

Department of Commerce
Professional Licensing Bureau
FILED 8-3-23 (Date)
IREC
[Signature]
Board / Commission
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 22-341
Ellen M. Webber)	
Broker (B61442000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
3850 Armar Drive SE; Suite 1B)	AND CONSENT ORDER IN A
Cedar Rapids, IA 52403)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Ellen Webber** (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 broker associate license number B61442000 on January 1, 2020. Respondent's license is current and in full force and effect through December 31, 2025. At all times relevant to this matter, the Respondent was a licensed real estate broker associate assigned to Legacy Group, Realtors LLC, a licensed firm, license number F05894000, located in Cedar Rapids, 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.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) by conducting real estate business (property management) independently outside of the licensed broker or firm she is assigned to. See 193E Iowa Administrative Code sections 4.1(3), 7.1(8), 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)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) by failing to obtain a license for her 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).

COUNT III

5. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.5(20), 543B.29(1)(d), 543B.34(1)(e) by accepting a commission or valuable consideration as a broker associate for the performance of property management duties from a person that is not her employing real estate broker. See 193E Iowa Administrative Code sections 4.1(3), 15.1, 18.2(1), 18.14(5)(n), 18.14(5)(s).

CIRCUMSTANCES

6. The Respondent is a licensed real estate broker associate assigned to Legacy Group, Realtors, LLC license number F05894000, located in Cedar Rapids, Iowa, between the time period of January 2, 2020, through present.

7. In April 2023, it was discovered that the Respondent was in the business of conducting residential property management under a domestic limited liability company in the state of Iowa known as "RRT Property Management, LLC"

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

9. Consequently, in 2022 and 2023 the Respondent conducted and received compensation for activities in the state of Iowa requiring a real estate license outside of the licensed broker or firm that she was assigned to. As a real estate broker associate, the Respondent has an ongoing obligation to keep her employing broker apprised of all activities she conducts on behalf of or in the name of her affiliated real estate brokerage.

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 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:

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

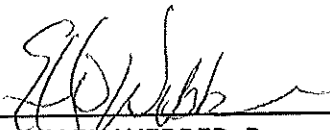
one thousand, five hundred dollars (\$500.00 for Count I, \$500.00 for Count II, \$500 for Count III) no later than six (6) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 22-341.

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.

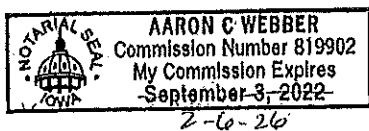
FOR THE RESPONDENT:

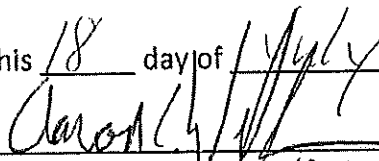
Voluntarily agreed to and accepted by **Ellen Webber** on this 18 day of July, 2023.


By: **ELLEN WEBBER**, Respondent

State of Iowa
County of Linn

Signed and sworn to before me on this 18 day of July, 2023, by:




Notary Public, State of Iowa
Printed Name: Aaron Webber
My Commission Expires: 2-6-26

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 2 day of August, 2023.


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