

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

Department of Commerce  
Professional Licensing Bureau  
**FILED 9-7-23 (Date)**  
**IREC**  
Board / Commission  
*[Signature]*  
Signature, Executive Officer

IN RE:	)	
	)	CASE NUMBER: 21-023 21-285
Amanda M. Nichols	)	
Broker (B64375000)	)	COMBINED STATEMENT OF
	)	CHARGES, INFORMAL
iHome Realty	)	SETTLEMENT AGREEMENT,
619 Story Street	)	AND CONSENT ORDER IN A
Boone, IA 50036	)	DISCIPLINARY CASE
	)	
RESPONDENT	)	

The Iowa Real Estate Commission (Commission) and **Amanda M. Nichols** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4).

1. The Commission issued the Respondent real estate broker license number B64375000 on June 13, 2018. Respondent's license is in full force and effect until December 31, 2023. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of iHome Realty license number F06019000, located in Boone, IA.

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 to the administrative rules of the Commission.

**STATEMENT OF CHARGES**

**COUNT I (CASE NO. 21-023)**

1. Respondent is charged with engaging in a practice harmful or detrimental to the public and/or failing to diligently exercise reasonable skill and care in providing brokerage services to all parties to a transaction by failing to provide written disclosure to all parties to the transaction of modification(s)/renovation(s) to the property while acting in a transaction on behalf of sellers in a transaction in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1)(k), 543B.56(1)(a). See 193E Iowa Administrative Code sections 7.8, 18.2(2), 18.14(5)(s).

COUNT II (CASE NO. 21-023)

2. The Respondent, as the designated broker, is charged with engaging in practices harmful or detrimental to the public by failing to notify in writing of the brokerage's appointed agent policy and those affiliated licensees within the real estate brokerage that will be acting as appointed agents of that client in violation of Iowa Code sections 543B.29(1)(j), 543B.34, 543B.47(1), 543B.47(6) and 193E Iowa Administrative Code sections 12.7(1), 12.7(2).

CIRCUMSTANCES

3. Respondent was assigned as the designated broker in charge of real estate brokerage firm iHome Realty at all times relevant to this matter. As the designated broker in charge of the real estate brokerage firm, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa.

4. On June 30, 2020, the Respondent entered into a listing agreement on behalf of her affiliated broker for a residential property located in Ames, Iowa. Shortly thereafter, the Respondent went on maternity leave.

5. In July of 2020, it was discovered that a different agent from iHome Realty was acting as representative of the sellers on Respondent's behalf. In a letter addressed to the Commission dated August 19, 2021 from the Respondent, the Respondent acknowledges that a new listing agent agreement or all agency agreement document does not exist. Consequently, Respondent failed to notify all parties to the transaction of the appointment of a new agent to a transaction in writing.

6. Further, the Respondent accepted a bid for contract work from Amrich Home Renovation Co. (AHR Co) to complete repairs/renovations for the aforementioned property. However, the owner of AHR Co is also a licensee of the brokerage firm iHome Realty, of which the Respondent is the designated broker in charge, and whom was acting as representative of the sellers on behalf of the Respondent for the property listing in question. The renovations completed by AHR Co. resulted in damages to property and loss of personal property to the buyers.

7. In a letter addressed to the Commission dated August 19, 2021, from the Respondent, the Respondent acknowledges that there is no direct documentation disclosing the affiliation of the agent with the brokerage.

8. Consequently, the Respondent engaged in practices harmful or detrimental to the public by failing to disclose financial interest to all parties in a transaction.

### COUNT III (CASE NO. 21-285)

1. Respondent is charged with engaging in practices harmful or detrimental to the public, failing to provide brokerage services to all parties honestly and in good faith, and failing to diligently exercise reasonable skill and care in providing brokerage services to all parties to a transaction in violation of Iowa Code sections 543B.29(1)(d), 543B.34(1)(d), 543B.56(1)(a), 543B.56(1)(b), 543B.58 (2021) by failing to obtain the written consent of both the buyer and the seller before acting as a dual agent in a real estate transaction. *See* 193E Iowa Administrative Code sections 12.2(9), 12.5(1)(a), 18.14(5)(s).

### CIRCUMSTANCES

1. Respondent was assigned as the designated broker in charge of real estate brokerage firm iHome Realty at all times relevant to this matter. As the designated broker in charge of the real estate brokerage firm, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa.

2. On or about July 14, 2021, on behalf of the buyer, the Respondent wrote an offer to purchase real estate for a subject property located in Boone, Iowa. The offer was subsequently accepted by the sellers. The Respondent also represented the sellers in the executed purchase agreement.

3. Consequently, without an executed disclosed dual agency consent agreement, the Respondent engaged in activities as a dual agent in this respective real estate transaction without the written consent of both the buyer and the seller.

### SETTLEMENT AGREEMENT

1. Respondent admits each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4).

2. Respondent acknowledges that she has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives her right to notice and a hearing 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 7.4.

3. 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. 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.

4. This Order shall be part of the permanent record of 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.

5. 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.

6. 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.

7. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order 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:**

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

9. **CIVIL PENALTY.** Respondent shall pay a civil penalty to the Commission in the amount of one thousand five hundred dollars (\$1,500.00) no later than twelve (12) months after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 21-023/21-285.

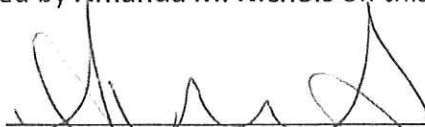
10. **FUTURE COMPLIANCE.** The Respondent also shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

**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 Amanda M. Nichols on this 24<sup>th</sup> day of August, 2023.

  
By: AMANDA NICHOLS, Respondent

State of IOWA

County of Boone

Signed and sworn to before me on this 24<sup>th</sup> day of August, 2023, by:



Dora Burma  
Notary Public, State of IOWA  
Printed Name: Dora Burma  
My Commission Expires: 4/18/2025

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 7<sup>th</sup> day of September, 2023.

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