

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA**

IN THE MATTER OF:)	Case No. 09-007
)	
Byron J. Witt)	
Broker (B26592))	
)	CONSENT AGREEMENT
Appraisal & R.E. Services of Iowa)	
111 High Street, P.O. Box 111)	
Toledo, IA. 52342)	
)	
Applicant.)	
)	

The Iowa Real Estate Commission (Commission) and Byron J. Witt (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4), and 543B.19 (2009).

1. The parties acknowledge the following:

- (A) The Commission first issued the Applicant real estate broker license number B26592 on December 29, 1994. The Applicant's real estate broker license has since remained active and in full force and effect.
- (B) The Applicant's real estate appraiser license was revoked by the Iowa Real Estate Appraiser Board on February 12, 2008 following a contested case hearing. A true and accurate copy of that decision is attached as Exhibit 1. The Applicant did not appeal the decision of the Iowa Real Estate Appraiser Board to revoke his real estate appraiser license and that decision has since become final agency action.
- (C) On or about January 12, 2009, the Applicant submitted an application to the Commission to renew his Iowa real estate broker license which was expired on December 31, 2008. On the Application form, the Applicant truthfully answered that he had had a professional license (i.e. his Iowa real estate appraiser license) revoked or suspended since the last renewal of his real estate broker license.

- (D) On January 15, 2009, the Commission voted to deny the Applicant's renewal real estate broker license application based upon the revocation of the Applicant's Iowa Real Estate Appraisal license. The Applicant timely appealed the Commission's denial of his renewal real estate broker license application. See Iowa Code § 543B.19.
- (E) The Commission has the authority under Iowa law to deny the Applicant's renewal real estate broker license application solely on the basis that he has had a professional license of any kind revoked or suspended in Iowa or any other jurisdiction. See Iowa Code § 543B.15(4).

2. In consideration of the Commission's agreement to reconsider the denial of the Applicant's renewal real estate broker license and in recognition of the fact that the Applicant has had a professional license revoked as detailed above in subparagraphs 1-B and 1-C, the Applicant voluntarily agrees to the following as a condition for receiving a renewal Iowa real estate broker license:

- (A) Probation. The Applicant shall be placed on probation for three (3) years commencing on the date this Agreement is approved by the Commission. Throughout the probationary period, the Applicant shall comply fully with all statutes and Commission rules regulating the practice of real estate in the State of Iowa. Any future violation of law governing the practice of real estate in the State of Iowa by the Applicant during the probationary period shall be grounds for the revocation and/or denial of the renewal of the Applicant's real estate broker license.
- (B) Supervision. Throughout the duration of the above three (3) year term of probation, the Applicant shall not employ, supervise, or otherwise associate with as his representative any other individual holding an Iowa real estate salesperson or broker associate license.

3. The Commission shall grant the Applicant a renewal real estate broker license subject to the conditions detailed above in paragraph 2. Upon the Commission's approval of this Agreement, the Commission shall withdraw its January 15, 2009 decision denying the Applicant's renewal real estate license application and substitute this Agreement in its place.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives his right to adjudicate the merits of his pending real estate broker license denial appeal through 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. If the Commission approves this Agreement, it shall fully dispose of all issues in this case.

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.

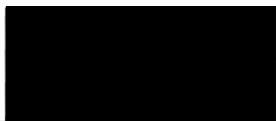
7. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. If the Commission fails to approve this Agreement, it shall be of 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.

FOR THE APPLICANT:

Voluntarily agreed to and accepted by Byron J. Witt on this 9th day of July, 2009.



BYRON J. WITT, Applicant

State of IOWA

County of TAMA

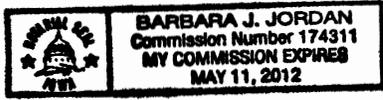
Signed and sworn to before me on this 9th day of July, 2009, by



Notary Public, State of Iowa

Printed Name: Barbara J. Jordan

My Commission Expires: 5-11-2012



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 23 day of July, 2009.



CHAIR, Iowa Real Estate Commission