

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

FILED

August 6, 2015 (Date)

Board / Commission

Signature Executive Officer

IN RE:

Todd W. Whitters
Salesperson (S37998000)

Marian Arens Associates, Inc
2616 1st Ave NE
Cedar Rapids, IA 52402

RESPONDENT

)
) CASE NUMBER: 15-096
)
) COMBINED STATEMENT OF
) CHARGES, INFORMAL
) SETTLEMENT AGREEMENT,
) AND CONSENT ORDER IN A
) DISCIPLINARY CASE
)
)

The Iowa Real Estate Commission (Commission) and **Todd W. Whitters** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2015).

1. The Commission issued the Respondent real estate salesperson license number S37998000 on June 6, 1997. Respondent's license is now current and in full force and effect through December 31, 2017. At all times relevant to this matter, the Respondent was an unlicensed real estate salesperson with Marian Arens Associates, Inc., a licensed real estate firm, license number F03809000, located in Cedar Rapids, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. The Respondent is charged with engaging in a practice that is harmful or detrimental to the public by practicing real estate while his license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.29(1), 543B.34(1) (2015) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(a).

COUNT II

4. The Respondent is charged with failing to timely inform the Commission in writing of a change of residence address in violation of Iowa Code sections 543B.16, 543B.18 (2015) and 193E Iowa Administrative Code sections 7.2(6), 18.14(5)(d)(5).

CIRCUMSTANCES

5. In November 2014 the Respondent was mailed correspondence from the Commission regarding his upcoming real estate license renewal.

6. In December 2014, the aforementioned correspondence was returned to the Commission offices by the United States Postal Service as "Undeliverable." The Respondent failed to notify the Commission of a change of his address of residence.

7. Pursuant to Commission licensing records, the Respondent's Iowa real estate salesperson license expired on December 31, 2014.

8. Pursuant to Commission licensing records, the Respondent reinstated his Iowa real estate salesperson license on March 25, 2015.

9. Between the time period of January 1, 2015 and March 25, 2015, while his Iowa real estate salesperson license was expired, the Respondent conducted activities requiring a real estate license in the State of Iowa.

SETTLEMENT AGREEMENT

10. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

11. Respondent acknowledges that he has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

12. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

13. This Order shall be part of the permanent record of Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

FOR THE RESPONDENT:

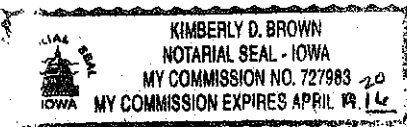
Voluntarily agreed to and accepted by **Todd W. Whitters** on this 11th day of June, 2015.

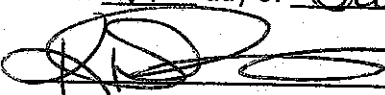

By: **TODD W. WHITTERS**, Respondent

State of Iowa

County of Linn

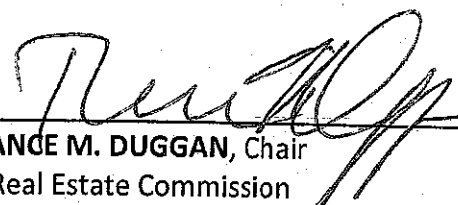
Signed and sworn to before me on this 11 day of June, 2015, by:




Notary Public, State of Iowa
Printed Name: Kimberly Dawn Brown
My Commission Expires: 4/14/16

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 6th day of August, 2015.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission