

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

IN THE MATTER OF:	)	
	)	Case No. 11-294
Trishelle M. Lass	)	
Broker (B38479)	)	
	)	INFORMAL SETTLEMENT
Blue Water Realty	)	AGREEMENT AND CONSENT
Spirit Lake, Iowa 51360,	)	ORDER IN A DISCIPLINARY
	)	CASE
Respondent.	)	

The Iowa Real Estate Commission (Commission) and **Trishelle M. Lass** (Respondent) enter into this Informal Settlement Agreement and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2011).

1. The Commission issued the Respondent real estate broker license number B38479 on October 27, 2000. The Respondent's license is presently suspended pursuant to Iowa Code section 543B.29(1)(f). At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Blue Water Realty, a licensed real estate firm, license number F05080 located in Spirit Lake, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2011). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

**SETTLEMENT AGREEMENT**

3. On October 13, 2011, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent admits the allegations recited in the attached Statement of Charges. The Respondent further admits that until discharged by the sentencing court, the deferred judgment entered against the Respondent in Dickinson County Criminal Case Number FECR018334 constitutes grounds to discipline the Respondent's real estate broker license. Iowa Code § 543B.29(1)(f) (2011).

4. The Respondent acknowledges that she has a right to 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 a hearing and all attendant rights, including the

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statutory requirement that the Commission hold a hearing within 30 days of the reporting of her criminal conviction, and 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.

5. 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.

6. 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.

7. 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(2) and 272C.3(2)(a) (2011) 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.

8 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.

9. Upon acceptance by both the Commission and Respondent, this 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 (2011).

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**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

10. **SUSPENSION.** The Respondent's real estate broker license shall be suspended for a period of sixty (60) consecutive days. The effective date of the license suspension shall be the date this Order is accepted by the Commission. The license suspension imposed by this Order shall be in addition to the period or term of license suspension previously served by the Respondent pursuant to Iowa Code section 543B.29(1)(f) while awaiting final resolution of this matter.

11. **PROBATION.** Upon completion of the license suspension ordered in paragraph 10 above, the Respondent shall be placed on probation indefinitely, but for a period of no less than 180 days. Provided that a minimum of 180 days have elapsed from the commencement of probation, the Respondent shall be discharged from probation immediately upon the Respondent's presentation to the Commission of a certified copy of the order discharging the deferred judgment entered in Dickinson County Criminal Case Number FECR018334. Should the court revoke the Respondent's deferred judgment in Dickinson County Criminal Case Number FECR018334, or should the Respondent commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate broker license following notice of the alleged violation and opportunity for hearing before the Commission.

12. **SUPERVISION.** Throughout the duration of the above term of probation, the Respondent shall not employ, supervise, or otherwise associate with as her representative any other individual holding an Iowa real estate salesperson or broker associate license.

13. **EDUCATION.** The Respondent shall attend the Commission approved 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 11-294.

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.

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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 Trishelle M. Lass on this 4 day of November, 2011.

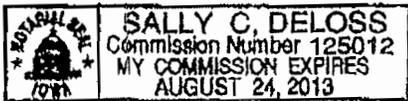
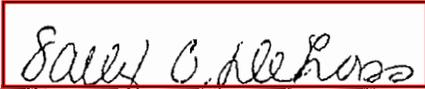


By: TRISHELLE M. LASS, Respondent

State of Iowa

County of Dickinson

Signed and sworn to before me on this 4 day of November, 2011, by



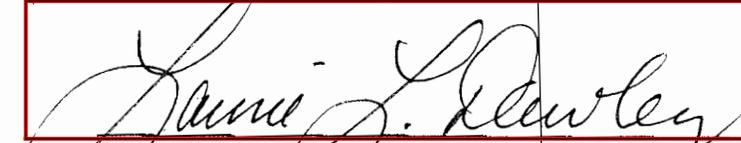
Notary Public, State of Iowa

Printed Name: Sally C. DeLoss

My Commission Expires: 8-24-13

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 17 day of NOVEMBER, 2011.



LAURIE DAWLEY, Chair  
Iowa Real Estate Commission

**BEFORE THE IOWA REAL ESTATE COMMISSION  
1920 SE HULSIZER  
ANKENY, IOWA**

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**IN THE MATTER OF:**

Trishelle M. Lass  
Broker (B38479)

Blue Water Realty  
Spirit Lake, Iowa 51360  
**Respondent.**

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) **Case No. 11-294**  
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**NOTICE OF HEARING AND  
STATEMENT OF CHARGES**

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The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2011). Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

The Commission issued the Respondent a real estate broker license on October 27, 2000. Respondent's license is in full force and effect until December 31, 2012. At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Blue Water Realty, a licensed real estate firm, license number F05080 located in Spirit Lake, Iowa.

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 9<sup>th</sup> day of **November 2011, at 9:30 o'clock AM**, at 1920 S.E. Hulsizer Road, Ankeny, Iowa.

2. **ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.

3. **ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

4. **PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the 2<sup>nd</sup> day of **November 2011 at 10:00 o'clock AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Commission office of the telephone number at which you or your counsel can be reached. Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

5. **PRESIDING OFFICER.** The full Commission shall serve as presiding

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officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

**6. HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

**7. DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

**8. PROSECUTION.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

John R. Lundquist  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Phone: 515-281-3658  
Fax: 515-281-6771

**9. RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Commission shall be also be provided to Respondent's counsel of record:

Unknown

**10. SETTLEMENT.** The procedural rules governing the Board's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General John R. Lundquist.

**11. COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Commission members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Commission office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General John R. Lundquist at 515-281-3658, or the Commission's Executive Officer at 515-281-7397, or Fax 515-281-7411.

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**STATEMENT OF CHARGES**

COUNT I

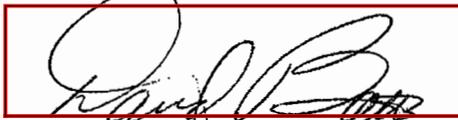
12. The Respondent is charged with having been convicted of a felony criminal offense and/or a criminal offense involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code section 543B.29(1). See also Iowa Code § 272C.10(5) (2011); Iowa Code § 543B.15(3)(2011); 193E Iowa Admin. Code §§ 18.2(1) & (4).

CIRCUMSTANCES

13. On or about August 25, 2011, the Respondent pled guilty in criminal case number FECRO18334 in the Iowa District Court for Dickinson County to the charge of delivering cocaine in violation of Iowa Code section 124.401(1)(c)(2)(b). On October 10, 2011, the Court entered an order deferring judgment on the Respondent's guilty plea. See Iowa Code § 123.29(1)(f) (defining "conviction" to include "a deferred judgment until the time the defendant is discharged by the court without entry of judgment").

14. Delivery of Cocaine is a class C Felony. See Iowa Code section 124.401(1)(c)(2)(b).

**This Notice of Hearing and Statement of Charges is filed and issued  
on the 13<sup>th</sup> day of October 2011.**



David Batts, Executive Officer  
Iowa Real Estate Commission

Copies to:  
Assistant Attorney: General John Lundquist  
Department of Inspections and Appeals, assigned Administrative Law Judge

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