

## BEFORE THE IOWA REAL ESTATE COMMISSION

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| In the Matter of the Petition for Waiver by:<br><br><b>Koby Pritchard</b><br><br>Petitioner. | <b>ORDER APPROVING PETITION FOR<br/>WAIVER</b> |
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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 Koby Pritchard (“Petitioner”).

### FACTS AND COURSE OF PROCEEDINGS

1. Petitioner was originally admitted to practice law in Iowa on September 27, 2018. Petitioner’s license is currently active and in good standing.

2. Petitioner seeks an Iowa real estate broker license.

3. Iowa Code section 543B.15(7) requires a real estate broker applicant to complete at least 60 hours of education prior to taking the broker examination in addition to completing 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.

4. Pursuant to 481 Iowa Administrative Code rule 2004.1(7), “[a]s required by Iowa Code section 543B.15(8) and 481—Chapter 2016, the required course of study for the salesperson licensing examination consists of 60 live instruction or online learning hours of real estate principles and practices. To be eligible to take the examination, the 60 live education or online learning hours of real estate principles and practices are completed during the 12 months prior to taking the examination. The applicant will also provide evidence of successful completion of the following courses: 12 hours of Developing Professionalism and Ethical Practices, 12 hours of Buying Practices and 12 hours of Listing Practices. The prelicense education will expire after 12 months.”

5. Pursuant to 481 Iowa Administrative Code rule 2016.2(1)(b), “an applicant applying for an original salesperson license also provides evidence of the following live instruction courses: 12 hours of Developing Professionalism and Ethical Practices, 12 hours of Buying Practices and 12 hours of Listing Practices. All the necessary education is completed during the 12 months prior to the date the application is postmarked or received.”

6. Iowa Code section 543B.15(8) requires a real estate salesperson applicant to complete at least 30 hours of education prior to taking the salesperson examination. 481 Iowa

Administrative Code rules 2004.1(7) and 2016.2 require an applicant to complete 96 hours of education before becoming licensed as a real estate salesperson.

7. 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).

8. 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 his 10+ years of experience dealing with real estate law, handling commercial transactions for Fareway, and personal work in the commercial and residential fields is substantially equal to that of the experience a licensed real estate salesperson would ordinarily receive. Additionally, Petitioner has successfully completed 60 hours of preclicensing salesperson education.

9. On September 30, 2026, Petitioner filed a Petition for Waiver with the Board, seeking a waiver from 36-hours of pre-licensing education requirements under 481 Iowa Administrative Code rules 2004.1(7) and 2016.2; and seeking to use his professional and personal experience to qualify as substantially equal to that of 24 months of active real estate salesperson experience.

### **SUMMARY OF LAW**

10. Pursuant to Iowa Code section 17A.9A(2) (*see also* 7 Iowa Administrative Code chapter 2504), 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. Application of the rule to the petitioner would impose an undue hardship on the person or class of persons for whom the waiver is requested;
- b. Waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- c. Provisions of a rule subject to a 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.

11. “The petitioner bears the burden of persuasion to show by clear and convincing evidence all the factors provided in Iowa Code section 17A.9A(2).” 7 Iowa Administrative Code rule 2504.1(2).

**PETITIONER HAS MET THE CRITERIA TO WAIVE RULES 481-2003.1(2), 2004.1(7), and 2016.2.”**

12. Upon review of the Petition, the Commission finds that Petitioner has satisfied each of the four criteria for waiver of the 36-hour pre-licensing requirements in rules 481-2003.1(2), 2004.1(7), and 2016.2, and finds that Petitioner's experience in the real estate industry is substantially equal to that of a licensed real estate salesperson during a period of 24 months.

13. First, Petitioner has maintained an active law license and received affiliated education and experience over the past 10+ years in the State of Iowa. Petitioner would have to take courses covering topics that he has already studied and/or gained sufficient experience in if a waiver were not granted. He would also have to spend 2 years getting experience as a licensed real estate salesperson that he already has substantially equal experience in. The Commission finds this constitutes an undue hardship.

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

15. Third, 30 hours of pre-licensing salesperson education are required by Iowa Code section 543B.15(8) and as such the Commission does not have authority to waive this portion of the requirement. The additional 66 hours of pre-licensing salesperson education are not mandated by statute or another non-waivable provision of law. Additionally, 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

16. Finally, the Commission finds the education requirements to be imperative in the protection of the public. Petitioner has previously worked in the legal field and real estate industry for over ten years, culminating in education and experience that covers the content covered in the prelicensure courses. Furthermore, Petitioner has completed 60 hours of prelicensure salesperson courses, which further assures that he has gained the proper education. Petitioner has shown by clear and convincing evidence that waiving a portion of the education requirements and substituting the 24 months of active salesperson experience 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 subrules 481-2003.1(2), 2004.1(7), and 2016.2 is hereby **GRANTED**. Petitioner is waived from being required to complete the three separate 12-hour courses (36 hours total) of real estate principles and practices, and his experience is substituted for the 24 months of active real estate salesperson experience. This waiver is temporary and valid only for the next 6 months beginning from the date of issuance. If Petitioner needs additional time, he may submit a new waiver after the 6 months have elapsed.

Issued October 28, 2026

A handwritten signature in black ink, appearing to read "D. Reed", positioned above a horizontal line.

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Dakotah Reed, Chair  
Iowa Real Estate Commission