

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 08-225
Michael J. Dagnon)	
Broker (B39412))	
INACTIVE)	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
RR1)	SETTLEMENT AGREEMENT,
Desoto, Wisconsin 54624)	AND CONSENT ORDER IN A
)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Michael J. Dagnon** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2005).

1. The Commission issued the Respondent real estate broker officer license number B39412 on March 4, 1999. Respondent's license is current and in full force and effect through December 31, 2010. At all times relevant to this matter, the Respondent was a licensed real estate broker officer, assigned to Rush Creek Realty, a licensed real estate firm, license number F04057 located in Desoto, Wisconsin.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2005). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with failing to maintain all required records concerning the continuing education he certified as completed for renewal of his Iowa real estate broker license in violation of Iowa Code sections 272C.2(1) & (2), 543B.29(1) & (8) and 543B.34(10), and 193E Iowa Administrative Code sections 16.5(1) and 18.14 (5)(s).

CIRCUMSTANCES

4. In June of 2006, the Commission sent the Respondent a random audit requesting verification of his continuing education hours for the 2007 license renewal period.

5. The Respondent did not comply with the Commission's request for verification of his continuing education hours. Rather, the Respondent in his reply to the Commission's audit request acknowledged that he could not produce verification of all of his course completions due to misplaced records.

SETTLEMENT AGREEMENT

6. Respondent admits each and every allegation in the above-stated Statement of Charges.

7. Respondent acknowledges that she has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives her right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

8. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

9. This Order shall be part of the permanent record of Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

10. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2005) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

11. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

12. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for

Michael J. Dagnon

inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2005).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

14. CIVIL PENALTY. The Respondent shall pay to the Commission a civil penalty in the amount of \$500.00 as a condition precedent to:

(a) The Respondent's reactivation of his inactive Iowa real estate broker license.

(b) The Respondent's reinstatement of his Iowa real estate broker license in the event of its expiration.

The Commission shall not reactivate or reinstate the Respondent's real estate broker license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of his real estate broker license.

15. EDUCATION. The Respondent shall provide verification of the deficient 16 hours of continuing education as well as any further continuing education requirements prior to reactivation of his broker officer license.

16. FUTURE COMPLIANCE. The 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 the Respondent.

Michael J. Dagnon

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Michael J. Dagnon** on this 29th day of January, 2009.



Michael J. Dagnon, Respondent

State of Wisc.)

County of Crawford)

Signed and sworn to before me on this 29th day of January, 2009, by



Notary Public, State of Wisconsin
Printed Name: Randy J. Robertson
My Commission Expires: 2/5/12

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 12 day of February, 2009.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission