

FILED March 12, 2019 (Date)
JREC
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: 19-016**
Najwa E. Omer)
322 Douglass Ct) **CONSENT AGREEMENT**
Iowa City, IA 52246)
)
)
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Najwa E. Omer** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code sections 17A.10, 272C.3(4) and 543B.19 (2019).

1. The parties acknowledge the following:

- (A) On or about July 10, 2018, the Applicant submitted a 'Waiver for Completing Criminal History Background Checks' to the Commission as an application requirement for a new Iowa real estate salesperson license. Applicant in filing for her background check submitted a check in the amount of \$51.00 for the criminal history background check fee.
- (B) On or about August 8, 2018, 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. The Applicant subsequently on or about August 30, 2018, remitted full payment to the Commission for the requested background check.
- (C) Payment of a fee with a bad check shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1) and/or 543B.34(1)(k) (2018). See Iowa Code §§ 272C.3(2)(e); 193E Iowa Administrative Code r. 9.2(4); and Iowa Admin. Code r. 18.14(5)(o).
- (D) The Applicant does not contest that in filing for a background check, she submitted a check without sufficient funds to back the submitted instrument.
- (E) On or about January 20, 2019, the Applicant submitted an Application for Individual License (Application) electronically to the Commission for a new 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 receiving a new 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) 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 that she meets all other licensing requirements, including payment of the applicable licensing fee, the Applicant shall be issued an Iowa real estate salesperson 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 her eligibility to hold a real estate salesperson 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 her right to adjudicate the merits of her pending Application for a new 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.

Najwa E. Omer
NAJWA E. OMER
Applicant

03/11/2019
Date

T.M. L. FOR IREC
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

March 12, 2019
Date