

FILED January 2, 2014 (Date)

IRBC
Board / Commission

[Redacted Signature]
Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA

IN RE:)
)
Charles S. Cipale) CASE NUMBER: 13-243
Salesperson (S58026000)) CONSENT AGREEMENT
EXPIRED)
)
306 E Bell)
Des Moines, IA 50315)
)
Applicant.)

The Iowa Real Estate Commission (Commission) and **Charles S. Cipale** (Applicant) enter into this Consent Agreement (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4), and 543.B.19 (2013).

1. The parties acknowledge the following:

- (A) On or about November 14, 2006, the Applicant was originally licensed as a salesperson with the Commission.
- (B) The Applicant's salesperson license (S58026000) was in full force and effect until it expired on December 31, 2011.
- (C) The Applicant submitted an Application For Reinstatement Of An Individual License to the Commission on or about October 2, 2013
- (D) A search of Iowa Courts Online established that the Applicant failed to accurately and/or completely disclose his criminal history as requested by question 10a on the license reinstatement application form.
- (E) The Applicant does not contest that he failed to accurately disclose his criminal history as requested by question 10a on the license reinstatement application form.

- (F) The Applicant also failed to accurately and/or completely disclose his criminal history on his application for a new Iowa Real Estate Salesperson license. See In the matter of Charles S. Cipale, IREC Case No. 06-079. The Commission issued the Applicant Iowa Real Estate Salesperson License Number S58026000 on November 14, 2006 after the Applicant and the Commission entered into a Consent Agreement through which the Applicant agreed to correct his incomplete criminal history and pay a \$500.00 civil penalty.
- (G) A person who makes a false statement of material fact on an application for an Iowa real estate license may be denied a license by the Commission solely on the grounds of the false statement. See Iowa Code § 543B.15(5) (2013).
- (H) Truthful and complete disclosure of one's criminal history is essential to the Commission's determination of whether an applicant meets all requirements for obtaining an Iowa real estate salesperson license. See Iowa Code § 543.15(3) (2013). The Applicant's failure to accurately and completely disclose his criminal history constitutes a false statement of material fact upon which the Commission may deny his license reinstatement application.
- (I) The Applicant's criminal history as of the date of his license reinstatement application would not have otherwise disqualified the Applicant from reinstating his Iowa real estate salesperson license had he accurately disclosed that history as requested question 10a on the license reinstatement application form.

2. In recognition of the material false statements submitted to the Commission as detailed above in subparagraphs 1-D and 1-F, the Applicant voluntarily agrees that as a condition for receiving a reinstated Iowa real estate salesperson license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of one thousand dollars (\$1,000.00) within thirty (30) days of the Commission's approval of this Agreement. Failure to timely submit the agreed upon civil penalty shall result in the denial of the Applicant's license reinstatement application. Furthermore, the Applicant shall submit an amended Application For Reinstatement Of An Individual License to the Commission that correctly states his criminal history. Said Application and disclosures referencing question 10a are to be duly signed and acknowledged by the employing broker.

3. Provided that the Applicant can demonstrate he meets all other licensing requirements, including payment of the applicable licensing and reinstatement fees, the Applicant shall be issued an Iowa real estate salesperson license upon his submission of a corrected license reinstatement application and the Commission's timely receipt of the civil monetary penalty as required by paragraph 2 of this Agreement. Should the Applicant otherwise fail to demonstrate his eligibility to hold a real estate salesperson license, the civil monetary penalty remitted by the Applicant to the Commission shall be returned.

4. By entering into this Agreement, the Applicant acknowledges and voluntarily waives his right to adjudicate the merits of his pending application for a reinstated real estate salesperson license through the commencement of a contested case proceeding before the Commission, and all rights attendant to a contested case proceeding including the right to seek judicial review of the Commission's actions.

5. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

6. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

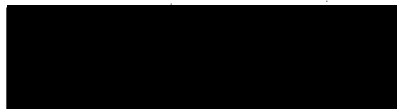
7. This Agreement shall be public record. The Applicant further agrees to fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

WHEREFORE, the terms of this Consent Agreement are agreed to and accepted by the Iowa Real Estate Commission and the Applicant.



CHARLES S. CIPALE
Applicant

December 4th, 2013
Date



SUSAN J. SANDERS, Chair
Iowa Real Estate Commission

January 2, 2014
Date