

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

FILED

March 6 2014 (Date)

IRSC

Board / Commission

Signature Executive Officer

IN RE:	)	
	)	CASE NUMBER: 14-003
Thomas M. Adler	)	
Salesperson (S22427000)	)	COMBINED STATEMENT OF
EXPIRED	)	CHARGES, INFORMAL
	)	SETTLEMENT AGREEMENT,
16 3 <sup>rd</sup> Ave W	)	AND CONSENT ORDER IN A
Albia, IA 52531	)	DISCIPLINARY CASE
	)	
Respondent.	)	

The Iowa Real Estate Commission (Commission) and **Thomas M. Adler** (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) (2013).

1. The Commission issued the Respondent real estate salesperson license number S22427000 on April 6, 1984. The Respondent's license expired on December 31, 2010. At all times relevant to this matter, the Respondent was an unlicensed real estate salesperson with Nancy A. Casady, a licensed real estate broker sole proprietor, license number B37685000, located in Albia, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2013). 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. The Respondent is charged with engaging in a practice that is harmful or detrimental to the public by practicing real estate while his license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.29(1) (2013) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(a).

CIRCUMSTANCES

4. Pursuant to Commission licensing records, the Respondent's Iowa real estate salesperson license expired on December 31, 2010.

5. Between the time period of January 1, 2011 and December 31, 2013 while his Iowa real estate salesperson license was expired, the Respondent conducted activities requiring a real estate license in the State of Iowa.

### **SETTLEMENT AGREEMENT**

6. 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) (2013).

7. 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.

8. 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.

9. 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.

10. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(c), 543B.34(2) and 272C.3(2)(a) (2013) 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.

11. 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.

12. 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 (2013).

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

13. CIVIL PENALTY. The Respondent shall pay to the Commission a civil penalty in the amount of five hundred dollars (\$500.00) as a condition precedent to:

- (a) The Respondent's reinstatement of his Iowa real estate salesperson license.

The Commission shall not reactivate or reinstate the Respondent's real estate salesperson license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of his real estate salesperson license.

14. 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:**

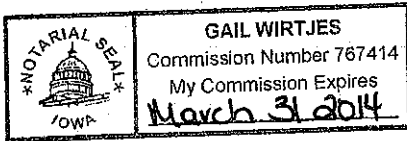
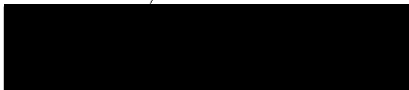
Voluntarily agreed to and accepted by Thomas M. Adler on this 21<sup>st</sup> day of Feb, 2014.

  
By: **THOMAS M. ADLER**, Respondent

State of Iowa )

County of Monroe )

Signed and sworn to before me on this 21 day of Feb, 2014, by:



Notary Public, State of Iowa  
Printed Name: Gail Wirtjes  
My Commission Expires: March 31 2014

**FOR THE COMMISSION:**

6<sup>th</sup> Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this  
day of March, 2014.



**SUSAN J. SANDERS**, Chair  
Iowa Real Estate Commission