

Department of Commerce  
Professional Licensing Bureau  
**FILED** 5-4-23 (Date)  
**IREC**  
Board / Commission  
*Rene Paul*  
Signature, Executive Officer

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

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IN RE: )  
Des Moines Realty Group, LLC ) CASE NUMBER: 22-015  
Firm (F06046000) )  
 ) COMBINED STATEMENT OF  
 ) CHARGES, INFORMAL  
15920 Hickman Rd., Suite 300 ) SETTLEMENT AGREEMENT,  
Clive, IA 50325 ) AND CONSENT ORDER IN A  
 ) DISCIPLINARY CASE  
RESPONDENT )

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The Iowa Real Estate Commission (Commission) and **Des Moines Realty Group, LLC** (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).

1. The Commission issued the Respondent real estate firm license number F06046000 on December 21, 2018. Respondent's license is now current and in full force and effect through December 31, 2024. At all times relevant to this matter, the Respondent was an unlicensed real estate firm, located in Clive, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B. 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 that is harmful or detrimental to the public by holding itself out as being engaged in the business of selling real estate and/or practicing real estate while the license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(1). See 193E Iowa Administrative Code sections 3.5, 3.6, 18.2(5), 18.14(5)(a).

### CIRCUMSTANCES

4. From the time period of December 21, 2018 through December 31, 2020, the Respondent was a licensed real estate brokerage firm, Des Moines Realty Group, LLC, license number F06046000, located in Clive, Iowa. At all times relevant to this matter, Michael Martin served both as the designated broker in charge and a licensed real estate broker officer of the firm. As the designated broker in charge, the broker was responsible for ensuring that Des Moines Realty Group, LLC complied with all applicable statutes and regulations relating to its operations as a real estate brokerage firm.

5. Pursuant to Commission licensing records, the Respondent's Iowa real estate license lapsed on January 1, 2021. Subsequently, Michael Martin reinstated his Iowa real estate broker and firm license on February 17, 2022.

6. Between the time period of January 1, 2021 and February 17, 2022, while the Iowa real estate licenses were lapsed, the Respondent conducted activities requiring a real estate license in the state of Iowa.

### SETTLEMENT AGREEMENT

7. Respondent admits to 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).

8. Respondent acknowledges that it 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 its 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) 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.

#### **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 five hundred dollars (\$500.00) 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 22-015.

16. **FUTURE COMPLIANCE.** 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:**

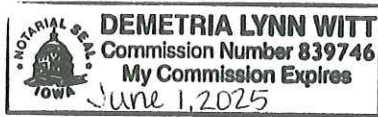
Voluntarily agreed to and accepted by **Des Moines Realty Group, LLC** on this 24<sup>th</sup> day of April, 2023.


  
By: MICHAEL R. MARTIN; BROKER,

State of Iowa )

County of Polk )

Signed and sworn to before me on this 24<sup>th</sup> day of April, 2023, by:



  
Notary Public, State of Iowa  
Printed Name: Demetria Witt  
My Commission Expires: June 1, 2025

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 4 day of May, 2023.

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