

**BEFORE THE REAL ESTATE COMMISSION OF THE STATE OF IOWA**

**IN THE MATTER OF**

**Jacob Archer  
221 Oberlin St  
Iowa City, IA 52246**

**RESPONDENT**

**IREC NO. 24-189  
DIAL NO. 25DBREC0001**

**VOLUNTARY SURRENDER OF  
LICENSE THROUGH CONSENT  
ORDER**

The Iowa Real Estate Commission [Commission] and **Jacob Archer** [Respondent] enter into this Voluntary Surrender of License through Consent Order [Voluntary Surrender] pursuant to Iowa Code sections 17A.10(1) and 272C.3(4).

**A. JURISDICTION AND BACKGROUND**

1. **Iowa License**. Respondent was issued Iowa real estate salesperson license S63377000 on January 14, 2015. The Respondent's license is presently suspended per order of the Commission entered pursuant to Iowa Code section 543B.29(1)(f)(1).

2. **Jurisdiction**. The Commission has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C, and 543B.

**B. STATEMENT OF CHARGES**

**Count I**

3. Respondent is charged with having been convicted of a felony criminal offense in a court of competent jurisdiction in this state in violation of Iowa Code section 543B.29(1)(f). *See also* Iowa Code §§ 272C.10(5), 272C.15, 543B.15(3) and 193E Iowa Administrative Code §§ 18.2(1) & 18.2(4).

## Count II

4. Respondent is charged with failing to timely notify the Commission of his conviction of a criminal offense included in Iowa Code section 543B.15(3)(a), in violation of Iowa Code section 543B.29(1)(f)(1) under 543B.29(1)(f)(1) (2024). *See also* Iowa Code §§ 272C.10(5), 272C.15; 543B.15(3) and 193E Iowa Administrative Code §§ 18.2(1) & 18.2(4).

### C. FACTUAL CIRCUMSTANCES

It is alleged Respondent engaged in the following conduct:

5. On or about May 13, 2024, the Respondent filed a written plea of guilty in Polk County case number OWOM094311 to Operating While Under the Influence 3<sup>rd</sup> Offense or Subsequent Offense, a Class D Felony, in violation of Iowa Code § 321J.2(2)(c). *See* Petition to Plead Guilty to OWI, *State v. Archer*, Polk Co. No. OWOM094311 (D0042). The Court subsequently accepted the Respondent's guilty plea and sentenced him on August 12, 2024, to five years incarceration with all but 180 days suspended. *See* Order Accepting Plea, *State v. Archer*, Polk Co. No. OWOM094311 (D0040); OWI Sentencing Order, *State v. Archer*, Polk Co. No. OWOM094311 (D0046).

6. On or about June 20, 2024, the Respondent filed a written plea of guilty in Guthrie County case number OWOM094311 to Operating While Under the Influence 3<sup>rd</sup> Offense or Subsequent Offense, a Class D Felony, in violation of Iowa Code § 321J.2(2)(c) and Driving While License Denied or Revoked, in violation of Iowa Code § 321J.21. *See* Waiver of Rights and Written Guilty Plea, *State v. Archer*, Guthrie Co. No. OWCR022613 (D0064). The Court subsequently accepted the Respondent's guilty plea and sentenced him on August 23, 2024, to

five years incarceration with all but 180 days suspended and a \$1,000.00 fine. *See Judgment and Sentence, State v. Archer*, Polk Co. No. OWCR022613 (D0066).

7. The criminal convictions entered against the Respondent in Polk County case number OWOM094311 and in Guthrie County case number OWOM094311 each create an unreasonable risk to public safety as the offenses involved or otherwise implicated conduct that directly relates to the duties and responsibilities of a real estate salesperson. *See Iowa Code § 272C.15(1)*.

8. The Respondent did not report the convictions entered against him in Polk County case number OWOM094311 or Guthrie County case number OWOM094311 to the Commission within ten days of entry as required by Iowa Code § 543B.29(1)(f)(1). The failure of a licensee to timely notify the Commission of a qualifying conviction is sufficient grounds for revocation of that licensee's real estate license. *See Id.*

#### **D. SETTLEMENT AGREEMENT**

9. Without admission of wrongdoing or guilt, Respondent does not contest the violations alleged in the above-stated statement of charges.

10. Respondent acknowledges that he has a right to a hearing before the Iowa Real Estate Commission on the merits of the charges. By freely and voluntarily entering into this Voluntary Surrender, Respondent waives his right to a hearing and all attendant rights, including the right to seek judicial review. This Voluntary Surrender constitutes the final agency order in this contested case pursuant to Iowa Code § 17A.10 and 193E Iowa Administrative Code 7.

11. Respondent agrees that the Assistant Attorney General may present this Voluntary Surrender to the Iowa Real Estate Commission and may have *ex parte* communications with the Iowa Real Estate 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 Voluntary Surrender among the Iowa Real Estate Commission and the Assistant Attorney General.

12. This Voluntary Surrender shall be part of the disciplinary record and permanent licensure file of Respondent and shall be considered by the Iowa Real Estate 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.

13. Respondent shall at all future times fully and promptly comply with all pertinent orders of the Board and the statutes and Board rules regulating the practice of real estate. Failure to comply with the terms of this Voluntary Surrender shall be *prima facie* evidence of a violation of Iowa Code §§ 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 Respondent for violations of this Voluntary Surrender without a hearing, or waiver of hearing.

14. This Voluntary Surrender is not binding on Respondent or the Iowa Real Estate Commission until it has been formally approved by a majority of the Iowa Real Estate Commission members.

(a) In the event that this Voluntary Surrender is rejected by the Iowa Real Estate 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 Iowa Real Estate Commission approves this Voluntary Surrender, it shall fully dispose of all issues in this case.

13. Upon acceptance by both the Board and Respondent, this Voluntary Surrender 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:**

**A. VOLUNTARY SURRENDER:** The Respondent voluntarily agrees to surrender his Iowa Real Estate Salesperson License (S63377000) to the Iowa Real Estate Commission as sanction for the above-stated violation in lieu of a formal hearing as required by Iowa Code section 543B.29(1)(f)(1). The effective date of the license surrender shall be the date this Voluntary Surrender is accepted by the Commission.

**B. LICENSEE REAPPLICATION:** Reinstatement of Respondent's Iowa license shall be governed by Iowa Code § 272C.15, 543B.15 and 193E Iowa Administrative Code rule 18.15. Respondent specifically acknowledges that pursuant to this agreement, Respondent shall not be eligible to seek reinstatement of their license for a minimum of two years from the date his license surrender is effective and that the Respondent must qualify as a salesperson starting over as if never licensed.

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


**FOR THE RESPONDENT:**

Voluntarily agreed to and accepted by **JACOB ARCHER** on this 26 day of September, 2024.

  
By: **JACOB ARCHER**, Respondent

**FOR THE IOWA [INSERT BOARD NAME]:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 3rd day of October, 2024.

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