

FILED September 5, 2013 (Date)

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

IREL
Board / Commission
[Redacted]
Signatures, Executive Officer

IN RE:)	
)	CASE NUMBER: 12-390
Marcus & Millichap R.E. Invest. Services of Chicago, Inc. Firm (F04995000))	COMBINED STATEMENT OF CHARGES, INFORMAL SETTLEMENT AGREEMENT AND CONSENT ORDER IN A DISCIPLINARY CASE
425 Second Street SE #610 Cedar Rapids, IA 52401)	
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Marcus & Millichap R.E. Invest. Services of Chicago, Inc.** (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) (2011).

1. The Commission issued the Respondent real estate broker license number F04995000 on June 9, 2005. Respondent's license is current and in full force and effect through December 31, 2013. At all times relevant to this matter, the Respondent was a licensed real estate firm located in Cedar Rapids, 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.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with misleading or deceptive advertising in violation of Iowa Code chapter 543B.34(1); and 193E Iowa Admin. Code chapter 10.1 (543B), 10.1(2), 10.1(3) and 18.14(5)(s).

CIRCUMSTANCES

4. On or about November 15, 2012, in a flyer advertising the sale of the "Ewing Development Portfolio," Respondent listed unlicensed persons Joshua Jandris and Mark Meyers as having "confidentially sold" the property.

SETTLEMENT AGREEMENT

5. Without admission of wrongdoing or guilt, Respondent does not contest the violations alleged in the above-stated Statement of Charges. This case shall constitute one violation against License Number F04995000 for purposes of Iowa Code section 543B.29(4) (2011).

6. Respondent acknowledges that they have 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 their 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.

7. 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.

8. 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.

9. 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) (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.

10. 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.

11. 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 (2011).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

13. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of \$500 no later than thirty (30) 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 and refer to case 12-390.

14. **FUTURE COMPLIANCE.** The Respondent also 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 Respondent.

FOR RESPONDENT:

Voluntarily agreed to and accepted by **Marcus & Millichap R.E. Invest. Services Of Chicago, Inc.** on this 29th day of August, 2013.

[Redacted Signature]

BY: **MARCUS & MILLICHAP R.E. INVEST. SERVICES OF CHICAGO**

State of Iowa

County of Johnson

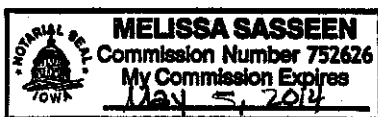
Signed and sworn to before me on this 29 day of August, 2013, by:

[Redacted Signature]

Notary Public, State of Iowa

Printed Name: Melissa Sasseen

My Commission Expires: May 5, 2014



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 5th
day of September, 2013.



SUSAN J. SANDERS, Chair
Iowa Real Estate Commission