

FILED October 3, 2019 (Date)
JNEC
Board / Commission
M. L.
Signature Executive Officer

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

IN RE:)	
)	CASE NUMBER: 16-127
Chase Keller)	
Salesperson (S63136000))	COMBINED STATEMENT OF
EXPIRED)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
5359 NW 72nd St)	AND CONSENT ORDER IN A
Urbandale, IA 50322)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Chase Keller** (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) (2019).

1. The Commission issued the Respondent real estate salesperson license number S63136000 on September 15, 2014. Respondent's license was in full force and effect until December 31, 2018. At all times relevant to this matter, the Respondent was a licensed real estate salesperson with the license on inactive status. The Respondent's license subsequently expired on December 31, 2018. Although his license is presently on expired status, the Respondent has the right to reinstate his salesperson license for a period of three years following the date of expiration. See 193E Iowa Administrative Code § 4.6.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2019). 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 a practice that is harmful or detrimental to the public by holding himself out as being engaged in the business of selling real estate and/or practicing real estate while his salesperson license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.3, 543B.5(12), 543B.29(1)(d), 543B.34(1) (2016). See 193E Iowa Administrative Code sections 4.5, 4.6, 18.2(5), 18.14(5)(a).

COUNT II

4. The Respondent is charged with engaging in practices harmful or detrimental to the public by conducting real estate business independently outside of a licensed broker in violation of Iowa Code sections 543B.24, 543B.29(1)(d), 543B.33, 543B.34(1). See 193E Iowa Administrative Code sections 4.1(2), 4.1(3), 7.1(8), 18.2(5), 18.14(5)(a), 18.14(5)(s).

CIRCUMSTANCES

5. From the time period of September 15, 2014 through October 1, 2015, the Respondent was a licensed real estate salesperson assigned to Fusion Real Estate, Inc., a licensed real estate firm, license number F05100000, located in Waterloo, Iowa. The Respondent's salesperson license was placed on inactive status on October 1, 2015.

6. In April 2016, the Commission received a written complaint, alleging the Respondent was representing a seller in a sale of a property located in Waterloo, Iowa.

7. The Commission's investigation found that the Respondent was advertising real estate property for sale in an attempt to procure prospects intended to result in the sale of real estate. At the time of the activity in April 2016, Commission licensing records reflected that the Respondent's salesperson license was on inactive status, therefore he was not affiliated with a licensed broker and was precluded from engaging in any acts requiring a real estate license.

8. In April 2016, while his Iowa real estate salesperson license was on inactive status, the Respondent conducted real estate activities independently outside of a licensed broker and that required an active real estate license in the state of Iowa.

SETTLEMENT AGREEMENT

9. Respondent admits 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) (2019).

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(1)(d), 543B.34(1) and 272C.3(2)(a) (2019) 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 Agreement 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 (2019).

CONSENT ORDER

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

17. **CIVIL PENALTY**. Respondent shall pay to the Commission a civil penalty in the amount of one thousand dollars (\$500.00 for Count I, \$500.00 for Count II) as a condition precedent to:

(a) The Respondent's reactivation of his inactive Iowa real estate salesperson license.

(b) The Respondent's reinstatement of his Iowa real estate salesperson license in the event of its expiration.

The Commission shall not reactivate or reinstate the Respondent's Iowa 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 Iowa real estate salesperson license.

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 Chase Keller on this 12 day of September, 2019.



By: **CHASE KELLER**, Respondent

State of IOWA)

County of Black Hawk)

Signed and sworn to before me on this 12 day of SEPT, 2019, by:




Notary Public, State of Iowa
Printed Name: M. Shileny
My Commission Expires: 9-4-22

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of OCTOBER, 2019.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission