

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

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<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 09-234</b>
<b>TNT International, Inc.</b>	)	
<b>Firm (F05027)</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
	)	<b>CHARGES, INFORMAL</b>
<b>412-49<sup>th</sup> Street</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>West Des Moines, Iowa 50265</b>	)	<b>AND CONSENT ORDER IN A</b>
	)	<b>DISCIPLINARY CASE</b>
<b>Respondent.</b>	)	

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The Iowa Real Estate Commission (Commission) and **TNT International, Inc.** (Respondent) through its broker in charge, Rex Welling, 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) (2009).

1. The Commission issued the Respondent real estate firm license number F05027 on October 19, 2005. Respondent's license is current and in full force and effect through December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate firm located in West Des Moines, Iowa with Rex Welling serving as the firm's broker in charge. Mr. Welling's real estate broker license (B39951) is current and in full force and effect through December 31, 2010.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). 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. 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) & (i), 543B.47(1), 543B.47(6) (2009) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5) & (6).

CIRCUMSTANCES

4. In September of 2009, the Respondent was sent a random audit to verify compliance with the statutory requirement that the Respondent maintain continuous errors and omissions insurance coverage.

5. The Respondent failed to obtain errors and omission insurance for 2009 and could therefore not provide proof of insurance coverage to the Commission for the current policy period.

### **SETTLEMENT AGREEMENT**

6. Respondent without admission or wrongdoing or guilt agrees to resolve the allegation with an Informal Settlement Agreement.

7. Respondent acknowledges that it 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 its 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.

8. 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.

9. 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.

10. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(c), 543B.34(2) and 272C.3(2)(a) (2009) 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.

11. 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.

12. 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 (2009).

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

13. **CIVIL PENALTY.** The Respondent shall pay to the Commission a civil penalty in the amount of \$1,000 no later than 30 days after acceptance of this Order by the Commission. As the broker in charge of the Respondent real estate firm, Rex Welling is responsible for payment of this civil penalty.

Mr. Welling may indefinitely defer payment of this civil penalty by: 1) canceling the Respondent's firm license (F05027); and, 2) placing his Iowa real estate broker license (B39951) on inactive status. Should Mr. Welling choose to defer payment of the civil penalty, he shall notify the commission in writing of this choice no later than 30 days after the Commission's acceptance of this order.

Should Mr. Welling choose to defer payment of the civil penalty he shall pay to the Commission the \$1,000 civil penalty imposed against the Respondent real estate firm as a condition precedent to:

- (a) reactivation of his inactive Iowa real estate broker license
- (b) reinstatement of his Iowa real estate broker license in the event of its expiration

Should Mr. Welling choose to defer payment of the civil penalty, the Commission shall not reactivate or reinstate Mr. Welling's real estate broker license before and until it has received payment in full of the required civil penalty imposed against the Respondent real estate firm. Payment of the civil penalty shall not excuse Mr. Welling from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of his real estate broker license.

**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 through its broker in charge Rex Welling.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by **Rex Welling** on this 6th day of January, 2011.

\_\_\_\_\_  
Rex Welling  
By: **REX WELLING**, Broker in Charge

State of Iowa )

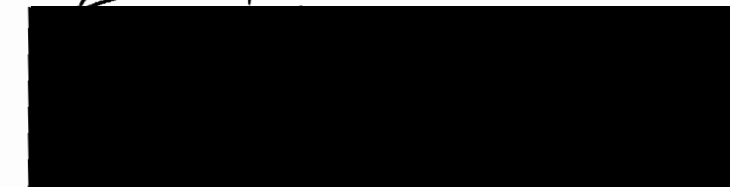
County of Polk )

Signed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_,  
by:

\_\_\_\_\_  
Notary Public, State of Iowa  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on  
this 20 day of January 2011.



**LAURIE DAWLEY**, Chair  
Iowa Real Estate Commission