

# PLB NEWS

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Welcome to PLB News, the quarterly newsletter of the Iowa Professional Licensing Bureau.

To keep licensees and stakeholders informed, we are pleased to provide you with information about each of the Bureau's seven professional licensing boards. Click on the name of the board in the list to the left, and you will jump to that section of the newsletter.

We welcome your feedback. Feel free to call the office or e-mail your profession's board. Contact information can be found on the last page of the newsletter.

## PLB

### New Staff Members



The Professional Licensing Bureau welcomes two new staff members: Brandy March (left) and Tracy Lindgren (right).

Tracy Lindgren is the licensing specialist for the Architectural Board, Landscape Architectural Board, Real Estate Appraiser Board, and the Real Estate Commission. She joined PLB in September.

Brandy March is the licensing specialist for the Accountancy Board, Engineering/Land Surveying Board, and Interior Design Board. She joined PLB in October.

### Safe at Home

By Christy Johnson, Iowa Secretary of State's Office

A new statewide address confidentiality program goes into effect on January 1, 2016, and it is vital that the Professional Licensing Bureau and staffers are aware of how it impacts their constituents. The Safe at Home program provides survivors of violent crimes with a designated address, mail forwarding, confidential voter registration and absentee voting. It is designed to keep program participants' information off public records. Safe at Home will be administered by the Iowa Secretary of State's Office.

Iowa Code Chapter 9E mandates the designated address assigned by the Secretary of State's Office be recognized as the participant's official address. Safe at Home participants will receive an authorization card that will include their designated street address as well as a P.O. Box. All participants will have the same Des Moines address, with the only variance being an apartment number.

First class mail, government packages and prescriptions sent to participants should be mailed to the designated address. The mail will be received by the Secretary of State’s Office, then forwarded to the participant. We are anticipating this may cause an estimated five-day delay. However, we will be sending mail to the participant the same day that it is received in our office.

If there are any questions, please contact the Safe at Home program administrator Christy Johnson at [Christy.Johnson@sos.iowa.gov](mailto:Christy.Johnson@sos.iowa.gov) or 515-725-7233. For more information visit <http://SafeAtHome.iowa.gov/>.

5 Safe at Home Key Facts
<b>Secretary of State’s Office will be the only office to have the actual address of participants.</b>
<b>Previous records cannot be redacted; this applies only to new records moving forward.</b>
<b>Applications will be accepted by Secretary of State’s office beginning mid-December.</b>
<b>Participants have control over their designated address and actual address.</b>
<b>Participant’s address is confidential, not their participation in the program.</b>

## Board Members Needed

Boards and commissions are responsible for advising the Governor and Lt. Governor, the legislature and state agencies. The Governor and Lt. Governor are looking for qualified applicants who are strong believers in becoming an active voice in state government.

The Governor and Lt. Governor appoint members to more than 160 boards and commissions as openings become available. If you are interested, please look at what [boards and commissions the Governor will make appointments to](#) in March 2016, or view the complete [List of Boards and Commissions](#).

If you find a position you are interested in, [sign up and fill out an online application](#) for consideration by the Governor and Lt. Governor.

## Chickadee Check-Off

Since 1982, when the Iowa legislature created the Fish and Wildlife Fund Tax Check-off, Iowans have been able to bring a little wildness into the tax season. The Fish and Wildlife Tax Check-off, affectionately called the Chickadee Check-off, was created to allow people to make a charitable donation to wildlife conservation in Iowa out of their tax refunds or by tacking a few dollars on to any taxes owed. When filling out the state income tax form, the check-offs will be on the contribution line (usually somewhere between lines 55-60) and the donor should enter in any desired dollar amount next to Fish/Wildlife.



All the money contributed through the Chickadee Check-off helps support the Wildlife Diversity Program at the Iowa DNR. This program has statewide responsibility for all the wildlife that can't be hunted, fished or trapped from Peregrine Falcons to Poweshiek Skipperling butterflies. You can learn more about the program on their website: [www.iowadnr.gov/wildlifediversity](http://www.iowadnr.gov/wildlifediversity).

Please consider helping your clients donate to the Chickadee Check-off this tax season and supporting wildlife conservation in Iowa!

## Accountancy Board

### Accountancy Board Discipline

All consent orders accepted by the Board may be found on the disciplinary index on the accountancy homepage.

#### **14-16 David Ellingson, CPA**

The Board entered into a Consent Order resulting from discipline received by the Nebraska state board. Respondent's Iowa permit to practice is on probation until released from probation by the Nebraska state board.

#### **15-05 Mikkelson, Lockie & Associates, Inc.**

The Board entered into a Dismissal By Consent Order. The Board filed a Notice of Hearing alleging grounds to revoke or otherwise discipline the Respondent's firm license based on Iowa Code Section 542.7(3)(e). Instead of going to hearing, the Board accepted the Respondent's voluntary surrender of the firm's permit to practice as a CPA firm.

#### **15-27 Lewis, Kisch & Associates, Ltd.**

The Board entered into a Consent Order with the Respondent, resulting from the practice of accountancy during a period of a lapsed license. The Respondent was reprimanded, ordered to pay a \$1000 civil penalty, and notify clients for whom services were provided during the period lapsed.

#### **15-28 Hogan-Hansen, A Professional Corporation**

The Board entered into a Consent Order with the Respondent, resulting from the practice of accountancy during a period of a lapsed license. The Respondent was reprimanded, ordered to pay a \$1000 civil penalty, and notify clients for whom services were provided during the period lapsed.

#### **15-30 Cremers, Holtzbauer & Nearmyer, P.C.**

The Board entered into a Consent Order with the Respondent, resulting from the practice of accountancy during a period of a lapsed license. The Respondent was reprimanded, ordered to pay a \$1000 civil penalty, and notify clients for whom services were provided during the period lapsed.

#### **15-33 Renner & Birchem, P.C.**

The Board entered into a Consent Order with the Respondent, resulting from the practice of accountancy during a period of a lapsed license. The Respondent was reprimanded, ordered to pay a \$1000 civil penalty, and notify clients for whom services were provided during the period lapsed.

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# Architectural Examining Board

## ISU's Architecture Program Ranked

Iowa State University's undergraduate programs in architecture and landscape architecture are ranked in the top 20 in the nation, according to a recent survey of practitioners by DesignIntelligence.

The survey placed Iowa State's undergraduate landscape architecture program eighth and architecture program 20th in the United States for 2016.

DesignIntelligence is a bimonthly publication for leaders in design professions. The magazine's annual report, "America's Best Architecture and Design Schools," is the only national college ranking survey that focuses exclusively on design. Rankings cover accredited programs in architecture, industrial design, interior design and landscape architecture. Published in the November-December issue of DesignIntelligence, the 16th annual survey was conducted in mid-2015 on behalf of the Design Futures Council.

For 2016, Iowa State's undergraduate architecture program ranked 20th. It has ranked in the top 20 for 11 of the past 13 years. The list this year was headed by Cornell University. In the regional rankings, Iowa State was third in the Midwest based on all responses from firms nationwide.

There are 308 undergraduate majors and 39 faculty in architecture at Iowa State.

## NCARB Offers Free Continuing Education Opportunities to Customers

NCARB customers can now access free continuing education opportunities. Developed by the National Council of Architectural Registration Boards (NCARB), the online Mini-Monograph Series can be used to satisfy state continuing education requirements, as well as the American Institute of Architects' (AIA) membership requirements.

Written by experts in the field, the self-study tools cover a variety of topics in Health, Safety, and Welfare (HSW)—including fire safety, designing healthy environments, and managing ethical dilemmas.

Architects with an active NCARB Certificate, and aspiring architects who are reporting experience or taking the Architect Registration Examination® (ARE®), can download mini-monographs by logging into their NCARB account. Upon completion of an online quiz, each mini-monograph is worth between one to two HSW CEHs. Quiz results are shared instantly, along with a certificate of completion.

To learn more about NCARB's Mini-Monograph Series, visit <https://monographs.ncarb.org>.

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# Engineering & Land Surveying Examining Board

## Engineering/Surveying License Renewal is Open

If your engineering and/or land surveying license was initially issued in an even-numbered year, you license will expire at midnight on December 31, 2015. Renewal notifications were mailed mid-November to all licensees with a December 31, 2015 expiration date. The notifications were mailed to the last known preferred address on file.

For online renewals, visit [www.licensediniowa.gov](http://www.licensediniowa.gov). The transaction must be completed before midnight on December 31, 2015, to avoid the \$25.00 late fee. The late fee will be applied automatically to anyone renewing electronically after December 31, 2015 and before January 31, 2016.

If the online renewal system does not allow your electronic renewal, paper renewal applications will be provided and must be completed, including the appropriate fee, and postmarked on or before December 31, 2015 to avoid a \$25.00 late fee.

## Some of My Best Friends Are Regulators

By Marlon Vogt

Four years ago I had the good fortune to be appointed to the Iowa Engineering and Surveying Licensing Board, on which I continue to serve. The sobering reality of this appointment hit home immediately. For the first time in my life.....I was a regulator.

The Iowa Administrative Code defines the purpose of this board: *"The practices of engineering and land surveying affect the life, health and property of the people of Iowa. The engineering and land surveying examining board's principle mandate is the protection of the public interest."*

During much of my career, my interaction with regulators and regulatory bodies has been from the perspective of dealing with them for various project approvals. This is often a less-than-pleasant experience; one that involves confusing requirements, takes too long, costs too much and results in a final product that does not completely satisfy any of the stakeholders.

Now that I have regulatory responsibilities, I tend to be very sensitive to how our board actions impact the licensing process. Does it take too long? Are there too many hoops for licensees to jump through to accomplish something? Is the process confusing to the users of the system? Ultimately, however, do I enforce the applicable laws and rules?

The implications of the regulatory environment were clearly communicated in a number of technical papers presented at the recent American Society of Civil Engineers (ASCE) Electrical Transmission and Substation Structures Conference.

One paper explained the process for linear facilities (power lines) that cross federal lands. For these projects to be approved, they must comply with the National Environmental Policy Act (NEPA). This process requires a rigorous journey that involves federal, state and local agencies, all with their distinct sets of regulations. Public stakeholder input is also involved. This ends up being a long, difficult and costly process that could take up to ten years.

Tennessee Valley Authority (TVA) rebuilt a 500 kV transmission line over a large lake. A major state highway also crossed the lake close to the line. The property adjacent to the lake at the crossing was a state park. TVA had to satisfy a number of regulatory bodies. The Corps of Engineers had

requirements for how high the conductors had to be above the water. The FAA had requirements related to the height of the towers and conductors. Tennessee DOT had limitations related to the distance between the line and the highway. The National Electrical Safety Code had clearance requirements related to the lake, highway and ground surface in the park, as did the Tennessee Park Service. Just when they thought they had all the bases covered, an osprey made a nest in one of their towers, so the US Fish & Wildlife service became involved. Just when you think it is okay to go out on the water.....

These examples illustrate the complexity of using rules and regulatory bodies to ensure the health, welfare and safety of the public. Statutory rules exist and regulators simply ensure that everyone complies with these rules. So it should be a relatively simple matter to serve on a board. As ESPN's Lee Corso is fond of saying "...not so fast, my friend..."

Recently in North Carolina, individuals who were offering teeth whitening services were told to cease offering the services because the Dental Board ruled that they were improperly providing dental services without a license. The courts are still weighing this issue, and licensing boards across the country are monitoring the status of the debate.

Iowans who want to provide hair braiding services are objecting to a recent opinion of the Iowa Board of Cosmetology Arts and Sciences that they cannot do so without a license. They argue that providing these services does not require the time and considerable expense necessary to become licensed. Again, more to come on this one.

The Iowa state law for licensed professional engineers requires the following: *"Licensees shall undertake to perform engineering or land surveying assignments only when qualified by education or experience in the specific technical field of professional engineering or professional land surveying involved."* IAC 8.2(2)

The Code of Ethics of the National Society of Professional Engineers (NSPE) uses similar language to describe engineer qualifications: <http://www.nspe.org/resources/ethics/code-ethics#sthash.OP5Dz8ui.dpuf>

Thankfully, the majority of the members of the Iowa Engineering and Surveying Board are required by statute to be licensed professionals. This is true of all professional licensing boards.

Yet many governmental agencies and legislative bodies make regulatory policy. They are not always required to be staffed with professionals with expertise in the fields for which they are making rules.

As a professional engineer, I will close by repeating another statement made at the ASCE conference. Wouldn't it be refreshing if all those who create regulations were required, as are professional engineers, to restrict their activities only to fields in which they are qualified by relevant education and experience?

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## Interior Design Examining Board

### Interior Design Regulation in North America

There are 30 jurisdictions in North America that regulate interior design practice and title, 26 of which are member boards of the National Council for Interior Design Qualification (NCIDQ) organization. (The Iowa Board does not belong to NCIDQ.)

Every regulatory board for interior design in the United States and Canada, with the exception of California, use the NCIDQ examinations as their test for registration and licensure. California's exam, as the exception, is administered by a private corporate entity and does not provide reciprocity for its licensee, whereas the NCIDQ credential is used for reciprocity throughout North America.

## Landscape Architectural Examining Board

### Board Briefs

The Rules Committee met October 28, 2015 to review Iowa Administrative Code Chapter 193D. The Committee had the opportunity to work on chapters one and two. The Committee will meet again the first part of 2016. Once a draft of the rules is complete, they will be taken to the full board for approval and public notice.

## Real Estate Appraiser Examining Board

### Continuing Education Q&A

Always know your continuing education requirements by reviewing the current administrative rules at <https://plb.iowa.gov/real-estate-appraisers/iowa-ruleslaws>.

Common Q & As:

- Q1:** Do I have to take the 7 hour report writing course?  
**Answer:** No you do not. The only required course is the 7 hour USPAP Update.
- Q2:** How many class hours can I take by distance education?  
**Answer:** There is no limit on how many classes may be taken in the classroom or by distance education.
- Q3:** I took a class in another state. Will Iowa count it for my continuing education?  
**Answer:** If the course was approved by the state appraiser board in the state where you took it, then we will automatically accept it.

### FHA News

The Iowa Real Estate Appraiser Examining Board recently received this information from FHA. If you are an FHA appraiser, this is *news you need to know*. If you have questions about this information, contact the FHA. The Iowa Board has no authority over this. If you wish to receive email information from FHA, Roster Appraisers who are not yet signed up for FHA's email communications vehicle, *FHA INFO*, should subscribe at

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/FHA INFO subscribe.](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/FHA_INFO_subscribe)

The Federal Housing Administration's (FHA) Electronic Appraisal Delivery (EAD) portal is the system through which all appraisals will be submitted to FHA by its mortgagees or their designated third-party service providers. Mortgagees will be onboarding to the portal throughout fall 2015 and spring 2016, and the portal becomes mandatory for use on or after June 27, 2016. As an FHA Roster Appraiser, you need to be familiar with the EAD portal's general functionality, and how this functionality affects the appraisal reports you send to FHA mortgagees.

The EAD portal is built to mirror, in large part, the electronic appraisal technology currently in use for conventional mortgages, but with some variation in certain data points and formats specific to FHA's business and systems. FHA Roster Appraisers should review FHA's new EAD Portal *Common Appraisal Data Errors* fact sheet, which provides details on some of the appraisal report data formatting errors that could prohibit a successful EAD portal submission. The requirements for appraisal reporting and data formats can be found in the FHA *Single Family Appraisal Report and Data Delivery Guide*.

FHA has worked with the major appraisal form software vendors. They are incorporating FHA requirements into your software, and will also provide rule checking functions on your desktop. If you haven't recently updated your software, FHA advises all FHA Roster Appraisers to contact their software company to make sure they have the latest versions that include the updates which correspond with FHA's EAD portal submission requirements.

## UNI Real Estate Degree Program

The Appraiser Qualifications Board (AQB) recently reviewed the University of Northern Iowa's Bachelor of Arts Real Estate degree and has announced that it will continue to acknowledge the program in its' degree program for qualifying education through October 26, 2018. The AQB has determined that those who graduated with a Bachelor of Arts Real Estate Degree from the University of Northern Iowa as of the 2004-2005 academic year or later can receive the credit as long as they have successfully completed the required classes.

Please be advised, the AQB has approved graduates of the overall degree program only for the educational hours. No approval is granted for individual, stand-alone courses which are part of the degree program, or partial completion of the degree.

Graduates of the program will receive credit toward the requirements in the *Real Property Appraiser Qualification Criteria* as follows:

<u>Credential</u>	<u>Hours Approved</u>	<u>Deficiencies</u>
Associate	60 Hours	15-Hour National USPAP Course
Certified Residential	182 Hours	15-Hour National USPAP Course and 3 Hours of Market Analysis & Highest and Best Use
Certified General	267 Hours	15-Hour National USPAP Course and 18 Hours of Market Analysis & Highest and Best Use

## Board Briefs

Don't forget: there is a new edition of USPAP effective January 1, 2016.

The Appraisal Standards Board (ASB) has issued Q&As on the following topics:

- Review For an Ethics Committee
- Does Disclosure of Prior Services Apply to Appraiser or Property?
- Definition of Value in Appraisal Review Reports

Learn more at

[http://appraisalfoundation.org/imis/TAF/Standards/Appraisal\\_Standards/Q\\_As/TAF/USPAP\\_QAs.aspx?hkey=5a53a9a1-e299-4ad5-a477-7964dfd1fca6](http://appraisalfoundation.org/imis/TAF/Standards/Appraisal_Standards/Q_As/TAF/USPAP_QAs.aspx?hkey=5a53a9a1-e299-4ad5-a477-7964dfd1fca6)

## Real Estate Commission

### Commission Update

#### Licensing Totals – 11,114 Individuals Licensed

	<u>Firms</u>	<u>Brokers</u>		<u>Salespeople</u>	
		Active	Inactive	Active	Inactive
As of November 30, 2015	1,253	3,442	461	5,807	1,404

#### Future Commission Meeting Dates *(Tentatively)*:

- February 4
- March 3
- April 7
- May 5
- June 9
- August 4

#### Commissioners:

Carol Haines (public member from West Burlington) provided written notice in October 2015 that she has to resign her spot on the Commission. The Governor's Office has been informed and they are processing her resignation. They indicated that her spot will likely not be filled until next session. Carol was a model of consistency during her years of service and rarely missed a meeting. She never hesitated to volunteer for a Committee and her contributions to the Commission will be missed.

#### Fee Changes:

Effective July 1, 2015 the fee for the Criminal History Background Check is \$51.00. The previous fee was \$52.00

Effective July 1, 2015 the fee for all real estate examinations is \$101.00. The previous examination fee was \$100.00. Psychological Services, Inc. (PSI) will continue to be the exam administrator for the Iowa Real Estate Commission.

## Important Renewal Information for 2015

Electronic renewals for those licensees whose licenses expire on December 31, 2015 are now available. Approximately 4,200 licenses are up for renewal. A renewal reminder postcard should have been received by those that are due to renew. Remember, even if you don't receive a renewal postcard you are still responsible for renewing your license. You are responsible for notifying the Commission in writing of any change of address.

Go to the following link to renew if your license expires on December 31, 2015:

<https://plb.iowa.gov/2015-fall-renewals>

To prepare for your on-line renewal have the following information available:

- License number
- For salesperson or broker license: last 4 digits of social security number
- If reporting continuing education, have your continuing education certificates.  
Licensees will need to know how many hours of Law Update, how many hours of Ethics and how many hours of electives were successfully completed. The breakdown of these hours between classroom and correspondence (online, home study, etc.) will also need to be reported.
- If reporting an exam in lieu of continuing education, have the pass notices received from PSI.
- Credit/Debit card information (Visa, MasterCard or Discover)

Trade-name, branch and additional broker officer licenses all have the same expiration date as the main license. Make sure all licenses are renewed, if applicable.

Inactive licenses need to be renewed or they will expire. To renew inactive there are no requirements for continuing education or errors and omissions insurance. However, if continuing education is completed the inactive licensee should report that on his/her renewal. If you currently are an active licensee and intend to renew to inactive status, notify your employing broker in writing.

Renewal fees are as follows:

- Salespersons (active or inactive) \$125.00
- Brokers (active or inactive) \$170.00
- Firms (can only be active) \$170.00
- Trade-names (can only be active) \$50.00
- Branch (can only be active) \$50.00
- Additional broker officer (can only be active) \$50.00

### Education Requirements for December 31, 2015 Renewal

A minimum of 36 hours of qualifying continuing education **MUST** be completed between January 1, 2013 and December 31, 2015 and prior to the completion of your renewal. Licensees **DO NOT** have a 30-day grace period to complete education. If you do not have your continuing education completed by December 31, 2015, you must renew to inactive status.

The education requirements are:

- 8 hours Law Update (mandatory)
- 4 hours Ethics (mandatory)
- 24 hours electives

A maximum of 24 hours may be taken by correspondence/home study during each three year renewal period.

During each three year renewal period a course may be taken for credit only once. A course may be repeated for credit ONLY if the course numbers and instructors are different.

Licensees residing and licensed in the following states will sign an affidavit to verify continuing education requirements:

Alabama, Arkansas, Colorado, Georgia, Louisiana, Minnesota, Mississippi, Nebraska, North Dakota, Oklahoma, South Dakota, and Tennessee.

Licensees residing in all other states must comply with Iowa's 36 hour continuing education requirement.

In addition to courses approved directly by the Commission and the IREC Education Director, the Commission accepts the following courses to meet the 24 hour elective requirement:

- Credits earned in a state which has a continuing education requirement for renewal of a license if the course is approved by the real estate licensing board of that state for credit for renewal. However, state-specific courses are not acceptable.
- Courses sponsored by the National Association of Realtors (NAR) or its affiliates.

All brokers and salespersons can, at any time between July 1, 2015 and December 31, 2015, take and pass the appropriate licensing exam in lieu of completing the required continuing education for December 31, 2015 license renewal. Contact the Commission to obtain an authorization letter for admittance to take the exam. Please send your written request to take the exam in lieu of continuing education to [realestatecommisison@iowa.gov](mailto:realestatecommisison@iowa.gov). When you pass the test you will automatically be given an application – do NOT use this to renew!

It is the responsibility of licensees to maintain records that support the continuing education claimed to renew and the validity of the credits. Documentation must be retained by licensees for a period of three years after the effective date of the license renewal. The Iowa Real Estate Commission does not maintain licensee's continuing education certificates.

### **Errors & Omissions Insurance Requirements**

You must have current E & O insurance to renew to active status (salespersons, brokers, and firms) and attest that you will maintain uninterrupted coverage as long as your license is on active status as reflected on the Commission licensing database.

If you intend to maintain an active real estate license (salesperson, broker, firm) in the state of Iowa in 2016, you are required to have uninterrupted errors and omissions insurance coverage.

For those E & O insurance policies that expire at year end, errors and omissions insurance must be **procured BEFORE January 1, 2016.**

If you are a designated broker, please verify that all of your licensees assigned to you have E & O insurance for 2016. For those licensees that are not going to have their real estate license active as of

January 1, 2016, please follow the instructions on the IREC "Change of Status from Active to Inactive" form, fill it out, and also include the license to be mailed into the Commission. This documentation will have to be received by the offices of the Commission **BEFORE** December 31, 2015. To ensure that the Commission's office has received and processed the change of status request, please verify the licensee's status by checking [licensediniowa.gov](http://licensediniowa.gov) or by contacting Commission staff at [realestatecommission@iowa.gov](mailto:realestatecommission@iowa.gov).

Please contact [realestatecommission@iowa.gov](mailto:realestatecommission@iowa.gov) or (515) 725-9022 with any questions.

## From the Trust Account Auditor

### Earnest Money Dispute

In the case of a dispute and in the absence of a pending civil court action, the Real Estate Commission shall not take disciplinary action against a broker who in good faith disburses trust account moneys pursuant to 193E 13.1(8)(a)(b):

*"a.* In the absence of a pending civil court action or written agreement, it shall not be grounds for disciplinary action when, upon passage of 30 days from the date of the dispute, a broker disburses the earnest money deposit to a buyer, renter, or lessee in a transaction based upon a good faith decision that a contingency has not been met, but disbursement shall be made only after the broker has given 30 days' written notice by certified mail to all parties concerned at their last-known addresses, setting forth the broker's proposed action and the grounds for the decision.

*b.* In the absence of a pending civil action or written agreement, it shall not be grounds for disciplinary action when, upon passage of six months from the date of the dispute, a broker disburses the earnest money deposit to a seller or landlord in a transaction based upon a good faith decision that the buyer, renter, or lessee has failed to perform as agreed, but disbursement shall be made only after the broker has given 30 days' written notice by certified mail to all parties concerned at their last-known addresses, setting forth the broker's proposed action and grounds for the decision."

### Outstanding Checks/Old Earnest Money (Older Than Three Years Old)

193E 13.1(14): "Trust funds that are not traceable to any individual for disbursement from the trust account are unclaimed property. Unclaimed trust funds must be entered on a separate individual ledger for accounting purposes. In accordance with Iowa Code Chapter 556, after three years, unclaimed trust funds shall be paid to: Treasurer, State of Iowa, Unclaimed Property Division, P.O. Box 10430, Des Moines, Iowa 50306. The telephone number: 515.281.7546."

## Real Estate Commission Discipline

Signed settlement agreements may be viewed on Commission's [website](#).

### Formal Charges

#### **14-170 Shelby Dupree (B60085000), Ankeny, IA – Informal Settlement**

On May 27, 2015 the Iowa Real Estate Commission filed a Notice of Hearing and Statement of Charges against Dupree, charging him with (1) engaging in practices harmful or detrimental to the public by receiving compensation from a seller without a written brokerage agreement specifying the compensation terms and conditions in violation of Iowa Code sections 543B.29(1)(c), 543B.34(1)(h), 543B.57 and 193E IAC 11.1, 11.3, 12.2(6), 18.14(5)(s); (2) engaging in practices harmful or detrimental to the public by failing to retain for a period of at least five years true copies of all records, documents, and all correspondence relating to all real estate

transactions that the Respondent handled as a designated broker in violation of Iowa Code sections 543B.29(1)(c), 543B.34(1) and 193E IAC 13.5, 18.2(2), 18.14(5)(e)(3); and (3) failing to fully cooperate with a licensee disciplinary investigation and/or failing to timely provide information requested by the Commission relative to a complaint investigation in violation of Iowa Code section 543B.34(1)(j) and 193E IAC 13.5, 18.2(7), 18.14(5)(i). The hearing was scheduled before the Commission for August 6, 2015 at the offices of the Iowa Real Estate Commission in Des Moines, Iowa.

Dupree agreed to resolve the charges with a Settlement Agreement. He was ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000) as a condition precedent to the reactivation of his inactive Iowa Real Estate broker license or the reinstatement of his Iowa real estate broker license in the event of its expiration. He also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Conviction of a Felony or Offense Involving Forgery, Embezzlement, Obtaining Money Under False Pretenses, Theft, Arson, Extortion, Conspiracy to Defraud, Moral Turpitude, or Criminal Breach of Fiduciary Duty

See Iowa Code §§ 272C.10(5), 543B.15(3) 543B.29(1)(f) and 193E Iowa Administrative Code §§ 18.2(1), 18.2(4).

**15-134 Todd Bartusek (S45355000), Omaha, NE – Informal Settlement**

Bartusek agreed to resolve the charges with a Settlement Agreement. He was ordered to serve a license suspension for a period of no less than eighteen (18) months. He was ordered to pay a civil penalty in the amount of five thousand dollars (\$2,500 for Count I and \$2,500 for Count II) and attend the Commission approved twelve (12) hour course “Developing Professionalism and Ethical Practices” as conditions precedent to the reinstatement of his Iowa real estate salesperson license. Bartusek further acknowledged that his license reinstatement shall be governed by 193E Iowa Administrative Code section 18.15. He also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Engaging in Practices Harmful or Detrimental to the Public and Failing to Diligently Exercise Reasonable Skill and Care in Providing Brokerage Services

See Iowa Code §§ 543B.29(1)(c), 543B.29(1)(d), 543B.34(1), 543B.56(1)(b)

**15-177 Charles Thomas (B41467000), Clarinda, IA – Informal Settlement**

Thomas agreed to resolve the charge with a Settlement Agreement. The Respondent was ordered to pay a civil penalty in the amount of five hundred dollars (\$500) within thirty (30) days of acceptance of the Agreement by the Commission. He also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Practicing Real Estate While Salesperson License is Lapsed, Inactive, or Expired

See Iowa Code §§ 543B.1, 543B.29(1) and 193E Iowa Administrative Code §§ 4.5, 4.6, 18.2(5), 18.14(5)(a).

**15-096 Todd W. Whitters (S37998000), Cedar Rapids, IA – Informal Settlement**

Whitters agreed to resolve the charge with a Settlement Agreement. He was ordered to pay a civil penalty in the amount of five hundred dollars (\$500) within thirty (30) calendar days after acceptance of the Agreement by the Commission. He also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Failing to Exercise Reasonable Skill and Care in Supervising a Licensee, by Allowing the Unlicensed Practice of Real Estate

See Iowa Code §§ 543B.1, 543B.29(1), 543B.62(3)(b) and 193E Iowa Administrative Code §§ 7.11, 18.2(6), 18.14(5)(m).

**15-097 K. Dawn Brown (B41952000), Cedar Rapids, IA – Informal Settlement**

Brown agreed to resolve the charge with a Settlement Agreement. She was ordered to pay a civil penalty in the amount of five hundred dollars (\$500) within thirty (30) calendar days after acceptance of the

Agreement by the Commission. She also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

#### Trust Account Violations

See Iowa Code §§ 543B.29(1)(k), 543B.34, 193E Iowa Administrative Code chapter 13, and 193E Iowa Administrative Code §§ 18.14(1)(j), 18.14(5)(e).

#### **15-178 Jana L. Sullivan (B40564000), Sioux City, IA – Informal Settlement**

Sullivan agreed to resolve the charge with a Settlement Agreement. She was ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000) within one hundred eighty (180) days of acceptance of the Agreement by the Commission. She was also ordered to attend the Commission approved eight (8) hour course “Trust Accounts” within six (6) months of acceptance of the Agreement by the Commission. Sullivan is also subject to an audit, conducted by the Commission auditor, within twelve (12) months after the acceptance of the Order by the Commission. She also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

#### Failing to Comply with the Mandatory Errors and Omissions Insurance Requirement

All licensees disciplined for E & O insurance violations were active at the time of the infraction. See Iowa Code 543B.29(1)(c), 543B.47(1), 543B.47(6) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

**13-207 Ronald Cunningham (B6139000), Rose, OK - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**15-040 Optimum Commercial Real Estate (F05495000), Davenport, IA - \$1,000 Civil Penalty**

**15-085 Stephanie Foulke (S61892000), Pleasantville, IA - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**15-101 Isaiah J. Borel (S60433000), Cedar Falls, IA - \$1,000 Civil Penalty**

**15-119 Independent Brokers Realty LLC (F05621000), Chanhassen, MN - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of Iowa broker license number B6211000 for Kevin M. Sharkey**

**15-124 Curtis D. Brown (B34247000), Belle Plaine, IA - \$1,000 Civil Penalty**

**15-128 Robert C. Johnson (B30133000), Fairfield, IA - \$1,000 Civil Penalty**

**15-149 Kolby Jones (S62231000), Fort Dodge, IA - \$1,000 Civil Penalty**

**15-155 Steven Burke (B44679000), Cresco, IA - \$1,000 Civil Penalty**

**15-158 David J. Duggan (S59320000), Cedar Rapids, IA - \$1,000 Civil Penalty**

**15-160 Dustin A. Farnsworth (S61890000), Jefferson, IA - \$1,000 Civil Penalty**

**15-161 Sandra D. Ulmer-Fisher (S33389000), West Des Moines, IA - \$1,000 Civil Penalty**

**15-172 Robert Lynch (S62925000), Decorah, IA - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**15-174 Francisco Velez (S37184000), West Des Moines, IA - \$1,000 Civil Penalty**

**15-175 Jason Dent (B62839000), Prairie Village, KS - \$1,000 Civil Penalty**

**15-176 Greenline Asset Management, LLC (F05657000), DeWitt, IA - \$1,000 Civil Penalty**

**15-197 Sharon F. Gass (S60532000), Mesa, AZ - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

Failing to Comply with the Mandatory Errors and Omissions Insurance Requirement (2<sup>nd</sup> Offense)

See Iowa Code sections 543B.29(1)(j), 543B.47(1), 543B.47(6) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

**15-108 Sattler Realty (F02271000), Cedar Rapids, IA - \$2,000 Civil Penalty**

**15-198 Jeffrey K. Hatfield (S33639000), Des Moines, IA - \$2,000 Civil Penalty**

Failing to Comply with Continuing Education Requirements and Causing to be Submitted, Whether Intentional or Otherwise, Incorrect Information on a Renewal Application

See Iowa Code sections 272C.10(1), 543B.15(5), 543B.29(1), 543B.34(1) and 193E Iowa Administrative Code chapter 16 and 193E Iowa Administrative Code §§ 18.2(5), 18.14(5)(s).

**14-247 Stacey Ward (S56291000), Altoona, IA - \$500 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**15-156 Nicholas Boley (B44733000), Albia, IA - \$500 Civil Penalty**

Failing to Comply with all Procedures to Effectuate a Change of Employment

See Iowa Code § 543B.33 and 193E Iowa Administrative Code §§ 6.1(1), 6.1(2), 18.14(5)(c)(2).

**15-201 John D. Nerem (B05744000), Boone, IA - \$250 Civil Penalty**

Failing to Timely Inform the Commission in Writing of a Change of Residence Address

See Iowa Code §§ 543B.16, 543B.18; and 193E Iowa Administrative Code §§ 7.2(6), 18.14(5)(d)(5).

**15-096 Todd W. Whitters (S37998000), Cedar Rapids, IA - \$50 Civil Penalty**

Issuing an Insufficient Funds Check to the Commission

See Iowa Code §§ 543B.29(1)(a), 543B.29(1)(c), 543B.34(1)(k) and 193E Iowa Administrative Code §§ 9.2(4), 18.14(5)(o).

**15-117 Timothy C. Schultheis (B41839000), Fulton, IL - \$250 Civil Penalty**

Failing to Fully Disclose Criminal History on an Application

See Iowa Code §§ 17A.10, 272C.3(4), 543B.15(5), 543B.19.

**15-167 Patrick D. Elbert (S63970000), West Des Moines, IA - \$500 Civil Penalty**

**15-168 Randell G. Mundt (S63972000), Knoxville, IA - \$500 Civil Penalty**

**15-181 Thomas M. Larkin (S63975000), Coralville, IA - \$500 Civil Penalty**

**15-188 Jeff Kroeger (B61185000), Wapello, IA - \$500 Civil Penalty**

**15-232 Laura L. Bailey (S64055000), Ankeny, IA - \$500 Civil Penalty**

**15-244 Holly A. Johnson (S64050000), Iowa City, IA - \$500 Civil Penalty**

Iowa Professional Licensing Bureau  
200 E. Grand Avenue, Ste. 350  
Des Moines, Iowa 50309  
Main: (515) 725-9022  
Fax: (515) 725-9032  
[www.plb.iowa.gov](http://www.plb.iowa.gov)

[AccountancyBoard@iowa.gov](mailto:AccountancyBoard@iowa.gov)  
[ArchitectureBoard@iowa.gov](mailto:ArchitectureBoard@iowa.gov)  
[EngineeringandLandSurveyBoard@iowa.gov](mailto:EngineeringandLandSurveyBoard@iowa.gov)  
[InteriorDesignBoard@iowa.gov](mailto:InteriorDesignBoard@iowa.gov)  
[LandscapeArchitectureBoard@iowa.gov](mailto:LandscapeArchitectureBoard@iowa.gov)  
[RealEstateCommission@iowa.gov](mailto:RealEstateCommission@iowa.gov)  
[RealEstateAppraiserBoard@iowa.gov](mailto:RealEstateAppraiserBoard@iowa.gov)

Toni Bright, Executive Officer  
Jeff Evans, Executive Officer  
Colleen Goddard, Real Estate Trust Account Auditor  
Robert Lampe, Executive Officer  
Tracy Lindgren, Licensing Specialist  
Sandy Malek, PLB Investigator  
Brandy March, Licensing Specialist  
Renee Paulsen, Background Coordinator  
Lori SchraderBachar, Site Manager  
Jill Simbro, Real Estate Education Director  
Mary Kay Zaver, Accountant