

**STATE OF IOWA
BEFORE THE IOWA REAL ESTATE COMMISSION**

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IN THE MATTER OF:)	Case No. 08-188
Bryan D. Mulder)	
1011 Sunshine Run)	CONSENT AGREEMENT
Arnolds Park, Iowa 51331)	
APPLICANT)	

The Iowa Real Estate Commission (Commission) and **Bryan D. Mulder** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4), and 543.B.19 (2007).

1. The parties acknowledge the following:

- (A) On or about June 9, 2008, the Applicant submitted a Waiver for Completing Criminal History Background Checks to the Commission so that the criminal history check required by Iowa Code 543B.15(10) could be completed.
- (B) On or about July 25, 2008, the Applicant submitted his Application for a new Iowa real estate salesperson license. The Respondent attested that the address contained on the Application, 4813 S. Galway Ave, Sioux Falls, SD was his current address of residence. However, information provided by the South Dakota Real Estate Commission established the Respondent's current address of residence to be 1011 Sunshine Run, Arnolds Park, Iowa.
- (C) The Applicant does not contest that he failed to accurately provide his present home address on the license application form.
- (D) A person who makes a false statement of material fact on an application for an Iowa real estate salesperson license may be denied a license by the Commission solely on the grounds of the false statement. See Iowa Code § 543B.15(5) (2007).
- (E) Truthful and complete disclosure of one's material fact is essential to the Commission's determination of whether an applicant meets all requirements for obtaining an Iowa real estate salesperson license. See

Iowa Code § 543.15(5) (2007). The Applicant's failure to accurately provide his present address constitutes a false statement of material fact upon which the Commission may deny his license application.

- (F) The Applicant's license application would not have otherwise disqualified the Applicant from obtaining a real estate salesperson license had he accurately disclosed his present address on the license application form.

2. In recognition of the material false statements submitted to the Commission as detailed above in subparagraphs 1-C and 1-E, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate salesperson license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of five hundred dollars (\$500.00) within 30 days of the Commission's approval of this Agreement. Failure to timely submit the agreed upon civil penalty shall result in the denial of the Applicant's license application. Furthermore, the Applicant shall submit an amended real estate salesperson license Application to the Commission that correctly states his present address. Said Application and disclosures referencing the applicant's home address are to be duly signed and acknowledged by the employing broker.

3. Provided that the Applicant can demonstrate he meets all other licensing requirements, including payment of the applicable licensing fee and proof of passing the Iowa portion of the Iowa Real Estate licensing exam, the Applicant shall be issued an Iowa real estate salesperson license upon his submission of a corrected license application and the Commission's timely receipt of the civil monetary penalty as required by paragraph 2 of this Agreement. Should the Applicant otherwise fail to demonstrate his eligibility to hold a real estate salesperson license, the civil monetary penalty remitted by the Applicant to the Commission shall be returned.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives his right to adjudicate the merits of his pending application for a new real estate salesperson license through the commencement of a contested case proceeding before the Commission, and all rights attendant to a contested case proceeding including the right to seek judicial review of the Commission's actions.

5. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary

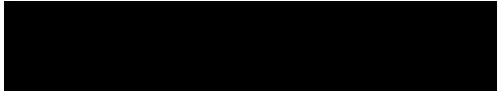
action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

6. This Agreement shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. The Applicant waives any right of notice of this meeting or any right which the Applicant might have to participate in the discussion of this Agreement among the Commission, the Commission staff and the prosecuting attorney.


7. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

8. This Agreement shall be public record. The Applicant further agrees to 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 Consent Agreement are agreed to and accepted by the Iowa Real Estate Commission and the Applicant.



Bryan D. Mulder
Applicant



Jim Hughes, Chairperson
Iowa Real Estate Commission

10/1/08

Date

October 9, 2008

Date