

BEFORE THE IOWA REAL ESTATE COMMISSION

In the Matter of the Petition for Waiver by: Skylar Tharp Petitioner.	ORDER DENYING PETITION FOR WAIVER
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Pursuant to Iowa Code § 17A.9A, the Iowa Real Estate Commission (“Commission”) makes the following ruling on the Petition for Waiver submitted by Skylar Tharp (“Petitioner”).

FACTS AND COURSE OF PROCEEDINGS

1. Petitioner seeks her Iowa real estate broker license.
2. Iowa Code section 543B.15(7) requires a real estate broker applicant to complete at least 60 hours of education prior to taking the salesperson examination in addition to the salesperson prelicensure course. An applicant is also required to be a licensed real estate salesperson actively engaged in real estate for at least 24 months, or to have had experience substantially equal to that of a licensed real estate salesperson during a period of 24 months.
3. 481 Iowa Administrative Code rule 2003.1(2), authorizes applicants to use active experience as a former Iowa salesperson or salesperson from another state or jurisdiction, or a combination of both, to fulfill the experience requirement under Iowa Code section 543B.15(7).
4. Petitioner does not possess nor has ever possessed an Iowa real estate salesperson license or a salesperson license in another state or jurisdiction. However, Petitioner asserts that her five and a half years of experience in real estate management, property administration, and commercial lease administration is substantially equal to that of the experience a licensed real estate salesperson would ordinarily receive.
5. On August 14, 2026, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from the 24-month active salesperson experience requirement under 481 Iowa Administrative Code rule 2003.1(2).

SUMMARY OF LAW

6. Pursuant to 481 Iowa Administrative Code rule 6.5 (*see also* Iowa Code section 17A.9A(2)), the Commission may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the Commission finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

7. “The burden of persuasion rests with the [Petitioner] for the waiver of a rule.” Iowa Code § 17A.9A(3).

PETITIONER HAS NOT MET THE CRITERIA TO WAIVE RULE 481—2003.1(2).”

8. Upon review of the Petition, the Commission finds that Petitioner has not satisfied all of the four criteria for waiver of the 24-months active salesperson experience requirement under 481 Iowa Administrative Code rule 2003.1(2).

9. First, the burden of persuasion rests with the Petitioner to provide clear and convincing evidence that application of the rule would impose an undue hardship. In her request Petitioner asserted that spending an additional 24 months would negatively impact her current full-time employment would cause a significant loss of time, income, and professional opportunity when she has already obtained substantially equal experience. The Commission does not find that the experience Petitioner has already received is substantially equivalent to that of a real estate salesperson. The Commission routinely requires applicants to spend the necessary time and money to obtain the right type of experience. Thus, the Commission does not find an undue hardship on the person for whom the waiver is requested exists.

10. Second, the Commission finds that granting a waiver would not prejudice the substantial legal rights of any person.

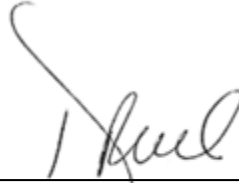
11. Third, the requirement of 24 months of salesperson experience is specific to the Commission’s rules. 543B.15(7) allows substantially equivalent experience to be substituted. Thus, the requirement is not mandated by statute or another non-waivable provision of law.

12. Finally, the Commission finds the experience requirements to be imperative in the protection of the public. The scope of practice Petitioner would have under a broker license is much broader than the experience she had obtained through property management work. She would be able to have agents under her broker license that she’d be responsible for supervising. While Petitioner has a lot of knowledge in the property management side of the scope of practice, she needs to gain more knowledge of the residential and commercial property side. Petitioner has not shown by clear and convincing evidence that waiving the experience requirement would be adequately compensated in another manner such that the public health, safety, and welfare would be adequately protected by means other than application of the rule.

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of subrule 481—2003.1(2) is hereby **DENIED**.

Issued September 23, 2026

A handwritten signature in black ink, appearing to read 'Dakotah Reed', is written over a horizontal line.

Dakotah Reed, Chair
Iowa Real Estate Commission