

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

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IN RE:	)	
	)	CASE NUMBER: 23-065
Giddeon Glowacki	)	
Salesperson (S70373000)	)	VOLUNTARY SURRENDER
	)	OF SALESPERSON LICENSE
	)	THROUGH CONSENT ORDER
1734 Jersey Ridge Road	)	
Davenport, IA 52803	)	
	)	
RESPONDENT	)	

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The Iowa Real Estate Commission (Commission) and **Giddeon Glowacki** (Respondent) enter into this Voluntary Surrender of Salesperson License through 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 S70373000 on March 29, 2022. The Respondent's real estate salesperson license is presently subject to probation per a consent agreement entered with the Commission in case number 22-024. A true and accurate copy of the consent agreement entered in case number 22-024 is attached as Exhibit A.

2. The Commission has jurisdiction of this disciplinary 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 the administrative rules of the Commission.

#### SETTLEMENT AGREEMENT

3. The Respondent does not contest that on or about March 3, 2023, he was convicted of committing the aggravated misdemeanor criminal offense of Possession of Controlled Substance – 3<sup>rd</sup> or Subsequent Offense in violation of Iowa Code section 124.401(5). See 3/3/2023 Sentencing Order, *State v. Glowacki*, Clinton County No. AGCR082089. The Respondent further admits that by committing the above-referenced criminal offense, he violated the terms of probation applicable to his real estate salesperson license. See Exhibit A at ¶ 2.

4. By entering into this Order, the Respondent acknowledges and voluntarily waives his right to adjudicate the merits of the above-admitted probation violation 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. This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.

5. 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.

6. 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.

7. 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. 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.

8. 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.

9. Upon acceptance by both the Commission and Respondent, this Order, including all attached exhibits, 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:**

10. VOLUNTARY SURRENDER: The Respondent voluntarily agrees to surrender his Iowa Real Estate Salesperson License (S70373000) to the Iowa Real Estate Commission in lieu of a formal hearing as required by Iowa Code sections 543B.29(1)(f)(1) and 543B.35. The effective date of the license surrender shall be the date this Order is accepted by the Commission.

11. LICENSEE REAPPLICATION: Reinstatement of the Respondent's Iowa Real Estate license shall be governed by Iowa Code sections 272C.15, 543B.15 and 193E Iowa Administrative Code rule 18.15. The Respondent specifically acknowledges that pursuant to 193E Iowa Administrative Code rule 18.15(2), the Respondent shall not be eligible to seek reinstatement of his real estate salesperson license for a minimum of two years from the date his license surrender is effective; that pursuant to 193E Iowa Administrative Code rule 18.15(4)(c), the Commission shall not grant an application for reinstatement until he has fully satisfied all terms of the sentencing and restitution orders entered in *State v. Glowacki*, Clinton County No. AGCR082089; and, that pursuant to 193E Iowa Administrative Code rule 18.15(3), the Respondent must qualify as a salesperson starting over as if never licensed.

**WHEREFORE**, the terms of this Voluntary Surrender of Salesperson License through Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by Gideon Glowacki on this 21 day of April, 2023.

  
Gideon Glowacki (Apr 21, 2023 09:56 CDT)  
By: **GIDDEON GLOWACKI**, Respondent

In re: Gideon Glowacki  
IREC Case No. 23-065

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this  
4<sup>th</sup> day of May, 2023.



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


# 23-065 Glowacki - Voluntary Surrender Through Consent Order revised 4-18-2023


Final Audit Report


2023-04-21


Created:	2023-04-21
By:	Renee Paulsen (renee.paulsen@iowa.gov)
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Transaction ID:	CBJCHBCAABAAIVpbwXZh4R0bi_4Hx8tJRQyUVB8NFpzd


## "23-065 Glowacki - Voluntary Surrender Through Consent Order revised 4-18-2023" History


 Document created by Renee Paulsen (renee.paulsen@iowa.gov)  
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 Document emailed to giddeon525@gmail.com for signature  
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 Signer giddeon525@gmail.com entered name at signing as Gideon Glowacki  
2023-04-21 - 2:56:44 PM GMT

 Document e-signed by Gideon Glowacki (giddeon525@gmail.com)  
Signature Date: 2023-04-21 - 2:56:46 PM GMT - Time Source: server

 Agreement completed.  
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Names and email addresses are entered into the Acrobat Sign service by Acrobat Sign users and are unverified unless otherwise noted.

FILED Nov 14, 2022 (Date)

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

INEC  
Board / Commission  
M. E.  
Signature, Executive Officer

IN RE: )  
) CASE NUMBER: 22-024  
Giddeon Glowacki )  
1734 Jersey Ridge Rd ) CONSENT AGREEMENT  
Davenport, IA 52803 )  
)  
APPLICANT )

The Iowa Real Estate Commission (Commission) and **Giddeon Glowacki** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4) and 543B.19 (2022).

1. The parties acknowledge the following:

- (A) On or about January 26, 2022, the Applicant submitted an Application for Individual License (Application) electronically to the Commission for a new Iowa real estate salesperson license. On the Application, the Applicant acknowledged through question 2.7 that he did have a criminal conviction (or equivalent) for a serious misdemeanor, aggravated misdemeanor, or felony offense.
- (B) The criminal history checks conducted by the Iowa Division of Criminal Investigations and the Federal Bureau of Investigation pursuant to Iowa Code 543B.15(9) (2022) and a search of Iowa Courts Online established that the Applicant accurately disclosed his criminal history as requested by question 2.7 on the Application.
- (C) An applicant who has been convicted of a crime may be denied a real estate salesperson license 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) (2022).
- (D) In determining whether an applicant's criminal conviction for an offense relating to the practice of the real estate profession should disqualify that applicant for licensure, the Commission shall consider: the nature and seriousness of the criminal offenses; the time elapsed since conviction; any documented aggravating or extenuating circumstances; the age of the applicant at the time the offense was committed; the rehabilitation,

EXHIBIT A

treatment, or restitution performed by the applicant; and, relevant evidence of rehabilitation and present fitness of the applicant. See Iowa Code § 272C.15(4) (2022).

- (E) Upon a balancing of the factors delineated in Iowa Code section Iowa Code § 272C.15(4) (2022), particularly the time elapsed since the Applicant's criminal conduct and his demonstrated evidence of rehabilitation and present fitness, the Commission concludes that the Applicant's criminal history does not disqualify him from obtaining an Iowa real estate salesperson license. However, because of the nature of the Applicant's misconduct that led to his criminal convictions along with the recency of his last conviction, the Commission finds that the imposition of conditions upon any license issued to the Applicant is an appropriate precaution to safeguard the safety and wellbeing of the public.

2. PROBATION. 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 salesperson license subject to probation for the entirety of his first license term, through December 31, 2024. Should the Applicant 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 Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

3. NOTIFICATION. In addition to the reporting requirements detailed in Iowa Code section 543B.29(f)(1), the Applicant shall notify the Commission of any conviction for a criminal offense within ten (10) days of the Court entering judgment. Should the Applicant 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 Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.


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 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 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.

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03/11/22 1:31 PM CST  
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GIDDEON GLOWACKI  
Applicant

\_\_\_\_\_  
Date

 \_\_\_\_\_  
DENNIS L. STOLCK, Chair  
Iowa Real Estate Commission

March 14, 2022  
\_\_\_\_\_  
Date