

FILED April 12, 2018 (Date)

IREC

Board / Commission

Signature, Executive Officer

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

IN RE:	)	
	)	CASE NUMBER: 17-137
Tyler R. Rasmussen	)	
Broker (B63386000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
EPM Iowa, LLC	)	SETTLEMENT AGREEMENT,
1505 Kellie Ave SW	)	AND CONSENT ORDER IN A
Independence, IA 50644	)	DISCIPLINARY CASE
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Tyler R. Rasmussen** (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) (2017).

1. The Commission issued the Respondent real estate broker license number B63386000 on May 11, 2017. Respondent's license is now current and in full force and effect through December 31, 2019. At all times relevant to this matter, the Respondent was a licensed real estate salesperson and licensed real estate broker associate, assigned to Ohl Iowa Realty, Real Estate and Insurance, Inc., license number F05824000, located in Independence, Iowa.

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 practices harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) (2017) by conducting real estate business (property management) independently outside of the licensed broker or firm he is assigned to. See 193E Iowa Administrative Code sections 4.1(3), 7.1(9), 7.11(1), 15.1, 18.14(5)(n), 18.14(5)(s).

## COUNT II

4. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.1, 543B.2, 543B.5(6), 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) (2017) by failing to obtain a license for his corporation before its acting as a real estate brokerage in the state of Iowa. See 193E Iowa Administrative Code sections 7.2(1), 18.14(5)(s).

## CIRCUMSTANCES

5. From the time period of January 5, 2016 through May 11, 2017, the Respondent was a licensed real estate salesperson assigned to Ohl Iowa Realty, Real Estate and Insurance, Inc., license number F05824000, located in Independence, Iowa.

6. From the time period of May 11, 2017 through June 7, 2017, the Respondent was a licensed real estate broker associate assigned to Ohl Iowa Realty, Real Estate and Insurance, Inc., license number F05824000, located in Independence, Iowa.

7. During the time period of April 28, 2017 through June 7, 2017, the Respondent was in the business of conducting residential property management under a domestic limited liability company in the state of Iowa known as "EPM Iowa, LLC."

8. During the time period in question, EPM Iowa, LLC was a company that was not licensed to practice real estate in the state of Iowa. The Respondent in conducting property management activities did not have written property agreements between the owners of the properties and his designated broker.

9. EPM Iowa, LLC was licensed to practice real estate in Iowa on June 7, 2017 by the Commission with Tyler R. Rasmussen, license number B63386000, assigned to the new real estate brokerage firm as the sole broker officer.

## SETTLEMENT AGREEMENT

10. 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).

11. 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.

12. 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.

13. 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.

14. 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) (2017) 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.

15. 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.

16. 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 (2018).

### CONSENT ORDER

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

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

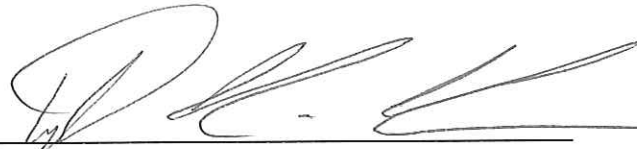
18. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$1,000.00) no later than six (6) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 17-137.

19. 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 **Tyler R. Rasmussen** on this 21 day of March, 2018.

  
By: **TYLER R. RASMUSSEN**, Respondent

State of Iowa

County of Buchanan

Signed and sworn to before me on this 21 day of March, 2018, by:



Notary Public, State of Iowa  
Printed Name: Angela J. Maus  
My Commission Expires: Oct. 2, 2019

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 15th day of April, 2018.

  
**TERRANCE M. DUGGAN**, Chair  
Iowa Real Estate Commission