

FILED December 19, 2018 (Date)
J.R.L.
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: 17-133
Timothy L. Reeder)	
Broker (B44138000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Gold Coast Real Estate Inc.)	SETTLEMENT AGREEMENT,
4908 Underwood Ave)	AND CONSENT ORDER IN A
Omaha, NE 68132)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Timothy L. Reeder** (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) (2018).

1. The Commission issued the Respondent real estate broker license number B44138000 on December 2, 2009. Respondent’s license is current and in full force and effect through December 31, 2020. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of Gold Coast Real Estate, Inc., license number F05853000, located in Omaha, Nebraska.

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.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with engaging in a practice harmful or detrimental to the public and/or failing to diligently exercise reasonable skill and care in providing brokerage services to all parties to a transaction by failing to properly effectuate the terms of an executed purchase agreement and failing to deposit earnest payments received by the broker in an Iowa real estate trust account in violation of Iowa Code sections 543B.29(1)(d), 543B.29(1)(k), 543B.34(1), 543B.46 543B.56(1)(b) (2017). See 193E Iowa Administrative Code sections 12.3(1)(a), 12.3(1)(b), 13.1, 13.1(1), 18.14(5)(f)(10).

COUNT II

4. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(d), 543B.29(1)(k), 543B.34(1), 543B.46 (2017) by disbursing earnest money funds from an Iowa real estate trust account prior to closing and without the informed written consent of all the parties to a transaction. See 193E Iowa Administrative Code sections 13.1, 13.1(1), 13.1(7), 18.14(5)(f)(2).

COUNT III

5. Respondent is charged with advertising real estate under an unlicensed trade name in violation of Iowa Code section 543B.34(1) (2017). See 193E Iowa Administrative Code sections 10.1, 10.1(2), 10.1(3), 18.14(5)(s).

CIRCUMSTANCES

6. Respondent was assigned as the designated broker in charge of real estate brokerage firm Gold Coast Real Estate, Inc. at all times relevant to this matter. As the designated broker in charge of the real estate brokerage firm, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa, including maintenance of the trust account used by the firm.

7. From May 15, 2017 through May 19, 2017, an offsite examination of the Respondent's Iowa real estate trust account and transaction records was conducted by the Commission auditor (auditor).

8. In a random sampling of transaction files, the auditor discovered one (1) real estate transaction for a property located in Council Bluffs, Iowa, in which the earnest money deposit was deposited into with Clear Title & Abstract, LLC Company.

9. In reviewing the aforementioned real estate transaction file for the subject property, the auditor discovered that the executed purchase agreement nonetheless provided that the earnest money was to be held in trust by Gold Coast Real Estate, Inc., not with Clear Title & Abstract, LLC Company. By depositing the earnest money funds with Clear Title & Abstract, LLC Company, the Respondent failed to properly effectuate the terms of an executed purchase agreement and failed to deposit trust funds in an Iowa real estate trust account.

10. In a random sampling of transaction files, the auditor discovered one (1) real estate transaction for a property located in Carter Lake, Iowa where the Respondent transferred trust funds from Gold Coast Real Estate, Inc. Real Estate Trust Account to Clear Title & Abstract, LLC without the informed written consent of all the parties to this respective transaction.

11. The auditor found that the Respondent was advertising real estate in Iowa as "Better Homes and Gardens Real Estate The Good Life Group", which was not a licensed as a tradename (T05971000) with the Commission until May 24, 2018.

SETTLEMENT AGREEMENT

12. 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) (2018).

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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 (2018).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

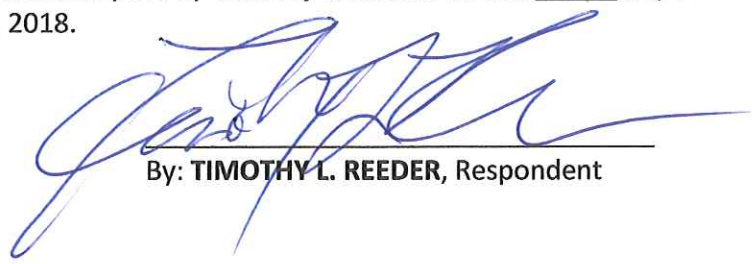
20. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand, five hundred dollars (\$500.00 for Count I, \$500.00 for Count II, \$500 for Count III) no later than twelve (12) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 17-133.

21. FUTURE COMPLIANCE. The Respondent also 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 **Timothy L. Reeder** on this 1st day of November, 2018.

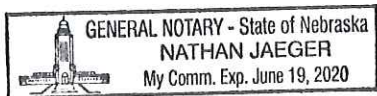


By: **TIMOTHY L. REEDER**, Respondent

State of NE)

County of Doughs)

Signed and sworn to before me on this 1 day of November, 2018, by:




Notary Public, State of NE
Printed Name: Nathan Jaeger
My Commission Expires: 6-19-20

IREC Case No. 17-133
Timothy L. Reeder

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
19th day of DECEMBER, 2018.



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission