

**BEFORE THE IOWA REAL ESTATE COMMISSION OF THE STATE OF IOWA**

<b>IN THE MATTER OF</b>  <b>Anna Mack-Smith</b> <b>License No. F05387000</b>  <b>RESPONDENT</b>	<b>CASE NO.: 24-216</b>  <b>COMBINED STATEMENT OF</b> <b>CHARGES, SETTLEMENT</b> <b>AGREEMENT, AND FINAL ORDER</b>
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The Iowa Real Estate Commission ("Commission") and Anna Mack-Smith ("Respondent") enter into this combined Statement of Charges and Settlement Agreement and Final Order ("Order") pursuant to Iowa Code sections 17A.10(2), 272C.3(4), 272C.10, and 193 Iowa Administrative Code rule 7.4.

**A. BACKGROUND**

1. **Iowa License.** Respondent was issued Iowa real estate broker license B43527000 on March 18, 2023. Respondent's Iowa real estate broker license is active and will next expire on December 31, 2024. At all times relevant to this matter, the Respondent was a licensed real estate broker in charge of Pearl City Realtors, LLC, a licensed real estate firm, license number F05387000, located in Muscatine, Iowa.
2. **Practice Setting.** Respondent is an Iowa licensed real estate broker who practiced in Muscatine, Iowa, during the time period relevant to these allegations. Respondent currently lives in the State of Iowa.
3. **Jurisdiction.** The Commission has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 543B, 272C and 193E Iowa Administrative Code rule 18.14.
4. **Allegations.** As the broker in charge, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing her assigned real estate firm's

operations in the State of Iowa. In the Fall of 2024, a licensee assigned to the Respondent's real estate firm was sent a random audit by the Commission for compliance with the mandatory errors and omissions insurance requirement. The aforementioned licensee did not have the mandatory errors and omissions insurance because their license was not inactivated appropriately prior to December 31, 2023, despite having previously retired from active real practice. Respondent was questioned and stated that she had tried to switch the former employee to inactive but "screwed up." Consequently, the Respondent failed to effectuate a change of employment by a salesperson then employed by the Respondent's real estate firm.

## **B. STATEMENT OF CHARGES**

### **COUNT I**

5. Respondent is charged with failing to comply with all procedures mandated by statute to effectuate a change of employment by a salesperson then employed by the Respondent's brokerage, in violation of Iowa Code section 543B.33 by failing to place licensee on inactive status. See 193E Iowa Administrative Code rules 6.1(1), 6.1(2), and 18.14(5)(c)(2).

## **C. SETTLEMENT AGREEMENT**

6. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

7. To resolve this matter without proceeding to hearing, Respondent agrees to pay a civil penalty in the amount of \$250.

8. In entering this Order, Respondent acknowledges the following:

- a. This Order is subject to the approval of the Commission and will have no force or effect if it is not accepted by the Commission.

- b. Counsel for the State will present this Order to the Commission *ex parte*.
  - c. I have the right to be represented by counsel in this matter.
  - d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Commission and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Commission's actions.
  - e. I waive my ability to review the investigative file in this case.
  - f. I understand this Order will be part of my permanent licensure file and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
  - g. I am voluntarily entering into this Order.
  - h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).
  - i. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.
9. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY** days of the date of the Commission approval of this Order.
10. This Order constitutes discipline against Respondent pursuant to and in accordance with 193E Iowa Administrative Code rule 18.14, is the final agency action in a contested case pursuant to Iowa Code section 17A.10.
11. This Order shall not preclude the Commission from taking additional action against

Respondent should Respondent violate laws, rules, or standards of practice administered by the Commission in the future.

12. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

13. The Commission's approval of this Order shall constitute a **Final Order** of the Commission.

#### **D. FINAL ORDER**

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

A. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of \$250 dollars no later than six (6) months after acceptance of this Order by the Commission. Respondent shall make her check payable to the "State of Iowa" and mail the check to:

Iowa Real Estate Commission  
C/O Ashley Thompson, Executive Officer  
6200 Park Avenue  
Des Moines, IA 50321

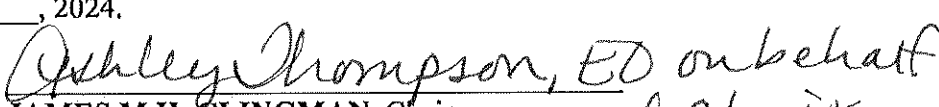
#### **FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Anna Mack-Smith on this 20 day of November, 2024.

  
By: Anna Mack-Smith, Respondent

#### **FOR THE IOWA REAL ESTATE COMMISSION:**

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 5th day of December, 2024.

  
JAMES M.H. CLINGMAN, Chair  
Iowa Real Estate Commission

ED on behalf  
of chair.

