## STATE OF IOWA BEFORE THE IOWA REAL ESTATE COMMISSION

	)	
IN THE MATTER OF:	)	
Timothy L. Douglas	)	
1576 Forest Hills Road	)	CONSENT AGREEMENT
Bettendorf, Iowa 52722	)	
APPLICANT	)	
	)	

The Iowa Real Estate Commission (Commission) and **Timothy L. Douglas** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4), and 543.B.19 (2005).

- 1. The parties acknowledge the following:
  - (A) On or about May 30, 2006, 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.8(1) as amended by H.F. 320, 2005 Iowa Acts, could be completed.
  - (B) On or about July 20. 2006, the Applicant submitted an application to the Commission for a new Iowa real estate salesperson license. On the Application form, the Applicant answered question 10a by stating that he had never been convicted of a felony or misdemeanor criminal offense.
  - (C) The criminal history checks conducted by the Iowa Division of Criminal Investigations and the Federal Bureau of Investigation pursuant to Iowa Code 543B8(1) as amended by H.F. 320, 2005 Iowa Acts, established that the Applicant failed to accurately disclose his criminal history as requested question 10a on the license application form.
  - (D) The Applicant does not contest that he failed to accurately disclose his criminal history as requested by question 10a on the license application form.
  - (E) 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. <u>See</u> Iowa Code § 543B.15(5) (2005).

- (F) Truthful and complete disclosure of one's criminal history 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(3) (2005). The Applicant's failure to accurately disclose his criminal history constitutes a false statement of material fact upon which the Commission may deny his license application.
- (G) The Applicant's criminal history as of the date of his license application would not have otherwise disqualified the Applicant from obtaining a real estate salesperson license had he accurately disclosed that history as requested by question 1 on the waiver form and question 10a on the license application form.
- 2. In recognition of the material false statements submitted to the Commission as detailed above in subparagraphs 1-D and 1-F, 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 criminal history.
- 3. Provided that the Applicant can demonstrate he meets all other licensing requirements, including payment of the applicable licensing fee, 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.

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