

FILED April 12, 2018 (Date)

JREC

Board / Commission

[Signature]
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBERS: 17-129, 17-130
Trishelle M. Lass)	
Broker (B44435000))	INFORMAL SETTLEMENT
)	AGREEMENT AND CONSENT
1901 Chicago Ave)	ORDER IN A DISCIPLINARY CASE
Spirit Lake, IA 51360)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and Trishelle M. Lass (Respondent) enter into this Informal Settlement Agreement and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2017).

1. The Commission issued the Respondent real estate broker license number B38479000 on October 27, 2000. Respondent's license is in full force and effect until December 31, 2018. At all times relevant to this matter, the Respondent was a licensed real estate broker officer, assigned to Blue Water Realty, LLC, license number F05080000, located in Spirit Lake, Iowa. Respondent was assigned as the designated broker in charge of the real estate brokerage firm at all times relevant to this matter.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2017). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

SETTLEMENT AGREEMENT

3. On March 13, 2018, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent admits to each and every allegation recited in the attached Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2018).

4. The Respondent acknowledges that she has a right to 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 a hearing and all attendant rights, including the right to seek judicial review.

This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.

5. The 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.

6. 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. 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.

7. 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) (2018) 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.

8. This Order is not binding on the 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.

9. Upon acceptance by both the Commission and Respondent, this 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 (2018).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

11. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$1,000.00) on or before May 31, 2018. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Numbers 17-129, 17-130.

12. SUSPENSION. The Respondent's real estate broker license shall be suspended indefinitely commencing on May 31, 2018, pending submission of the civil penalty required by Paragraph 11 of this informal settlement agreement entered between the Respondent and the Commission. Upon the Respondent's submission of the civil penalty, the Respondent's real estate broker license shall be reinstated upon order of the Commission's Executive Officer. Should the Respondent submit the full amount of the civil penalty to the Commission's Executive Officer at the Commission's offices prior to 1:00 PM on May 31, 2018, the suspension provided for in this paragraph shall not be imposed.

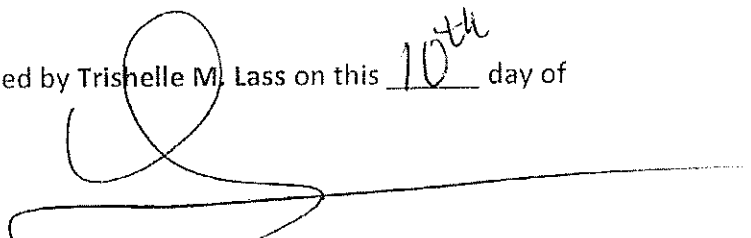
13. FUTURE COMPLIANCE. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

14. DISMISSAL. In consideration of the Respondent's timely correction of both her individual and her real estate broker firm's failure to maintain uninterrupted errors and omission insurance coverage, the Commission hereby dismisses Count II (Case No. 17-130) of the hearing complaint.

WHEREFORE, the terms of this Informal Settlement Agreement and Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

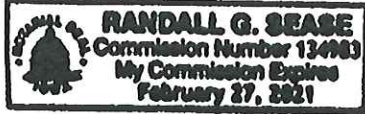
Voluntarily agreed to and accepted by Trishelle M. Lass on this 10th day of April, 2018.


By: TRISHELLE M. LASS, Respondent

State of Iowa)

County of Dickinson)

Signed and sworn to before me on this 10th day of April, 2018, by:



Randall G. Sease

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
12th day of April, 2018.

Terrance M. Duggan

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FILED March 13, 2018 (Date)

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

JRS
Board / Commission
[Signature]
Signature, Executive Officer

IN RE:)	
)	CASE NUMBERS: 17-129, 17-130
Trishelle M. Lass)	
Broker (B38479000))	NOTICE OF HEARING AND
)	STATEMENT OF CHARGES
Blue Water Realty, LLC)	
1901 Chicago Ave)	
Spirit Lake, IA 51360)	
)	
RESPONDENT)	

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B and 272C (2017). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

The Commission issued the Respondent real estate broker license number B38479000 on October 27, 2000. Respondent's license is in full force and effect until December 31, 2018. At all times relevant to this matter, the Respondent was a licensed real estate broker officer, assigned to Blue Water Realty, LLC, license number F05080000, located in Spirit Lake, Iowa. Respondent was assigned as the designated broker of the real estate brokerage firm at all times relevant to this matter.

NOTICE OF HEARING

- 1. HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 12th day of April, 2018 at 1:30 o'clock PM, at 200 East Grand, Suite 350, Des Moines, Iowa.
- 2. ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.
- 3. ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

4. **PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the 3rd day of April, 2018 at 10:30 o'clock AM before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Commission office of the telephone number at which you or your counsel can be reached. Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

5. **PRESIDING OFFICER.** The full Commission shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

6. **HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

8. **STATE'S COUNSEL.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

John R. Lundquist
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Phone: 515-281-3658
Fax: 515-281-4209
john.lundquist@iowa.gov

9. **RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Commission shall also be provided to Respondent's counsel of record:

NONE

10. **SETTLEMENT.** The procedural rules governing the Commission's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General John R. Lundquist.

11. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Commission members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Commission office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General John R. Lundquist at 515-281-3658, or the Commission's Executive Officer, Jeff Evans, at 515-725-9026, or Fax 515-725-9032.

12. **ADA NOTICE.** If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Commission's Executive Officer at 515-725-9026. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

STATEMENT OF CHARGES

COUNT I (CASE NO. 17-129)

13. Respondent is charged with engaging in practices harmful or detrimental to the public by failing to comply with the mandatory errors and omissions insurance requirement for her Iowa real estate broker license in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.29(1)(j), 543B.34, 543B.47(1), 543B.47(6) (2017) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

CIRCUMSTANCES

14. In March and April of 2017, the Respondent was sent a random audit by the Commission to verify her compliance with the mandatory errors and omissions insurance requirement imposed by Iowa Code section 543B.47.

15. Respondent failed to maintain uninterrupted errors and omission while she was actively licensed and could therefore not provide proof of insurance coverage to the Commission for her Iowa real estate broker license for the time period of January 1, 2017 to June 19, 2017.

COUNT II (CASE NO. 17-130)

16. Respondent, as the designated broker, is charged with engaging in practices harmful or detrimental to the public by failing to comply with the mandatory errors and omissions insurance requirement for her licensed real estate firm in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.29(1)(j), 543B.34, 543B.47(1), 543B.47(6) (2017) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).


CIRCUMSTANCES

17. Blue Water Realty, LLC, license number F05080000, was actively licensed in the state of Iowa for the time period January 1, 2017 to December 31, 2017. As a broker officer of the real estate brokerage firm and designated broker, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing its operations in the state of Iowa. See 193E Iowa Admin. Code rr. 19.3(2), 19.3(9).

18. In February and April of 2017, Blue Water Realty, LLC was sent a random audit by the Commission to verify its compliance with the mandatory errors and omissions insurance requirement imposed by Iowa Code section 543B.47.

19. Blue Water Realty, LLC failed to maintain uninterrupted errors and omission while actively licensed and the Respondent therefore not provide proof of insurance coverage to the Commission for the time period of January 1, 2017 to June 19, 2017 for the real estate brokerage firm.

This Notice of Hearing and Statement of Charges is filed and issued on the 13th day of March, 2018.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:
Assistant Attorney General John Lundquist
Department of Inspections and Appeals, assigned Administrative Law Judge

FILED April 11 2018 (Date)
JRE
Board / Commission
[Signature]
Signal Executive Officer

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

IN THE MATTER OF:)
)
Trishelle M. Lass) CASE NUMBERS: 17-129, 17-130
Broker (B38479000))
) ORDER TO CANCEL
) FORMAL HEARING
Blue Water Realty, LLC)
1901 Chicago Ave)
Spirit Lake, IA 51360)
)
RESPONDENT)

The offices of the Iowa Real Estate Commission [Commission] have received a signed settlement agreement from Respondent Trishelle M. Lass [B38479000]. To permit the Commission an opportunity to review the settlement agreement at the next scheduled meeting, the formal hearing set in this matter is hereby cancelled and the matter will be rescheduled for a future date if deemed necessary.

Dated this 11th day of April 2018.

[Signature]
Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission