

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

IN RE:)	
)	CASE NUMBER: 22-127
Rene Soldwisch)	
Salesperson (S61727000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Amica3, LLC.)	SETTLEMENT AGREEMENT,
1200 Valley West Drive, Suite 15)	AND CONSENT ORDER IN A
West Des Moines, IA 50265)	DISCIPLINARY CASE
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Rene Soldwisch** (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 S61727000 on October 19, 2012. Respondent's license is current and in full force and effect through December 31, 2023. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Innovations Real Estate, Inc., a licensed real estate firm, license number F05391000, located in Indianola, 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)(a), 543B.34(1)(b) by:

- (a) 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).

- (b) 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. On April 21, 2022, the Commission received a complaint against the Respondent. The complaint alleged that Respondent presented a purchase agreement which included an addendum stating the seller is to pay the Respondent's real estate brokerage firm a \$5,000 commission fee.
6. On March 6, 2022, the Respondent presented an offer to purchase on behalf of the potential buyers. With the offer to purchase, an "Addendum to Purchase Agreement" was also presented, requesting that the sellers pay the Respondent's real estate brokerage firm \$5,000, as a buyer's agent commission.

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 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.
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 (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. The 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 22-127.
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 **Rene Soldwisch**, on this 12th day of September, 2023.

Rene Soldwisch
By: **RENE SOLDWISCH**, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 12th day of September, 2023, by:



Keith Soldwisch
Notary Public, State of Iowa
Printed Name: *Keith Soldwisch*
My Commission Expires: 8/22/2026

FOR THE COMMISSION:

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

James M.H. Clingman for IREC
JAMES M.H. CLINGMAN, Chair
Iowa Real Estate Commission