

Department of Commerce
Professional Licensing Bureau
FILED 3-2-23 (Date)
IREC
Board / Commission
Rene Paul
Signature, Executive Officer

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

IN RE: Deashaun Mcfalls Salesperson (S68342000) 8972 Copper Drive West Des Moines, IA 50266 RESPONDENT / APPLICANT	CASE NUMBER: 23-001 INFORMAL SETTLEMENT AGREEMENT AND CONSENT ORDER
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The Iowa Real Estate Commission (Commission) and **Deashaun Mcfalls** (Respondent) enter into this Informal Settlement Agreement and Consent Order (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4).

1. The Commission issued the Respondent real estate salesperson license number S68342000 on May 4, 2020. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Signature Resources, Inc., a licensed real estate firm, license number F05009000, located in Ames, Iowa. The Respondent's license is presently suspended per order of the Commission entered pursuant to Iowa Code section 543B.29(1)(f)(1).

2. On or about December 30, 2022, the Respondent submitted an application to the Commission for renewal of his Iowa real estate salesperson license. On the Application form, the Respondent answered that since the date of his last license application, he had been convicted of a serious misdemeanor, aggravated misdemeanor, or felony (or equivalent) criminal offense. The Commission may deny renewal of a real estate license based on an applicant's conviction of a crime if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession. See Iowa Code § 272C.15(1); see also Iowa Code § 543B.29(1)(f).

3. The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B. Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

SETTLEMENT AGREEMENT

4. On January 4, 2023, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent admits to each and every allegation in the above-referenced

Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4).

5. The Respondent acknowledges that he has a right to a hearing before the Commission on the merits of the charges alleged and his pending renewal license application. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing on both the statement of charges and his renewal license application, 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 7.42.

6. The 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. The 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.

7. 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.

8. 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) 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.

9. 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.

10. Upon acceptance by both the Commission and the Respondent, this Informal Settlement Agreement shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22.

CONSENT ORDER

IT IS THEREFORE ORDERED:

11. LICENSE RENEWAL. Upon a balancing of the factors delineated in Iowa Code section Iowa Code section 272C.15(4), the Commission concludes that the Respondent's criminal history should not disqualify him from renewing his Iowa real estate salesperson license at this time. However, because of the nature of the Respondent's criminal history and the recency of his convictions, the Commission does find that the imposition of conditions upon any license renewal is an appropriate precaution to safeguard the safety and wellbeing of the public. Thus, in consideration of the Respondent's voluntary agreement to enter into this Order, the Commission agrees to renew the Respondent's Iowa real estate salesperson license subject to the terms and conditions imposed through the following paragraphs.

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

13. SUSPENSION. Respondent's real estate salesperson license shall be suspended for a period of nine (9) months. The nine (9) month license suspension shall commence on January 4, 2023. Upon completion of the suspension period, Respondent's salesperson license shall be reinstated subject to the probationary terms detailed below.

14. PROBATION. The Respondent's real estate salesperson license shall be placed on probation commencing upon the Commission's acceptance of this Order and ending on December 31, 2025. The Respondent's probation shall be subject to the following terms:

- A. The Respondent shall maintain full compliance with all terms and conditions of his court-ordered probation in the matters of *State v. McFalls*, Dallas Co. No. AGCR046008, *State v. McFalls*, Polk Co. No. AGCR343158, and *State v. McFalls*, Polk Co. No. SRCR342365. Respondent shall promptly provide all necessary documentation to verify such compliance upon request of the Commission.
- B. The Respondent shall notify the Commission within ten (10) days of the entry of any order either discharging or revoking the term of probation entered against him in any of the matters of *State v. McFalls*, Dallas Co. No. AGCR046008, *State v. McFalls*, Polk Co. No. AGCR343158, and *State v. McFalls*, Polk Co. No. SRCR342365.
- C. In addition to the reporting requirements detailed in Iowa Code § 543B.29(f)(1), the Respondent shall notify the Commission of any conviction for a criminal offense within ten (10) days of the court entering judgment. Should the Respondent fail to timely report the entry of any criminal conviction, the Commission shall have the right to revoke and/or deny the renewal of the

Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

D. Should the Respondent commit any felony or misdemeanor criminal offense or commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

15. 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 **Deashaun Mcfalls** on this _____ day of _____, 2023.

By: **DEASHAUN MCFALLS**, Respondent

State of _____)

County of _____)

Signed and sworn to before me on this _____ day of _____, 2023, by:

Notary Public, State of _____
Printed Name: _____
My Commission Expires: _____

Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.


- D. Should the Respondent commit any felony or misdemeanor criminal offense or commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

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FOR THE RESPONDENT:

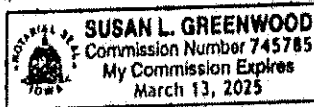
Voluntarily agreed to and accepted by Deashaun Mcfalls on this 24th day of February, 2023.



By: DEASHAUN MCFALLS, Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 24th day of February, 2023, by:




Notary Public, State of Iowa
Printed Name: Susan L Greenwood
My Commission Expires: March 13, 2025

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
_____ day of _____, 2023



JAMES M.H. CLINGMAN, Chair
Iowa Real Estate Commission