

BEFORE THE IOWA REAL ESTATE COMMISSION OF THE STATE OF IOWA

IN THE MATTER OF

**Joshua DeWaard
Salesperson S66278000**

RESPONDENT

CASE NO.: 24-207

**COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Real Estate Commission (“Commission”) and Joshua DeWaard (“Respondent”), 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), 272C.10, 17A10(1) and 272C.3(4).

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa real estate salesperson license S66278000 on February 22, 2018. Respondent’s Iowa real estate salesperson license is active and will next expire on December 31, 2026. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Signature Resources, Inc., a licensed real estate firm, license number F05009000 located in Ames, Iowa.
2. **Jurisdiction.** The Commission has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C and 543B.
3. **Allegations.** On December 28, 2023, the Respondent submitted an on-line renewal application for an Iowa real estate salesperson license to be placed on active status. On the renewal, the Respondent attested that he had completed the required thirty-six hours (36) of continuing education required by 193E Iowa Administrative Rule §16.4(2). On September 5, 2024, the Respondent was chosen for a random audit by the Commission for compliance with the continuing

education requirements for his 2023 real estate license renewal. Results of the audit revealed the Respondent completed thirty-four hours (34) of continuing education in the renewal period of 2021, 2022, and 2023. The Respondent included as part of his renewal, two (2) hour "Buyer's Agency" course completed October 23, 2024. This course was completed after submission of the Respondent's renewal application and outside of the three (3) year renewal period of 2021, 2022 and/or 2023. Accurate and truthful attestation 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 on license. See Iowa Code § 543.15(5). The Respondent's failure to accurately report his continuing education history as attested on his Iowa real estate salesperson license renewal application constituted a false statement of material fact.

B. STATEMENT OF CHARGES

COUNT I

4. Respondent is charged with submitting, or causing to be submitted; whether intentional or otherwise, incorrect information on a renewal application and failing to comply with continuing education requirements in violation of Iowa Code sections 272C.10(1), 543B.15(5), 543B.29(1)(b), 543B.34(1)(k). See 193E Iowa Administrative Code sections 4.4(1), 4.5(2)(c), 16.4(2), 16.5(2), 16.5(4), 18.2(5), 18.14(5)(s).

C. SETTLEMENT AGREEMENT

5. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

6. To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of two hundred dollars (\$200.00) no later than six (6) 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 24-207.
 - b. FUTURE COMPLIANCE. 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.
7. In entering this Order, Respondent acknowledges the following:
- a. This Order is subject to the approval of the Commission and will have no force or effect if it is not accepted by the Commission.
 - b. Counsel for the State will present this Order to the Commission *ex parte*.
 - c. I have the right to be represented by counsel in this matter.
 - d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Commission and that, by waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Commission's actions.
 - e. I waive my ability to review the investigative file in this case.
 - f. I understand this Order will be part of my permanent licensure file and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
 - g. I am voluntarily entering into this Order.
 - h. Failure to comply with the provisions of this Order shall be grounds for further

disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

i. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

8. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY days** of the date of the Commission's approval of this Order.

9. This Order constitutes discipline against the Respondent pursuant to and in accordance with Iowa Code section 543B.29(4) and is the final agency action in a contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

10. This Order shall not preclude the Commission from taking additional action against the Respondent should the Respondent violate laws, rules, or standards of practice administered by the Commission in the future.

11. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

12. The Commission's approval of this Order shall constitute a **Final Order** of the Commission.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. CITATION AND WARNING: Respondent is hereby **CITED** for failing to comply with continuing education requirements in violation of Iowa Code sections 272C.10(1), 543B.15(5), 543B.29(1)(b), 543B.34(1)(k). *See* 193E Iowa Administrative Code sections 4.4(1), 4.5(2)(c), 16.4(2), 16.5(2), 16.5(4), 18.2(5), 18.14(5)(s). Respondent is hereby **WARNED** that

engaging in such conduct in the future may result in further disciplinary action against the Respondent's Iowa real estate salesperson license.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Joshua DeWaard on this 13th day of October, 2024.

<i>Josh DeWaard</i>	dotloop verified 11/13/24 11:47 AM CST XZW2-JD90-O6PB-G9DP
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By: Joshua DeWaard, Respondent

FOR THE IOWA REAL ESTATE COMMISSION

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 5th day of December, 2024.

James M.H. Clingman, ED on behalf of
JAMES M.H. CLINGMAN, Chair
Iowa Real Estate Commission *Chair*