN A**
	)	**DISCIPLINARY CASE**
Respondent.	)	

The Iowa Real Estate Commission (Commission) and **Carroll Real Estate, Inc.** (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) (2009).

1. The Commission issued the Respondent real estate firm license number F04617 on July 26, 2002. Respondent's license is current and in full force and effect through December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate firm located in Iowa City, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). 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 failing to comply with the mandatory errors and omissions insurance requirement in violation of Iowa Code sections 543B.29(1)(c) & (i), 543B.47(1), 543B.47(6) (2009) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5) & (6).

CIRCUMSTANCES

4. In August of 2009, the Respondent was sent a random audit for their mandatory errors and omissions insurance.

5. The Respondent failed to obtain their errors and omission insurance for 2009 and could therefore not provide proof of insurance coverage to the Commission for the current policy period.

SETTLEMENT AGREEMENT

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

7. Respondent acknowledges that they have 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 their 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.

8. 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.

9. 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.

10. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(c), 543B.34(2) and 272C.3(2)(a) (2009) 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.

11. 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.

12. 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 (2009).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

14. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of $1,000 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 09-214.

15. 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 **Carroll Real Estate, Inc. o**n this 11 day of March, 2010.

[redacted]

By: **Melody Carroll**, Broker Officer

State of Iowa)

County of Johnson

Signed and sworn to before me on this 11th day of March, 2010, by:

SUSAN B SCHMIDT
Commission Number 735827
My Commission Expires
August 5, 2011

[redacted]

Notary Public, State of Iowa
Printed Name: Susan B Schmidt
My Commission Expires: 8-5-11

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 25 day of March, 2010.

[redacted]

LAURIE DAWLEY, Chair
Iowa Real Estate Commission