

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 06-194
Chase Gochnauer)	
Salesperson (S44329))	
)	STIPULATION AND
RESPONDENT)	VOLUNTARY SURRENDER
)	OF SALESPERSON LICENSE
INACTIVE.)	
4825 Ash)	
Pleasant Hill, Iowa 50327)	

The Iowa Real Estate Commission (Commission) and **Chase Gochnauer** (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) (2007).

1. The Commission issued the Respondent a real estate salesperson license number S44329 on December 24, 2003. Respondent's license is Inactive but current until December 31, 2008. At all times relevant to this matter, the Respondent was a licensed salesperson assigned to Re/Max Real Estate Concepts, a licensed real estate firm, license number F04363, located in Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2007). 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

3. The Respondent is charged with making a false statement of material fact on an application for a real estate salesperson license, in violation of Iowa Code sections 272C.10(1); 543B.15(5); 543B.29(1) & (3), 543B.34(1) & (11) (2007); and 193E Iowa Administrative Code section 16.5(4).

COUNT II

4. Respondent is charged with failing to timely advise the Commission of a change in his address of residence in violation of Iowa Code sections 543B.16, 543B.18, and 543B.29(8); and 193E Iowa Administrative Code sections 7.2(6) and 18.14(5)(d)(5).

CIRCUMSTANCES

5. On January 24, 2006, the Respondent submitted an on-line renewal application to the Commission for his Iowa real estate salesperson license. On the on-line renewal, the Respondent indicated he had the required thirty six hours of continuing education required by 193E Iowa Administrative Rule 16.2(2).

6. On October 3, 2006, the Respondent was sent a request for verification of his continuing education for the 2005 license renewal period. This request was sent to the Respondent's address of record.

7. The Respondent contacted Commission staff on October 17, 2006, advising Commission staff that he had delayed in responding to the Commission's request as it had been sent to his previous address.

8. Respondent in providing proof of his continuing education hours was unable to account for twelve of the required thirty six hours claimed on his renewal application.

9. Truthful and complete disclosure of one's continuing education history is essential to the Commission's determination of whether an applicant meets all requirements for renewing an Iowa real estate salesperson license. See Iowa Code § 543.15(5) (2007). The Respondent's failure to accurately disclose his continuing education on his real estate sales person license renewal constituted a false statement of material fact.

SETTLEMENT AGREEMENT

10. Because Respondent has communicated to the Commission no interest in maintaining his real estate license or returning to active practice in the real estate profession, the parties have agreed to this Stipulation in lieu of alternative sanctions.

11. Respondent acknowledges that he 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 his 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.

12. 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.

13. 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.

14. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2007) 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.

15. 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.

16. 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 (2007).

CONSENT ORDER

17. **IT IS THEREFORE ORDERED:** Respondent's Iowa Real Estate Salesperson License S44329 is **SURRENDERED** for an indefinite time and not less than two years.

18. **RESPONDENT ACKNOWLEDGES** that the effective date of surrender shall be the date this Stipulation is accepted by the Commission. The Respondent also acknowledges that Salesperson license number S44329 must be returned to the Iowa Real Estate Commission upon notification that this Stipulation has been accepted by the Commission.

19. **RESPONDENT FURTHER ACKNOWLEDGES** that Iowa law allows the Respondent to reapply for an Iowa Real Estate License if the surrender or revocation took place two (2) years (or longer) prior to reapplication, **AND** that the Respondent must qualify as a salesperson starting over as if never licensed, **AND** that reapplication may or may not be granted by the Iowa Real Estate Commission and that the violation of law herein may provide a basis for denial.

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

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Chase Gochnauer** on this 11th day of June, 2007.

[Redacted Signature]

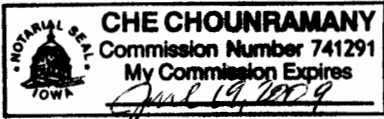
CHASE GOCHNAUER, Respondent

State of)

County of)

Signed and sworn to before me on this 11th day of June, 2007, by

[Redacted Name]



Notary Public, State of Iowa

Printed Name: [Redacted Name]

My Commission Expires: June 19, 2009

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 28th day of JUNE, 2007.

[Redacted Signature]

JAMES E. HUGHES, Chair
Iowa Real Estate Commission