

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

IN RE:)
Ashley Rebik) CASE NUMBER: 22-038
Salesperson (S66554000))
Real Estate Concepts, LC) COMBINED STATEMENT OF
6600 University Ave.) CHARGES, INFORMAL
Des Moines, IA 50324) SETTLEMENT AGREEMENT,
AND CONSENT ORDER IN A
DISCIPLINARY CASE
RESPONDENT)

The Iowa Real Estate Commission (Commission) and Ashley Rebik (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 salesperson license number S66554000 on May 10, 2018. Respondent's license is in full force and effect until December 31, 2023. At all times relevant to this matter, the Respondent served as a licensed real estate salesperson at Real Estate Concepts, LC, license number F04363000, located in Des Moines, 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 practices harmful or detrimental to the public in violation of Iowa Code sections 543B.56(1)(a) and 543B.56(1)(b) by:

- (a) Soliciting a listing or brokerage agreement with an owner if the licensee knows or has reason to know that the owner has a written unexpired exclusive agency or exclusive right to sell listing agreement to the property with another broker. See 193E Iowa Administrative Code §11.1(1).

- (b) Negotiating a sale of real property directly with an owner if it is known that he owner has a written unexpired contract in connection with the property which grants an exclusive agency to another broker. See 193E Iowa Administrative Code §11.1(2).
- (c) Negotiating directly with the owner knowing that the property was listed with another broker. See 193E Iowa Administrative Code §11.3(8).
- (d) Seeking to alter, modify, or change another licensee's fee or commission for real estate brokerage services without that licensee's prior written consent. See 193E Iowa Administrative Code §11.3(9).
- (e) A commission split agreement between brokers should be a separate document and not included in the purchase agreement. See 193E Iowa Administrative Code §11.3(10).

CIRCUMSTANCES

4. The Respondent represented the potential buyers of the subject property at all times relevant to this matter.

5. The subject property was listed by Next Generation Realty, Inc. The sellers entered into an exclusive right to sell contract.

6. The exclusive right to sell contract included a commission of \$5,990.00 to Next Generation Realty, Inc. The contract did not include a buyer's broker commission.

7. On March 1, 2022, the Respondent prepared a Purchase Agreement signed by the prospective buyers and attached an Unrepresented Seller Professional Fee page that would award the Respondent 3% of the sale price of the subject property at closing.

8. The Respondent knew, or should have known, that the property was listed with another brokerage.

9. The Respondent engaged in practices harmful or detrimental to the public and failed to diligently exercise reasonable skill and care by attempting to negotiate with seller when there was an exclusive listing in place with another agency and adding a requirement that the seller pay the Respondent's brokerage a commission.

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).

11. Respondent acknowledges that she 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 her 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) 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 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:

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 five hundred dollars (\$500.00) 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 22-038.

19. **EDUCATION.** Respondent shall attend the following Commission approved course: six (6) hour "Contract and Law" course. This course shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance shall be submitted to the Iowa Real Estate Commission no later than six (6) months after acceptance of this Order by the Commission. The certificates must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Numbers 22-038.

20. **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 Ashley Rebik on this 22nd day of May, 2023.


By: ASHLEY REBIK, Respondent

State of Iowa)

County of POIK)

Signed and sworn to before me on this 22nd day of May, 2023, by:

Alicia Marie Seifert
Alicia Marie Seifert

Notary Public, State of Iowa

Printed Name: Alicia Marie Seifert

My Commission Expires: September 6, 2025



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 8 day of June, 2023.

[Signature]
JAMES M. H. CLINGMAN, Chair
Iowa Real Estate Commission