

Department of Commerce  
Professional Licensing Bureau  
**FILED 2-2-23 (Date)**  
IREC  
Board / Commission  
*[Signature]*  
Signature, Executive Officer

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

IN RE: )  
 ) CASE NUMBER: 22-190  
Clark Rieke )  
Broker (B56752000) ) COMBINED STATEMENT OF  
Inactive ) CHARGES, INFORMAL  
 ) SETTLEMENT AGREEMENT,  
1614 D Ave NE ) AND CONSENT ORDER IN A  
Cedar Rapids, IA 52402 ) DISCIPLINARY CASE  
 )  
RESPONDENT )

The Iowa Real Estate Commission (Commission) and **Clark Rieke** (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) (2022).

1. The Commission issued the Respondent real estate broker license number B56752000 on September 20, 2005. Respondent's license is current and in full force and effect through December 31, 2022. At all times relevant to this matter, the Respondent was a licensed real estate broker sole proprietor, located in Cedar Rapids, Iowa. On May 25, 2022, the Respondent provided notification to the Commission of the closing of his sole-proprietor brokerage and the Respondent's license was subsequently placed on inactive status.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2022). 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 failing to notify the Commission of the closing of his real estate brokerage firm in violation of Iowa Code sections 543B.29(1) (2022). See 193E Iowa Administrative Code sections 7.1(4), 7.2(1), 8.1(1), 18.14(5)(s).

### CIRCUMSTANCES

4. On March 10, 2022, the Respondent was sent a random audit by the Commission for compliance with the mandatory errors and omissions insurance requirement.

5. During this audit, it was discovered that the Respondent was listed as inactive. The Respondent communicated to staff that they retired in summer of 2021 and failed to properly notify the Commission of his proprietorship closing.

6. Consequently, the Respondent failed to properly close his real estate sole proprietorship.

### SETTLEMENT AGREEMENT

7. 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) (2022).

8. 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.

9. 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.

10. 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.

11. 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) (2022) 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.

12. 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.

13. 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 (2022).

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

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

15. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of two-hundred and fifty (\$250) dollars 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 22-190.

16. 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 **Clark Rieke** on this 21 day of December, 2022.

Clark Rieke

By: **CLARK RIEKE**, Respondent

See attached email from Renee Paulsen that clarifies that "the penalty of \$250 would be due when I decide to become active again."

Clark Rieke

Clark Rieke

State of Iowa

County of Linn

Signed and sworn to before me on this 21<sup>st</sup> day of December, 2022, by:



Carolyn Siebrecht

Notary Public, State of Iowa

Printed Name: Carolyn Siebrecht

My Commission Expires: 1-23-2024

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

James Clingman

**JAMES M.H. CLINGMAN**, Chair  
Iowa Real Estate Commission