Department of Commerce
Professional Licensing Bureau
FILED October 1, 2015 (Date)
IREC
Board / Commission
Signature, Executive Officer

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

IN RE:	)	
	)	**CASE NUMBER: 15-223**
Matthew Burns	)	
Salesperson (S62733000)	)	**COMBINED STATEMENT OF**
	)	**CHARGES, INFORMAL**
Tim D. Peevler, Sole-proprietor Broker	)	**SETTLEMENT AGREEMENT,**
804 Main Street	)	**AND CONSENT ORDER IN A**
Keokuk, IA 52632	)	**DISCIPLINARY CASE**
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Matthew Burns** (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) (2015).

1. The Commission issued the Respondent real estate salesperson license number S62733000 on April 2, 2014. Respondent's license is current and in full force and effect through December 31, 2016. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Tim D. Peevler, a licensed sole-proprietor broker, license number S62733000, located in Keokuk, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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 failing to comply with the mandatory errors and omissions insurance requirement for his Iowa real estate salesperson license in violation of Iowa Code sections 543B.29(1)(j), 543B.47(1), 543B.47(6) (2015) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

CIRCUMSTANCES

4. In July of 2015, the Respondent was sent a random audit by the Commission for compliance with the mandatory errors and omissions insurance requirement.

5. The Respondent failed to maintain uninterrupted errors and omission while he was actively licensed and could therefore not provide proof of insurance coverage to the Commission for the time period of January 1, 2015 to July 30, 2015.

SETTLEMENT AGREEMENT

6. Without admission of wrongdoing or guilt, the Respondent does not contest the violations alleged in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

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)(d), 543B.34(1) and 272C.3(2)(a) (2015) 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 (2015).

CONSENT ORDER

IT IS THEREFORE ORDERED:

13. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of one thousand dollars ($1,000.00) no later than one hundred eighty (180) calendar days 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 15-223.

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 **Matthew Burns** on this 11 day of September, 2015.

By: **MATTHEW BURNS**, Respondent

State of Iowa)

County of Lee)

Signed and sworn to before me on this 11 day of September, 2015, by:

Notary Public, State of Iowa
Printed Name: Laura J. Mahoney
My Commission Expires: 02-28-18

LAURA J. MAHONEY
Commission Number 159734
My Commission Expires
02-28-18

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 1ST day of OCTOBER, 2015.

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission