

**FILED** August 12, 2021 (Date)  
JREL  
Board / Commission  
M. E.  
Signature Executive Officer

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

<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 19-221</b>
<b>Andrew Hunziker</b>	)	
<b>Broker (B64061000)</b>	)	<b>COMBINED STATEMENT OF</b>
	)	<b>CHARGES, INFORMAL</b>
<b>Hunziker Property Management</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>105 S 16<sup>th</sup> St</b>	)	<b>AND CONSENT ORDER IN A</b>
<b>Ames, IA 50010</b>	)	<b>DISCIPLINARY CASE</b>
	)	
<b>RESPONDENT</b>	)	

The Iowa Real Estate Commission (Commission) and **Andrew Hunziker** (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) (2021).

1. The Commission issued the Respondent real estate broker license number B64061000 on October 26, 2017. Respondent's license is current and in full force and effect through December 31, 2022. 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 Hunziker Property Management, license number F03641000, located in Ames, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2020). 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 knowingly aiding or abetting an unlicensed person, by allowing two (2) unlicensed individuals executing residential lease agreements, constituting the unlicensed practice of real estate in Iowa in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1), 543B.34 (2020). See 193E Iowa Administrative Code sections 7.13, 18.2(6), 18.14(5)(s), 21.2(7).

#### CIRCUMSTANCES

4. At all times relevant to this matter, the Respondent was assigned as the designated broker in charge of real estate brokerage firm Hunziker Property Management. As the designated broker in charge, the Respondent was responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa, including supervising the acts or activities of unlicensed personnel.

5. On October 22, 2019, an onsite examination of the Respondent's Iowa real estate trust account and transaction records was conducted by the Commission auditor (auditor).

6. The Commission's investigation revealed that two unlicensed support personnel for the Respondent were engaged in acts contained in the definition of a real estate broker for rental properties in Ames, Iowa and Boone, Iowa by performing real estate property management duties for a fee. To wit: the aforesaid individuals each executed at least one lease agreement on behalf of Hunziker Property Management without being a licensed real estate agent or licensed real estate broker.

7. Consequently, the Respondent knowingly aided or abetted the unlicensed practice of real estate in Iowa.

#### SETTLEMENT AGREEMENT

8. Respondent admits to Count I of the Statement of Charges. This case shall constitute one (1) violation for purposes of Iowa Code section 543B.29(4) (2021).

9. 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.

10. 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.

11. 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.

12. 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) (2021) 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.

13. 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.

14. 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 (2021).

### **CONSENT ORDER**

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

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

16. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars (\$1,000.00) 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 19-221.

17. **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 **Andrew Hunziker** on this 17 day of June, 2021.

*Andrew Hunziker*  
By: **ANDREW HUNZIKER**, Respondent

State of Iowa

County of Story

Signed and sworn to before me on this 17<sup>th</sup> day of June, 2021, by:



*Rebecca H. Barclay*  
Notary Public, State of Iowa  
Printed Name: Rebecca H. Barclay  
My Commission Expires: 9-27-2021

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 17 day of June, 2021.

*Dennis L. Stolk*  
**DENNIS L. STOLK**, Chair  
Iowa Real Estate Commission