

FILED January 31, 2018 (Date)
JNEC
Board / Commission
[Signature]
Signature, Executive Officer

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

IN RE:)
) CASE NUMBER: 17-228
Nathan I. Heaberlin)
Salesperson (S57089000)) CONSENT AGREEMENT
)
United Real Estate Professionals, Inc.)
2010 Philadelphia Street, Suite 3)
Ames, IA 50010)
)
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Nathan I. Heaberlin** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4) and 543B.19 (2017).

1. The parties acknowledge the following:

- (A) The Commission issued the Applicant Iowa real estate salesperson license number S57089000 on January 13, 2006. The Applicant subsequently submitted multiple applications to the Commission seeking renewal of his Iowa real estate salesperson license, each of which was granted by the Commission without condition based upon the information submitted by the Applicant through the renewal process.
- (B) On or about October 10, 2017, the Applicant submitted an application to the Commission for a new Iowa real estate broker license. On his broker application, the Applicant answered question 2.7 by stating that he did have a criminal conviction for a felony or misdemeanor offense.
- (C) Examination of the criminal history information submitted by the Applicant on his broker application revealed that the Applicant failed to disclose a criminal conviction he incurred in July, 2006, on an application seeking renewal of his Iowa real estate salesperson license. The Applicant does not contest that he failed to accurately and/or completely disclose his criminal history as requested on the application he submitted for the December 31, 2008, renewal of his Iowa real estate salesperson license.

- (D) A person who makes a false statement of material fact on an application for an Iowa real estate license may be denied a license by the Commission solely on the grounds of the false statement or otherwise be subject to disciplinary action by the Commission. See Iowa Code §§ 543B.15(5); 543B.29(1)(b).
- (E) Truthful and complete disclosure of one's criminal history is essential to the Commission's determination of whether an applicant meets all requirements for obtaining an Iowa real estate license. See Iowa Code § 543B.15(3). The Applicant's failure to accurately and completely disclose his criminal history on his 2008 real estate salesperson renewal application constitutes a false statement of material fact
- (G) The Applicant's criminal history as of the date of both his 2017 real estate broker license application or his 2008 real estate salesperson license renewal application would not have otherwise disqualified the Applicant from obtaining an Iowa real estate license.

2. In recognition of the material false statements submitted to the Commission as detailed above in paragraph 1, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate broker license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of five hundred dollars (\$500.00) within thirty (30) days of the Commission's approval of this Agreement. Failure to timely submit the agreed upon civil penalty shall result in the denial of the Applicant's license application.

3. Provided that the Applicant can demonstrate he meets all other licensing requirements, including payment of the applicable licensing fee, the Applicant shall be issued an Iowa real estate broker license upon the Commission's timely receipt of the civil monetary penalty as required by paragraph 2 of this Agreement. Should the Applicant otherwise fail to demonstrate his eligibility to hold a real estate broker license, the civil monetary penalty remitted by the Applicant to the Commission shall be returned.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives his right to adjudicate the merits of his pending Application for a new real estate broker 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. No further action shall be taken by the Commission against the Applicant as a result of his acts or omissions detailed above in paragraph 1 other than that which is provided for in this agreement. 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. 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.



NATHAN I. HEABERLIN
Applicant



TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

1-29-18

Date

January 31, 2018

Date