

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

FILED

August 9, 2017

(Date)

IREC

Board / Commission

Signature, Executive Officer

IN RE:)
)
 Matthew A. Wennerstrom) CASE NUMBER: 17-190
)
 1228 19th Street) NOTICE OF INTENT TO
) DENY LICENSE
 West Des Moines, IA 50265)
)
 APPLICANT - SALESPERSON)

PURSUANT TO IOWA CODE SECTIONS 543B.19 AND 543B.35, THE IOWA REAL ESTATE COMMISSION ISSUES THE FOLLOWING NOTICE:

1. On or about July 10, 2017, **Matthew A. Wennerstrom** (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license. Following its review of the APPLICANT's application at its August 3, 2017 meeting, the COMMISSION authorized the issuance of this Notice of Intent to Deny License.

2. Truthful and complete disclosure of one's professional licensure disciplinary 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 § 543B.15(4) (2017). A person who makes a false statement of material fact on an application for an Iowa real estate salesperson license may be denied a license by the COMMISSION solely on the grounds of the false statement. See Iowa Code § 543B.15(5) (2017).

3. Furthermore, an applicant for a real estate salesperson's license who has had a professional license of any kind revoked or suspended or who has had any other form of discipline imposed, in this or any other jurisdiction, may be denied a license by the COMMISSION on the ground of the revocation, suspension, or other discipline. See Iowa Code § 543B.15(4).

4. The COMMISSION, when considering the denial of a license, shall consider the nature of the offense that led to previous license discipline; any documented aggravating or extenuating circumstances; the time lapsed since the revocation or conduct; the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the COMMISSION deems relevant. See Iowa Code § 543B.15(6) (2017).

5. A search of the Iowa Real Estate Appraiser Examining Board's (IREAEB) disciplinary index established that the APPLICANT failed to accurately and/or completely disclose his professional

licensure disciplinary history as requested by questions 9b and 9c on the application. Contrary to his response on the application, review of the APPLICANT's professional licensure disciplinary history established that the APPLICANT's Appraiser Associate Registration AR02541 was in fact revoked on December 28, 2006. The APPLICANT's failure to accurately and completely disclose his professional licensure disciplinary history constitutes a false statement of material fact upon which the COMMISSION may deny his license application.

6. In choosing to revoke the APPLICANT's appraiser registration, the IREAEB ruled in its Findings of Fact, Conclusions of Law, Decision and Order issued in Case No. 06-13 that the preponderance of the evidence presented at hearing established that the APPLICANT failed to adhere to applicable minimum appraisal standards, that his practices as an associate appraiser presented an unreasonable risk of harm to the public, and that the IREAEB was not convinced that the multiple and pervasive deficiencies in the APPLICANT's appraisal practice could be corrected through additional education, proper supervision, or monitoring by the Board. The APPLICANT's actions as a real estate appraiser that led to the revocation of his appraiser registration had the potential to detrimentally impact the provision of fair and honest real estate brokerage services to the public and were sufficiently related to the practice of real estate sales services to warrant denial of the APPLICANT's application for a real estate salesperson license.

7. In recognition of the material false statements submitted to the COMMISSION as detailed above in Paragraph 5 and the revocation of the APPLICANT's Appraiser Associate Registration AR02541 detailed above in Paragraph 6, the COMMISSION finds grounds exist to deny the APPLICANT's application for an Iowa Real Estate Salesperson license.

8. The APPLICANT is hereby notified that his application for an Iowa Real Estate License shall be **DENIED** unless a timely appeal is filed pursuant to Iowa Code § 543B.19. The notice of appeal shall be in writing and must be filed with the offices of the Iowa Real Estate Commission, 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309, no later than **September 11, 2017**. See Iowa Code §§ 543B.19, 543B.35.

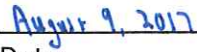
9. Upon receipt of a timely notice of appeal, the COMMISSION shall set a hearing to address the issues cited by the COMMISSION for the denial of the APPLICANT's real estate salesperson license application. The Applicant shall have the right to respond to the reasons cited for the license denial, produce evidence on her behalf, cross-examine witnesses and examine any documents introduced at hearing. The Applicant may appear personally and be represented by counsel at her own expense at any such hearing.

10. In the event that the COMMISSION does not receive a timely written notice of appeal, a final order confirming the denial of APPLICANT's real estate salesperson license application shall be issued forthwith and there will be no further opportunities for appeal.

Notice issued this 9th day of August 2017, to Matthew A. Wennerstrom via restricted, certified mail, return receipt requested, to resident address 1228 19th Street, West Des Moines, IA 50265.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission



Date

Copies to:
Assistant Attorney General, John Lundquist

FILED September 11, 2017 (Date)

JREL

Board / Commission

[Signature]
Signature, Executive Officer

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

IN RE:)
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Matthew A. Wennerstrom) CASE NUMBER: 17-190
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) ORDER TO DENY LICENSE
1228 19th Street)
West Des Moines, IA 50265)
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APPLICANT - SALESPERSON)

PURSUANT TO IOWA CODE SECTIONS 543B.19 AND 543B.35, THE IOWA REAL ESTATE COMMISSION ISSUES THE FOLLOWING ORDER:

1. On or about July 10, 2017, Matthew A. Wennerstrom (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license.
2. On August 9, 2017, the COMMISSION issued a "Notice of Intent to Deny License" (NOTICE) to the APPLICANT. A true and accurate copy of said NOTICE is attached to this order as EXHIBIT A. The attached NOTICE was served upon the APPLICANT at his address of record via United States Postal Service certified mail on August 11, 2017.
3. The attached NOTICE provided that the APPLICANT's real estate salesperson application would be denied unless the APPLICANT filed an appeal in writing with the offices of the COMMISSION no later than September 11, 2017.
4. As of the date of this order, no notice of appeal has been filed by or on behalf of the APPLICANT with the COMMISSION challenging the denial of the APPLICANT's real estate salesperson license application.
5. The COMMISSION finds that having given the APPLICANT proper written notice of its intention to deny the APPLICANT's real estate salesperson license application; and having received no written notice of appeal challenging said denial; the APPLICANT has waived his right to a hearing contesting the denial of his license application. The COMMISSION is accordingly authorized to deny the APPLICANT's real estate salesperson application for the reasons cited in the attached NOTICE without hearing or further right of appeal.

In re: Matthew A. Wennerstrom; IREC Case No. 17-190
Order to Deny License
Page 2 of 2

IT IS THEREFORE ORDERED that Matthew A. Wennerstrom's Iowa July 10, 2017 real estate salesperson application is **DENIED**.

Dated this 12th day of September 2017.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

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

August 9, 2017 (Date)
JRC
Board / Commission
JRC
Signature, Executive Officer

IN RE:)
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EXHIBIT A

licensure disciplinary history as requested by questions 9b and 9c on the application. Contrary to his response on the application, review of the APPLICANT's professional licensure disciplinary history established that the APPLICANT's Appraiser Associate Registration AR02541 was in fact revoked on December 28, 2006. The APPLICANT's failure to accurately and completely disclose his professional licensure disciplinary history constitutes a false statement of material fact upon which the COMMISSION may deny his license application.

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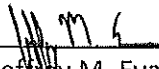
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Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

August 9, 2017

Date

Copies to:
Assistant Attorney General, John Lundquist