

FILED February 13, 2020 (Date)
IRBL
Board / Commission
M. E.
Signature, Executive Officer

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

IN RE:)
) CASE NUMBER: 17-207
Annette M. Johnson)
352 W Heather Glen Drive) CONSENT AGREEMENT
Eldridge, IA 52748)
)
)
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Annette M. Johnson** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code sections 17A.10, 272C.3(4) and 543B.19 (2020).

1. The parties acknowledge the following:

- (A) On or about July 31, 2017, the Applicant submitted an Application for Individual License to the Commission for a new Iowa real estate salesperson license. The Applicant in filing for her license submitted a check in the amount of \$125.00 for the license fee.
- (B) On or about August 25, 2017, the aforementioned check was returned to the Commission by the State Treasurer's Office as having been rejected by the Applicant's financial institution due to insufficient funds.
- (C) On or about November 20, 2017, the Applicant resubmitted an Application for Individual License (Application) to the Commission for a new Iowa real estate salesperson license via electronic submission which the Commission subsequently granted
- (D) Payment of a fee with a bad check shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1) or 543B.34(1)(k) or both. See 193E Iowa Administrative Code r. 9.2(4). If a bad check is received for an original license, the application for license shall be deemed incomplete and the license null and void. See 193E Iowa Administrative Code r. 9.2(5). "The administrative processing of an application shall not prevent the later initiation of a contested case to challenge a licensee's qualifications for licensure." See 193E Iowa Administrative Code r. 4.3(3).

- (E) The Applicant does not contest that in filing for an Iowa real estate salesperson license, she submitted a check without sufficient funds to back the submitted instrument.
- (F) The Applicant's real estate salesperson license expired on December 31, 2019. The Applicant now seeks reinstatement of her Iowa real estate salesperson license.

2. In recognition of the Applicant's acknowledged submission of an insufficient funds check to the Commission as detailed above in paragraph 1, the Applicant voluntarily agrees that as a condition for reinstating her expired Iowa real estate salesperson license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of two hundred fifty dollars (\$250.00). If the agreed upon civil penalty is not received by the Commission prior to December 31, 2022, the Applicant's reinstatement application shall be deemed denied and the provisions of 193E Iowa Administrative Code r. 4.6(3) will apply in that the Applicant shall be treated as if she had never been licensed in Iowa and that she must start over in the licensing process and qualify and apply for a new salesperson license.

3. Upon the Commission's timely receipt of the civil monetary penalty as required by paragraph 2 of this Agreement, the Commission shall process the Applicant's reinstatement application and her Iowa real estate salesperson license shall be reinstated provided she demonstrates compliance with all requirements of 193E Iowa Administrative Code r. 4.6 for reinstatement of her expired license.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives her right to adjudicate the merits of her pending application for reinstatement of her Iowa 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 Applicant for any future violations of the laws and rules governing the practice of real estate.

6. 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. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

7. 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.



ANNETTE M. JOHNSON
Applicant

02/10/2020

Date



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

2-13-20

Date



Melissa Zumdome
2-10-2020