

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

IN RE:)	
)	CASE NUMBER: 10-361
Michael C. Von Hollen)	
Broker (B36778))	
)	COMBINED STATEMENT OF
)	CHARGES, INFORMAL
Von Matt Partners Corporation)	SETTLEMENT AGREEMENT,
3435 Asbury Road)	AND CONSENT ORDER IN A
Dubuque, Iowa 52002)	DISCIPLINARY CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and **Michael C. Von Hollen** (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) (2009).

1. The Commission issued the Respondent's real estate broker license number B36778 on January 7, 2000. Respondent's license is in full force and effect until December 31, 2011. At all times relevant to this matter, the Respondent was a licensed real estate broker officer assigned to Von Matt Partners Corporation, a licensed real estate firm, license number Fo4684, located in Dubuque, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2009). 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. The Respondent is charged with engaging in a practice harmful or detrimental to the public, in violation of Iowa Code sections 543B.29(1)(c), 543B.46, 543B.56(1)(b) (2009) and 193E Iowa Admin. Code sections 13.1(7), 13.1(8) and 18.14(5)(e) by releasing earnest funds prior to closing without the informed written consent of all parties to the transaction.

CIRCUMSTANCES

4. On or about October 27, 2009, a purchase agreement was initiated for the property listed with Prudential Partners Realty located at 2891 North Ridge, Dubuque, Iowa. The Sellers accepted the offer on October 30, 2009. Included with the purchase agreement was an earnest funds check in the amount of \$2,000.

5. On November 3, 2009, the Buyers had an inspection conducted. The Inspection Report revealed problems with the property that the buyers felt could not be remedied through routine maintenance or normal servicing.

6. When Sellers refused to agree to Buyers demands for repairs to the property, the Buyers terminated their contract and requested the return of their earnest funds. Check number 8655 in the amount of \$2,000 was issued by Prudential Partners Realty on November 12, 2009. Said check was issued without the informed written consent of the Sellers.

SETTLEMENT AGREEMENT

7. Respondent acknowledges that he 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 his 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) (2009) 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 inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2009).

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 a civil penalty to the Commission in the amount of \$500 no later than 30 calendar days after acceptance of this Order by the Commission. The civil penalty must come under a cover letter addressed to the Commission's Executive Officer and refer to case 10-361.

15. **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.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Michael C. Von Hollen** on this 22 day of November, 2010. 

By: **Michael C. Von Hollen**, Respondent

State of Iowa)


County of Dubuque

Signed and sworn to before me on this 22nd day of November, 2010, by

ANGIE M. WELBES
Iowa Notary Seal

Commission Number: 731763


My Commission Expires: 12/1/2010


Notary Public, State of Iowa

Printed Name: Angie M. Welbes

My Commission Expires: 12-1-10

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 9 day of DECEMBER, 2010. 

LAURIE DAWLEY, Chair
Iowa Real Estate Commission