

5. 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 right to seek judicial review. This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.

6. The 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.

7. 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. This Order shall be part of the permanent record of the 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.

8. 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(1) and 272C.3(2)(a) (2022) 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.

9. This Order is not binding on the 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.

10. Upon acceptance by both the Commission and Respondent, this Informal Settlement Agreement and Consent Order, including the attached exhibit, shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2022).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

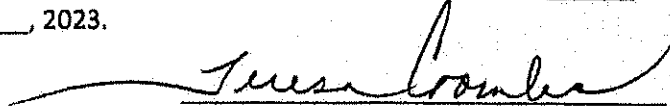
12. **CIVIL PENALTY.** The Respondent shall pay a civil penalty to the Commission in the amount of one thousand, five hundred dollars (\$1,500.00) on or before May 31, 2023. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 21-029.

13. **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 Informal Settlement Agreement and Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Teresa M. Coombs on this 30 day of January, 2023.



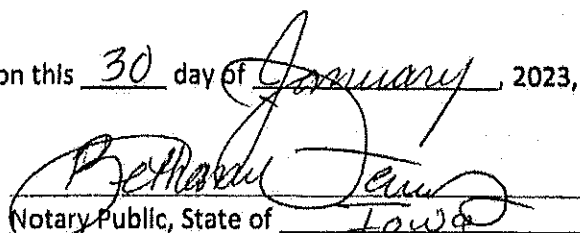
By: **TERESA M. COOMBS**, Respondent

State of Iowa

County of Winnepago

Signed and sworn to before me on this 30 day of January, 2023, by:





Notary Public, State of Iowa

Printed Name: Bethanie Farus

My Commission Expires: January 18, 2024

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
2 day of February, 2023.



JAMES M.H. CLINGMAN, Chair
Iowa Real Estate Commission

FILED August 12, 2022 (Date)

IAEC
Board / Commission
W.M.C.
Signature, Executive Officer

**BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309**

IN RE:)	
)	CASE NUMBER: 21-029
Teresa M. Coombs)	
Salesperson (S67303000))	CORRECTED
)	NOTICE OF HEARING AND
First Choice Realty)	STATEMENT OF CHARGES
250 N. Clark Street)	
Forest City, IA 50436)	
)	
RESPONDENT)	

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code sections 17A.12(2), 17A.18, and 543B.35 (2022). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2021). 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 S67303000 on April 4, 2019. Respondent's license is current and in full force and effect through December 31, 2024. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Bethanie S. Farus, a licensed sole-proprietor broker, license number B62158000, operating as 1st Choice Realty, a licensed real estate trade name, license number T005816000, located in Forest City, Iowa

NOTICE OF HEARING

- HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 8th day of September, 2022, at 9:30 o'clock AM at 200 East Grand Ave, Suite 350, Des Moines, Iowa.
- 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.
- 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 31st day of August, 2022 at 9:00 o'clock AM before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). 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).

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. **STATE'S COUNSEL.** 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
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319

Phone: 515-281-3658
john.lundquist@ag.iowa.gov

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

NONE

EXHIBIT 1

10. SETTLEMENT. The procedural rules governing the Commission'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, email, 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 515-725-9026, or Fax 515-725-9032.

12. ADA NOTICE. If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Commission's Executive Officer at 515-725-9026. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

STATEMENT OF CHARGES

COUNT I

13. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) (2021) by conducting real estate business (property management) independently outside of the licensed broker or firm she is assigned to. See 193E Iowa Administrative Code sections 4.1(3), 7.1(8), 7.11(1), 15.1, 18.14(5)(n), 18.14(5)(s).

COUNT II

14. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.1, 543B.2, 543B.5(6), 543B.29(1)(d), 543B.34(1), 543B.34(1)(f), 543B.62(3)(b) (2021) by failing to obtain a license for her corporation before its acting as a real estate brokerage in the state of Iowa. See 193E Iowa Administrative Code sections 7.2(1), 18.14(5)(s).

COUNT III

15. Respondent is charged with engaging in practices harmful or detrimental to the public in violation of Iowa Code sections 543B.5(20), 543B.29(1)(d), 543B.34(1)(e) (2021) by accepting a commission or valuable consideration as a salesperson for the performance of property management duties from a person that is not the salesperson's employing real estate broker. See 193E Iowa Administrative Code sections 4.1(3), 15.1, 18.2(1), 18.14(5)(n), 18.14(5)(s).

CIRCUMSTANCES


16. The Respondent has been a licensed real estate salesperson assigned to Bethanie S. Farus, a licensed sole-proprietor broker, license number B62158000, located in Forest City, Iowa, since April 4, 2019.

17. On February 15, 2021, it was discovered that the Respondent was in the business of conducting residential property management under a domestic limited liability company in the state of Iowa known as "Texan, LLC."

18. During the time period in question, Texan, LLC was a company that was not licensed to practice real estate in the state of Iowa. The Respondent in conducting property management activities did not have written property agreements between the owners of the properties and her designated broker.

19. Consequently, in 2021 the Respondent conducted and received compensation for activities in the state of Iowa requiring a real estate license outside of the licensed broker or firm that she was assigned to. As a real estate salesperson, the Respondent has an ongoing obligation to keep her employing broker apprised of all activities she conducts on behalf of or in the name of her affiliated real estate brokerage.

This corrected Notice of Hearing and Statement of Charges is filed and issued on the 12th day of August, 2022.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

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