

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

IN THE MATTER OF:)	
)	Complaint No. 05-144
)	
Jennifer Carole McKinney)	
7501 Bryn Mawr Drive)	
Urbandale, Iowa 50322)	CONSENT AGREEMENT
)	
APPLICANT)	
)	

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

1. The parties acknowledge the following:

- (A) On or about August 1, 2005, 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. On the waiver form, the Applicant answered question 1 by stating that she had been convicted of a felony or misdemeanor criminal offense.

- (B) On or about September 30, 2005, 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 she 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 was convicted of criminal offenses that were disclosed on the waiver submitted on or about August 1, 2005, but were not disclosed on the application submitted on or about September 30, 2005.

- (D) The Applicant acknowledges that she failed to fully and accurately respond to question 10a on the application, despite her prior disclosure of criminal offenses on the waiver.
- (E) The Applicant's failure to accurately disclose her criminal history on the application for a new Iowa real estate salesperson license submitted on or about September 30, 2005, provides sufficient grounds for denial of the license by the Iowa Real Estate Commission, pursuant to Iowa Code 543B.15. However, the applicant's criminal history as of the date of her license application would not have otherwise prohibited the Applicant from obtaining a real estate salesperson license.
- (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 her criminal history constitutes a false statement of material fact upon which the Commission may deny her license application.
- (G) The Applicant's criminal history as of the date of her license application would not have otherwise disqualified the Applicant from obtaining a real estate salesperson license had she accurately disclosed that history as requested by question 10a on the license application form.

2. In recognition of the discrepancies between the disclosures provided in connection with the waiver submitted on or about August 1, 2005, and the application submitted on or about September 30, 2005, contrary to the requirements of Iowa Code section 543B.15, the Applicant shall within thirty (30) days of the Commission's approval of the Consent Agreement pay to the Commission a civil monetary penalty in the amount of \$500.00, and submit an amended real estate salesperson application to the Commission that correctly states her criminal history. Failure to timely submit the agreed upon civil penalty and corrected application shall result in the denial of the Applicant's license application.

3. Upon the Applicant's timely submission of the corrected license application and the civil monetary penalty required by paragraph two of this Agreement, the Applicant shall be granted a new real estate salesperson license provided she demonstrates that all other licensing requirements have been met. Should the Commission find that the Applicant has failed to demonstrate her eligibility to hold a real estate salesperson license any civil monetary remitted to the Commission pursuant to this Agreement shall be returned to the Applicant.

