

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 07-125
Timothy Hartman)	
Salesperson (S43651))	
)	STIPULATION AND VOLUNTARY
INACTIVE)	SURRENDER OF SALESPERSON
)	LICENSE
4041 Oak Valley Drive)	
Cedar Rapids, Iowa 52411)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Timothy Hartman** (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) (2007).

1. The Commission issued the Respondent real estate salesperson license number S43651 on April 16, 2003. Respondent's license was placed on Inactive status on May 22, 2007, but remains in full force and effect through December 31, 2008. At all times relevant to this matter, the Respondent was an active licensed real estate salesperson, assigned to The Referral Company, a licensed real estate firm, license number F03016.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2007). 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 failing to comply with the mandatory errors and omissions insurance requirement in violation of Iowa Code sections 543B.29(3) & (9), 543B.47(1), 543B.47(6) (2007) and 193E Iowa Administrative Code sections 18.2(5), 8.14(5)(s), 19.6(6) & (7).

CIRCUMSTANCES

4. On May 22, 2007, the Respondent was sent a random audit for his mandatory errors and omissions insurance coverage.

5. The Respondent failed to obtain his errors and omission insurance for 2007 and could therefore not provide proof of insurance coverage to the Commission for the current policy period.

SETTLEMENT AGREEMENT

6. Respondent admits each and every allegation in the above-stated Statement of Charges. The penalty typically imposed by the Commission for said violation is a formal reprimand and a \$1,000.00 civil penalty. Because Respondent has communicated to the Commission no interest in maintaining his real estate license or returning to active practice in the real estate profession, the parties have agreed to this Stipulation in lieu of alternative sanctions.

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(3), 543B.34(2) and 272C.3(2)(a) (2007) 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 (2007).

CONSENT ORDER

IT IS THEREFORE ORDERED:

14. **IT IS THEREFORE ORDERED:** Respondent's reciprocal Iowa Real Estate Salesperson License S43651 is voluntarily **SURRENDERED** for an indefinite time and not less than two years.

15. **RESPONDENT ACKNOWLEDGES** that the effective date of surrender shall be the date this Stipulation is accepted by the Commission.

16. **RESPONDENT FURTHER ACKNOWLEDGES** that Iowa law allows the Respondent to reapply for an Iowa Real Estate License if the surrender or revocation took place two (2) years or longer, **AND** that the Respondent must qualify as a salesperson starting over as if never licensed, **AND** that reapplication may or may not be granted by the Iowa Real Estate Commission and that the violation of law herein may provide a basis for denial. See 193 Iowa Admin. Code § 7.38.

WHEREFORE, the terms of this Stipulation and Voluntary Surrender of Salesperson License are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Timothy Hartman** on this 5th day of September, 2007.

[Redacted Signature]

TIMOTHY HARTMAN, Respondent

State of Iowa)
County of Linn)

Signed and sworn to before me on this 5th day of September, 2007, by

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: Susan McManaman

My Commission Expires: 5-4-09



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on
this 11th day of OCTOBER, 2007.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission