

FILED March 6, 2014 (Date)

JRG  
Board / Commission  
[Redacted]  
Signature, Executive Officer

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

<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 13-139</b>
<b>Matt Faltis</b>	)	
<b>Salesperson (S56307000)</b>	)	<b>COMBINED STATEMENT OF</b>
	)	<b>CHARGES, INFORMAL</b>
<b>Premier Realty, Inc.</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>3601 Mount Vernon Road SE</b>	)	<b>AND CONSENT ORDER IN A</b>
<b>Cedar Rapids, IA 52403</b>	)	<b>DISCIPLINARY CASE</b>
	)	
<b>Respondent.</b>	)	

The Iowa Real Estate Commission (Commission) and **Matt Faltis** (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 S56307000 on April 28, 2006. 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 Premier Realty, Inc., license number F04727000, located in Cedar Rapids, 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. Respondent is charged with engaging in practices harmful or detrimental to the public, and in violation of Iowa Code §§ 543B.29(1)(c), 543B.34, 543B.57(1), 543B.57(3) (2013); and 193E Iowa Administrative Code §§ 12.2(6), 18.14(5)(s): by seeking compensation from a buyer without a written brokerage agreement specifying the compensation terms and conditions.

#### CIRCUMSTANCES

4. In approximately March and April 2013 the Respondent showed a potential buyer approximately nine properties in the Cedar Rapids area over a period of six to eight weeks. At no time was a written brokerage agreement specifying the compensation terms and conditions entered into between the two parties.

5. On or about May 3, 2013 the potential buyer signed a purchase agreement for a FSBO property in Cedar Rapids, Iowa in which they were not represented by the Respondent.

6. On or about May 21, 2013 the potential buyer received an invoice in the mail from the Respondent, asking to be compensated \$1,000 for 10 hours of "showing and consulting" services.

#### SETTLEMENT AGREEMENT

7. Respondent admits to each and every allegation in the above-stated Statement of Charges. This case shall constitute one (1) violation for purposes of Iowa Code section 543B.29(4) (2013).

8. 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. The 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 Admin 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 may 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 the 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 prime facie evidence of a violation of Iowa Code sections 543B.29(3), 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.

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.

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13. 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**

14. **REPRIMAND.** Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

15. **EDUCATION.** The Respondent shall attend the Commission approved eight (8) hour course "Real Estate Law and Agency Law" and the twelve (12) hour course "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within twelve (12) months of the signing of this agreement by the Commission and must come under a cover letter addressed to the Commission's Executive Officer and refer to Case 13-139.

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 Matt Faltis on this 4<sup>th</sup> day of FEB, 2014.

[Redacted Signature]  
By: **MATT FALTIS**, Respondent

State of Iowa )

County of Linn )

Signed and sworn to before me on this 4 day of FEBRUARY, 2014, by:



[Redacted Signature]  
Notary Public, State of Iowa  
Printed Name: R. C. Beck  
My Commission Expires: 1-28-2015

**FOR THE COMMISSION:**

✓ Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 4<sup>th</sup> day of March, 2014.

[Redacted Signature]  
**SUSAN J. SANDERS**, Chair  
Iowa Real Estate Commission