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BEFORE THE REAL ESTATE COMMISSION OF THE STATE OF IOWA

IN THE MATTER OF Nathan E. Thielman, Applicant RESPONDENT	CASE NO.: 24-202 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Real Estate Commission (“Commission”) and Nathan E. Thielman (“Respondent”), and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 543B.19.

1. The parties acknowledge the following:

A. On or about September 13, 2024, 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 had 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) and search of Iowa Courts Online established that the Applicant failed to accurately disclose his criminal history as requested by question 2.7 on the Application.

C. The Applicant does not contest that he failed to accurately disclose his criminal history as requested by question 2.7 on the Application.

D. A person who makes a false statement of material fact on an application for an

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Iowa real estate salesperson license may be denied a license by the Commission solely on the grounds of the false statement. *See* Iowa Code § 543B.15(5).

E. Truthful and complete disclosure of one's criminal history is essential to the Commission's determination of whether an applicant meets all requirements for obtaining an Iowa real estate salesperson license. The Applicant's failure to accurately and completely disclose his criminal history constitutes a false statement of material fact upon which the Commission may deny his license application. *See* Iowa Code § 543B.15(5).

F. 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).

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

H. Upon a balancing of the factors delineated in Iowa Code section Iowa Code § 272C.15(4), particularly 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. Because of the Applicant's nature

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of his criminal history, and the recency of his last conviction, the Commission does find 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.

I. The Applicant's criminal history as of the date of his license application would not have otherwise disqualified the Applicant from obtaining a real estate salesperson license had he accurately disclosed that history as requested by question 2.7 on the Application.

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 her first license term, through December 31, 2026. 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

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violation and opportunity for hearing before the Commission.

4. In recognition of the material false statements submitted to the Commission as detailed above in subparagraphs 1-C and 1-E, 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 five hundred dollars (\$500.00) 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. Furthermore, the Applicant shall submit an amended real estate salesperson license Application to the Commission that correctly states his criminal history. Said Application and disclosures referencing question 2.7 are to be duly signed and acknowledged by the employing broker.

5. 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 upon his submission of a corrected license Application and 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 his eligibility to hold a real estate salesperson license, the civil monetary penalty remitted by the Applicant to the Commission shall be returned.

6. 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

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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.

7. 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.

8. 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.

9. 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.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by NATHAN E. THIELMAN on this 8th day of October, 2024.



By: NATHAN E. THIELMAN, Respondent

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FOR THE IOWA [INSERT BOARD NAME]:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
10th day of October 2024.

Ashley Thompson, on behalf of
JAMES M. H. CLINGMAN, Chair
Iowa Real Estate Commission *chair*