

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

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IN RE:	)	
	)	CASE NUMBER: 10-489
Mark Mowrer	)	
Salesperson (S57198)	)	
	)	
Von Matt Partners Referral Inc.	)	INFORMAL SETTLEMENT
3435 Asbury Road	)	AGREEMENT AND CONSENT
Dubuque, Iowa 52002	)	ORDER IN A DISCIPLINARY
	)	CASE
	)	
Respondent.	)	

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The Iowa Real Estate Commission (Commission) and **Mark Mowrer** (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 salesperson license number S57198 on February 21, 2006. Respondent's license is current and in full force and effect through December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Von Matt Partners Referral, Inc, a licensed real estate firm, license number F05293 located in Dubuque, 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 June 28, 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, without admission of wrongdoing or guilt, does not contest the allegations recited in the attached Statement of Charges.

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

In re: Mark Mowrer  
No. 10-489  
Page 2 of 7

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).

#### CONSENT ORDER

#### IT IS THEREFORE ORDERED:

10. **LICENSE INACTIVATION.** The Respondent voluntarily agrees to have his Iowa real estate salesperson license (S57198) placed on inactive status. Within seven (7) days of the Commission's approval of this agreement, the Respondent shall request

In re: Mark Mowrer  
No. 10-489  
Page 3 of 7

pursuant to Iowa Code section 543B.33 (2011) and 193E Iowa Administrative Code section 6.1 that his employing broker return his salesperson license to the Commission.

11. **CIVIL PENALTY.** The Respondent shall pay to the Commission a civil penalty in the amount of \$1,000 as a condition precedent to:

- (a) The Respondent's reactivation of his inactive Iowa real estate salesperson license.
- (b) The Respondent's reinstatement of his Iowa real estate salesperson license in the event of its expiration.

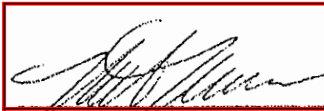
The Commission shall not reactivate or reinstate the Respondent's real estate salesperson license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from presenting proof of his continuing education and demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of his real estate salesperson license.

12. **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 is agreed to by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Mark Mowrer on this 15<sup>th</sup> day of August, 2011.

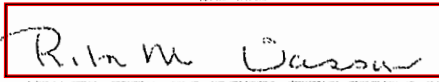


MARK MOWRER, Respondent

State of Iowa

County of Linn

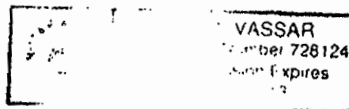
Signed and sworn to before me on this 15<sup>th</sup> day of August, 2011, by



Notary Public, State of Iowa

Printed Name: Rita M Vassar

My Commission Expires: 4/26/2013



In re: Mark Mowrer  
No. 10-489  
Page 4 of 7

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the IOWA REAL ESTATE  
COMMISSION on this 19 day of August, 2011.



LAURIE DAWLEY, Chair  
Iowa Real Estate Commission

In re: Mark Mowrer  
No. 10-489  
Page 5 of 7

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

IN THE MATTER OF:	)	Case No. 10-489
Mark Mowrer	)	
Salesperson (S57198)	)	
	)	
Von Matt Partners Referral, Inc.	)	
16703 Forest Gate Rd.	)	NOTICE OF HEARING AND
Dubuque, Iowa 52001	)	STATEMENT OF CHARGES
Respondent.	)	

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 (2005 & 2007). 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 real estate salesperson license number S57198 on February 21, 2006. Respondent's license is current and in full force and effect through December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Von Matt Partners Referral, Inc. a licensed real estate firm, license number P05293 located in Dubuque, Iowa.

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 19<sup>th</sup> day of August 2011, at 9:00 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 12<sup>th</sup> day of August 2011 at 9:00 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 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).

1-1



In re: Mark Mowrer  
No. 10-489  
Page 6 of 7

In re: Mark Mowrer; Complaint Case NO. 10-489  
Notice of Hearing  
2

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:

NONE

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.

STATEMENT OF CHARGES

COUNT I

12. The Respondent is charged with failing to comply with the mandatory errors and omissions insurance requirement in violation of Iowa Code sections 543B.29(1)(c), 543B.47(1), 543B.47(6) (2009) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5) &

In re: Mark Mowrer  
No. 10-489  
Page 7 of 7

In re: Mark Mowrer; Complaint Case NO. 10-489  
Notice of Hearing  
3  
(6).

CIRCUMSTANCES

14. In October of 2010, the Respondent was sent a random audit for his errors and omissions insurance coverage.

15. The Respondent failed to obtain his errors and omission insurance for 2010 and could therefore not provide proof of insurance coverage to the Commission for the current policy period.

This Notice of Hearing and Statement of Charges is filed and issued on the 28<sup>th</sup> day of June 2011.



David Batts, Executive Officer  
Iowa Real Estate Commission

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

1-3