

**FILED** August 6, 2020 (Date)  
JNEC  
Board / Commission  
M. E.  
Signature Executive Officer

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

<b>IN RE:</b>	)	
	)	<b>CASE NUMBER: 20-063</b>
<b>Josi Arguello</b>	)	
<b>Salesperson (S65690000)</b>	)	<b>COMBINED STATEMENT OF</b>
	)	<b>CHARGES, INFORMAL</b>
<b>EXP Realty, LLC</b>	)	<b>SETTLEMENT AGREEMENT,</b>
<b>5550 Wild Rose Lane, Suite 400</b>	)	<b>AND CONSENT ORDER IN A</b>
<b>West Des Moines, IA 50266</b>	)	<b>DISCIPLINARY CASE</b>
	)	
<b>RESPONDENT</b>	)	

The Iowa Real Estate Commission (Commission) and **Josi Arguello** (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) (2020).

1. The Commission issued the Respondent real estate salesperson license number S65690000 on July 11, 2017. Respondent's license is now current and in full force and effect through December 31, 2022. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to EXP Realty, LLC, a licensed real estate firm, license number F05969000, located in West Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2020). 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. Respondent is charged with engaging in a practice that is harmful or detrimental to the public by holding herself out as being engaged in the business of selling real estate and/or practicing real estate while her salesperson license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.3, 543B.29(1)(d), 543B.34(1) (2020). See 193E Iowa Administrative Code sections 4.5, 18.2(5), 18.14(5)(a).

## CIRCUMSTANCES

4. From the time period of November 13, 2018 through January 1, 2020, the Respondent was a licensed real estate salesperson assigned to EXP Realty, LLC, a licensed real estate firm, license number F05969000, located in West Des Moines, Iowa.

5. On January 1, 2020, the Respondent's salesperson license number S65690000 lapsed due to the Respondent's failure to renew in a timely manner. Subsequently, the Respondent did submit a renewal application as allowed by 193E Iowa Administrative Code § 4.5(2) on January 30, 2020. In submitting the aforementioned renewal application, the Respondent answered question 1.2 by stating that she was renewing to inactive status.

6. The Respondent's Iowa real estate salesperson license was placed on inactive status at that time and was not placed on active status until March 13, 2020, when she was assigned to EXP Realty, LLC, a licensed real estate firm, license number F05969000.

7. Between the time period of January 30, 2020 and March 13, 2020, while her Iowa real estate salesperson license was on inactive status, the Respondent conducted activities requiring an active real estate license in the state of Iowa.

## SETTLEMENT AGREEMENT

8. 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) (2020).

9. Respondent acknowledges that she 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 her 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.

10. 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.

11. This Order shall be part of the permanent record of the 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.

12. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) and 272C.3(2)(a) (2020) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

13. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

14. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement Agreement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2020).

### CONSENT ORDER

#### **IT IS THEREFORE ORDERED:**

15. REPRIMAND. Pursuant to 193E Iowa Administrative Code section 18.14(1)(j), the Respondent is reprimanded.

16. CIVIL PENALTY. Respondent shall pay a civil penalty to the Commission in the amount of five hundred dollars (\$500.00) no later than thirty (30) calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 20-063.

17. FUTURE COMPLIANCE. The Respondent shall at all future times 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 Combined Statement of Charges, Informal Settlement Agreement and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by **Josi Arguello** on this 29<sup>th</sup> day of June, 2020.

State of Iowa )

County of Jasper )

  
By: **JOSI ARGUELLO**, Respondent


Signed and sworn to before me on this 29<sup>th</sup> day of June, 2020, by:



  
Notary Public, State of Iowa  
Printed Name: Beth J. Smith  
My Commission Expires: 10-4-22

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 6<sup>th</sup> day of August, 2020.

  
**TERRANCE M. DUGGAN**, Chair  
Iowa Real Estate Commission