

BEFORE THE IOWA REAL ESTATE COMMISSION OF THE STATE OF IOWA

IN THE MATTER OF Rachael Harms License No. S61527000 RESPONDENT	CASE NO.: 24-162 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
--	--

The Iowa Real Estate Commission ("Commission") and Rachael Harms ("Respondent") enter into this combined Statement of Charges and Settlement Agreement and Final Order ("Order") pursuant to Iowa Code sections 17A.10(2), 272C.3(4), 272C.10, and 193 Iowa Administrative Code rule 7.4.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa real estate salesperson license S61527000 on May 30, 2012. Respondent's Iowa real estate salesperson license is active and will next expire on December 31, 2026. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to TRZ, LLC (A/K/A Re/Max Precision), a licensed real estate firm, license number R05646000, located in Clive, Iowa.
2. **Practice Setting.** Respondent is an Iowa licensed real estate salesperson who practiced in West Des Moines, Iowa, during the time period relevant to these allegations. Respondent currently lives in the State of Iowa.
3. **Jurisdiction.** The Commission has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 543B, 272C and 193E Iowa Administrative Code rule 18.14.
4. **Allegations.** In June 2024, the Respondent delivered to the subject residential property located in West Des Moines, Iowa, marketing materials that included a solicitation to list the

property for sale with her affiliated real estate brokerage. At the time, the subject property was subject to an unexpired, exclusive right to sell listing agreement with another licensed real estate brokerage firm. The presence of a for sale sign in the subject property's front yard that identified the listing real estate brokerage firm, the listing agent, and the listing agent's telephone number provided the Respondent reason to know that the subject property was already listed for sale with another real estate broker.

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged under Iowa Code section 543B.29(1)(d) and 193E Iowa Administrative Code rule 11.1(1) with engaging in a practice harmful or detrimental to the public by soliciting a listing or brokerage agreement with the owner of a property that the Respondent knew or should have had reason to know had a written unexpired exclusive agency or exclusive right to sell listing agreement for that property with another real estate broker.

C. SETTLEMENT AGREEMENT

6. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

7. To resolve this matter without proceeding to hearing, Respondent agrees to pay a civil penalty in the amount of \$250.

8. In entering this Order, Respondent acknowledges the following:

- a. This Order is subject to the approval of the Commission and will have no force or effect if it is not accepted by the Commission.
- b. Counsel for the State will present this Order to the Commission *ex parte*.

c. I have the right to be represented by counsel in this matter.

d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Commission and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Commission's actions.

e. I waive my ability to review the investigative file in this case.

f. I understand this Order will be part of my permanent licensure file and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

g. I am voluntarily entering into this Order.

h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

i. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

9. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Commission approval of this Order.

10. This Order constitutes discipline against Respondent pursuant to and in accordance with 193E Iowa Administrative Code rule 18.14, is the final agency action in a contested case pursuant to Iowa Code section 17A.10. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4).

11. This Order shall not preclude the Commission from taking additional action against

Respondent should Respondent violate laws, rules, or standards of practice administered by the Commission in the future.

12. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

13. The Commission's approval of this Order shall constitute a **Final Order** of the Commission.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. CIVIL PENALTY: Respondent shall pay a civil penalty in the amount of \$250 dollars. Respondent shall make her check payable to the "State of Iowa" and mail the check to:

Iowa Real Estate Commission
C/O Ashley Thompson, Executive Officer
6200 Park Avenue
Des Moines, IA 50321

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Rachael Harms on this 14th day of November, 2024.


By: Rachael Harms, Respondent

FOR THE IOWA REAL ESTATE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 5th day of December, 2024.

 EO on behalf
JAMES M.H. CLINGMAN, Chair of Chair
Iowa Real Estate Commission