

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

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IN RE:	)	
	)	CASE NUMBER: 20-158
Mark T. Mommsen	)	
Broker (B60958000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
Martin, Goodrich & Waddell, Inc.	)	SETTLEMENT AGREEMENT,
2020 Aberdeen Ct.	)	AND CONSENT ORDER
Sycamore, IL 60178	)	
RESPONDENT	)	

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The Iowa Real Estate Commission (Commission) and **Mark T. Mommsen** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4).

1. The Commission issued the Respondent real estate broker license number B60958000 on April 11, 2011. Respondent's license is current and in full force and effect through December 31, 2025. At all times relevant to this matter, the Respondent was a licensed Iowa real estate broker, located in Sycamore, Illinois.
2. The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B. 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 holding himself out as being engaged in the business of selling real estate and/or practicing real estate while his broker license was inactive in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(1). See 193E Iowa Administrative Code sections 3.5, 3.6, 18.2(5), 18.14(5)(a).

COUNT II

4. Respondent, as the designated broker, is charged with holding his real estate brokerage firm out as being engaged in the business of selling real estate and/or practicing real estate while not having a broker with an active real estate license assigned to his real estate firm in violation of Iowa Code sections 543B.1, 543B.2, 543B.29(1)(d), 543B.34(1). See 193E Iowa Administrative Code sections 3.3(2), 7.2(1), 18.2(5), 18.14(5)(s).

#### CIRCUMSTANCES

5. From the time period of April 11, 2011 through January 10, 2020, the Respondent was a licensed Iowa real estate broker officer assigned to Martin, Goodrich, & Waddell, Inc, a licensed real estate brokerage firm, license number F05489000, located in Sycamore, Illinois. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of the firm. As the designated broker in charge, the Respondent was responsible for ensuring that Martin, Goodrich, & Waddell, Inc complied with all applicable statutes and regulations relating to its operations as a real estate brokerage firm.

6. Pursuant to Commission licensing records, the Respondent's Iowa real estate broker license was renewed to active status on December 31, 2019. Subsequently, the Respondent's Iowa real estate broker license was placed on inactive status on January 10, 2020.

7. Pursuant to Commission licensing records, Martin, Goodrich, & Waddell, Inc's real estate brokerage firm license lapsed on January 1, 2020. Subsequently, the Respondent reinstated his Iowa real estate brokerage firm license to active status on January 10, 2020.

8. While his Iowa real estate broker license was inactive and while Martin, Goodrich, & Waddell, Inc.'s real estate firm license was active, the Respondent conducted activities requiring a real estate license in the state of Iowa.

9. Consequently, the Respondent acted as a real estate broker and/or allowed Martin, Goodrich, & Waddell, Inc to act as a real estate brokerage firm in the state of Iowa despite not having an actively licensed real estate broker officer or designated broker in charge assigned to it.

#### SETTLEMENT AGREEMENT

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

11. Respondent acknowledges that he 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 his right to notice and 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 7.4.

12. 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.

13. 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 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.

14. 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) and shall be grounds for further action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

15. 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.

16. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement Agreement 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.

**CONSENT ORDER**

**IT IS THEREFORE ORDERED:**

17. CIVIL PENALTY. Respondent shall pay to the Commission a civil penalty in the amount of five hundred dollars (\$500.00) no later than six (6) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 20-158.

18. 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 and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

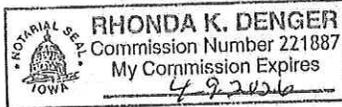
Voluntarily agreed to and accepted by **Mark T. Mommsen** on this 21<sup>st</sup> day of April, 2023.

Mark T. Mommsen  
By: **MARK T. MOMMSEN**, Respondent

State of Iowa

County of Clinton

Signed and sworn to before me on this 21<sup>st</sup> day of April, 2023, by:



Rhonda Denger  
Notary Public, State of Iowa  
Printed Name: Rhonda Denger  
My Commission Expires: 4-9-2026

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 4<sup>th</sup> day of May, 2023.

James M. H. Clingman  
**JAMES M. H. CLINGMAN**, Chair  
Iowa Real Estate Commission