

FILED September 4, 2014 (Date)

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

IREC
Board / Commission
[Redacted]
Signal W, Executive Officer

IN RE:)	
)	CASE NUMBER: 13-209
Lola D. Vaith)	
Broker (B33116000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Century 21 Preferred)	SETTLEMENT AGREEMENT,
2800 4 th Street SW, Suite 3)	AND CONSENT ORDER IN A
Mason City, IA 50401)	DISCIPLINARY CASE
)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Lola D. Vaith** (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) (2013).

1. The Commission issued the Respondent real estate broker license number B33116000 on June 29, 1995. Respondent's license is in full force and effect until December 31, 2015. At all times relevant to this matter, the Respondent was a licensed real estate broker, assigned to Century 21 Preferred, license number F04281000, located in Mason City, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2013). 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 skill and care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(1)(c), 543B.34, 543B.56(1)(a), 543B.56(1)(b) (2013); and 193E Iowa Administrative Code section 18.14(5)(s) by entering a property without proper authorization.

CIRCUMSTANCES

4. The Respondent was acting as an agent for potential buyers for the subject property located in Mason City, Iowa.

5. A showing was scheduled for August 6, 2013, in which the Respondent met her clients at the subject property.

6. When the Respondent arrived at the subject property she unable to retrieve the Multiple Listing Service lockbox, as it was behind a locked screen door. A call to the listing agent went unanswered.

7. The Respondent looked around the outside of the house and discovered an unlocked vehicle with a garage door opener; she then used the garage door opener to let herself and her clients into the subject property.

SETTLEMENT AGREEMENT

8. 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 section 543B.29(4) (2013).

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 attended rights, including the right to seek judicial review. The 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 Admin 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 may 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 the 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 prime facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2013) 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 (2013).

CONSENT ORDER

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 five hundred dollars (\$500) no later than thirty (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, referencing Case No. 13-209.

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 **Lola D. Vaith** on this 26 day of August, 2014.

[Redacted Signature]

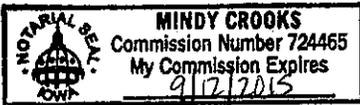
By: **LOLA D. VAITH**, Respondent

State of Iowa

County of Cerro Gordo

Signed and sworn to before me on this 26th day of August, 2014, by:

[Redacted Signature]



Notary Public, State of Iowa

Printed Name: Mindy Crooks

My Commission Expires: 9/12/2015

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 4th day of SEPTEMBER, 2014.

[Redacted Signature]

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission