

IN RE:)	
)	CASE NUMBER: 22-313
Jackie Johansen)	
Broker (B61824000))	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Shattered Glass Development)	SETTLEMENT AGREEMENT,
3775 EP True Pkwy #132)	AND CONSENT ORDER IN A
West Des Moines, IA 50265)	DISCIPLINARY CASE
)	
RESPONDENT)	

BACKGROUND

2. **JURISDICTION.** 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.

COUNT 1

3. Respondent is charged with engaging in a practice that is harmful or detrimental to the public and/or failing to diligently exercise reasonable skill and care in providing brokerage services to all parties in violation of Iowa Code sections 543B.29(1)(c)(d), 543B.34(1)(h)(k), 543B.56(1)(a)(b)(c), and 543B.56(2)(b) by breaching her duty to treat all parties to a real estate transaction honestly and in good faith by failing to fully and/or accurately disclose material

adverse facts to the prospective buyer of a property. See 193E Iowa Administrative Code rules 14.1(4), 14.1(5), 18.2(2), 18.14(5)(s).

CIRCUMSTANCES

4. The Respondent, acting as the seller's agent, represented the potential seller in a commercial property transaction located in Iowa City, Iowa. The subject property was formerly used for a drycleaning business.

5. Environmental testing conducted by the sellers identified the presence of high levels of residual toxins from the former drycleaning business were present within the subject property. Respondent had knowledge of the findings of this environmental report.

6. Purportedly at the sellers' request, the Respondent only provided the buyers an incomplete summary of the environmental report's findings in lieu of the full report. While stating that detected toxins were "above EPA target levels" in her summary, the Respondent did not provide specific toxin levels and did not disclose all potentially necessary remediation measures identified by the testing company. Unaware of the full magnitude of the environmental contamination and all potentially necessary remediation measures, the buyers agreed to close the transaction.

7. By communicating incomplete information to the buyers, the Respondent failed in her duties to provide brokerage services to all parties honestly and in good faith, to exercise reasonable skill and care in providing brokerage services, and to disclose all material adverse facts.

SETTLEMENT AGREEMENT

8. Respondent acknowledges that the allegations in the above-stated Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order. To resolve this matter without proceeding to hearing, Respondent, without admission of wrongdoing or guilty, agrees to the entry of the disciplinary sanctions detailed below.

9. 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*. I waive any right of notice of this meeting or any right that I might have to participate in the discussion of this Order among the Commission, the Commission staff and Counsel for the State.

c. I have the right to be represented by counsel in this matter. I am presently represented by:

Thomas J. Joensen and Tyler R. Smith
Gordon Rees Scully Mansukhani, LLP
699 Walnut Street, 4th Floor
Des Moines, IA 50309

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 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.

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

10. This Order constitutes discipline against Respondent and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code rule 7.4.

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

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

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

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

15. **CIVIL PENALTY.** Respondent shall pay a civil penalty to the Commission in the amount of two thousand and five hundred dollars (\$2500.00) 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 22-313.

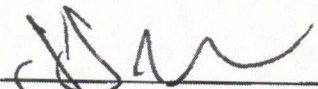
16. **EDUCATION.** Respondent shall attend the Commission approved twelve (12) hour course "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance shall be submitted to the Iowa Real Estate Commission within six (6) months after acceptance of this order. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer, referencing Case Number 22-313.

17. **FUTURE COMPLIANCE.** 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.

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 Respondent.

FOR THE RESPONDENT:

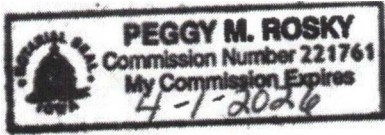
Voluntarily agreed to and accepted by Jackie Johansen on this 9th day of December, 2024.


By: **JACKIE JOHANSEN**, Respondent

State of Iowa

County of Polk

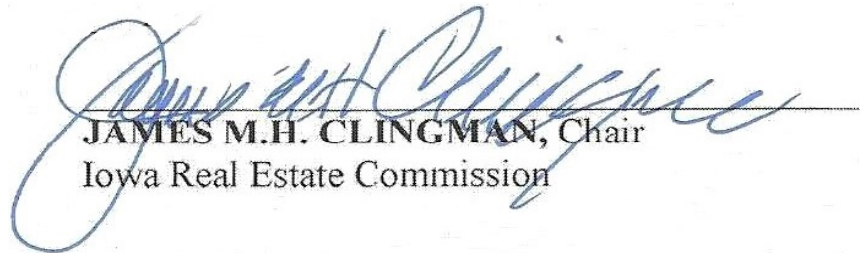
Signed and sworn to before me on this 9th day of December, 2024, by:



Peggy M. Rosky
Notary Public, State of Iowa
Printed Name: PEGGY M. ROSKY
My Commission Expires: 4-1-2026

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
16 day of February, 2024.


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