

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

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<b>In Re:</b>	)	<b>Case No. 09-253</b>
	)	
<b>Henry S, Miller</b>	)	
<b>5001 Spring Valley Road</b>	)	<b>CEASE AND DESIST ORDER</b>
<b>1100 Providence Towers West</b>	)	<b>BY AGREEMENT</b>
<b>Dallas, Texas 75244</b>	)	
Respondent	)	

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The Iowa Real Estate Commission (Commission) and **Henry S, Miller** (Respondent), enter into this Cease and Desist Order by Agreement, pursuant to Iowa Code 543B.34 (2009) and 193E Iowa Administrative Code section 21.9.

1. The Respondent's do not possess a license issued pursuant to Iowa Code chapter 543B and is therefore not authorized to practice real estate in the State of Iowa.

2. Iowa Code section 543B.3 provides that a real estate broker includes anyone who "[l]ists, offers, attempts, or agrees to list real estate for sale, exchange, purchase, rent, or lease" and/or "[a]ssists or directs in the procuring of prospects, intended to result in the sale, exchange, purchase, rental, or leasing of real estate." Unless expressly exempted, any person who provides real estate brokerage services in the State of Iowa must be licensed by the Commission. See Iowa Code §§ 543B.1, 543B.7 (2009).

3. The Commission received a complaint in October, 2009, alleging that the Respondent was unlicensed and actively marketing a property located at 4502 University Avenue, West Des Moines, Iowa. The Commission's investigation revealed that the Respondent does not refer to himself as a real estate licensee and claims the internet marketing information was not accurate and has since been corrected.

4. The Commission is authorized by statute to commence legal proceedings to secure compliance with Iowa code section 543B.1. See Iowa Code §§ 543B.34, 543B.44, 543B.49.

5. The Commission has not previously found the Respondent to have acted in violation of Iowa Code section 543B.1. The Respondent acknowledges that he is prohibited from practicing real estate in the State of Iowa without a license issued pursuant to Iowa Code chapter 543B unless otherwise exempted by law. See Iowa Code § 543B.7 (2009) (acts excluded from provisions). The Respondent agrees that he will not in the future practice real estate in the State of Iowa without a license in violation of violate Iowa Code chapter 543B.

6. In view of the Respondent's lack of previous violations of law and her assurance of

future compliance with chapter 543B's licensure requirements, the Commission finds that informal resolution of this matter is appropriate.

7. The Respondent acknowledges and agrees that the Commission has jurisdiction over those actions by unlicensed persons that fall within the prohibitions described in Iowa Code section 543B.34. The Respondent further is cautioned that in the event of any future violations of Iowa Code chapter 543B, the Commission has the authority to seek an injunction in district court and/or to initiate a process to impose civil penalties against the Respondent pursuant to Iowa Code sections 543B.34, 543B.44 and 543B.49. Additionally, a violation of Iowa Code section 543B.34 is a simple misdemeanor, pursuant to Iowa Code section 543B.43.

**IT IS THEREFORE ORDERED** that as of the date this Cease and Desist Agreement is accepted by the Commission, the Respondent shall cease and desist from any future violation of Iowa Code chapter 543B.

**FOR THE RESPONDENT:**

*Commercial, LLC*

The Cease and Desist Agreement is voluntarily entered into by **Henry S. Miller** on this 3<sup>rd</sup> day of February, 2010.

[Redacted Signature] \_\_\_\_\_  
**HENRY S. MILLER**, Respondent

*Commercial, LLC*  
*EB*

State of TEXAS  
County of DALLAS

Signed and sworn before me on this 3<sup>rd</sup> day of February, 2010, by

[Redacted Signature] \_\_\_\_\_



Notary Public, State of ~~Iowa~~ Texas  
Printed Name: Melissa C. Hodges  
My commission expires: 3/26/2012

**FOR THE COMMISSION:**

This Cease and Desist Agreement is accepted by the Iowa Real Estate Commission on this 25 day of February, 2010.

[Redacted Signature] \_\_\_\_\_

**LAURIE DAWLEY**, Chair