

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

IN THE MATTER OF:)	
)	Case No. 11-351
Craig R. Kohl)	
Broker (B12093))	
)	INFORMAL SETTLEMENT
)	AGREEMENT AND CONSENT
100-1 st Avenue NE, Apt. 2204)	ORDER IN A DISCIPLINARY
Cedar Rapids, Iowa 52401)	CASE
Respondent.)	

The Iowa Real Estate Commission (Commission) and Craig R. Kohl (Respondent) enter into this Informal Settlement Agreement and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2011).

1. The Commission issued the Respondent real estate broker license number B12093 on January 1, 1982. The Respondent's license is presently suspended pursuant to Iowa Code section 543B.29(1). At all times relevant to this matter, the Respondent was a licensed real estate broker sole proprietor located in Cedar Rapids, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2011). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

SETTLEMENT AGREEMENT

3. On January 24, 2012, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent admits the allegations recited in the attached Statement of Charges. The Respondent further admits that judgment entered against the Respondent in the United States District Court for the Southern District of Iowa in criminal case number 4:09-CR-00006-001 constitutes grounds to discipline the Respondent's real estate broker license. See Iowa Code § 543B.29(1)(2011).

4. The Respondent acknowledges that he has a right to 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 a hearing and all attendant rights, including the statutory requirement that the Commission hold a hearing within 30 days of the reporting of his criminal conviction, and 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.

5. 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.

6. 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.

7. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1), 543B.34(2) and 272C.3(2)(a) (2011) 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.

8. 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.

9. Upon acceptance by both the Commission and Respondent, this 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 (2011).

CONSENT ORDER

REC'D

12 JAN 27 AM 11:37

BRIAN D. GARDNER
SHERIFF
IOWA COUNTY, IOWA

IT IS THEREFORE ORDERED:

10. SUSPENSION. The Respondent's real estate broker license shall be suspended for a period of sixty (60) consecutive days. The effective date of the license suspension shall be the date this Order is accepted by the Commission. The license suspension imposed by this Order shall be in addition to the period or term of license suspension previously served by the Respondent pursuant to Iowa Code section 543B.29(1)(f) while awaiting final resolution of this matter.

11. CIVIL PENALTY. The Respondent shall pay a civil penalty to the Commission in the amount of \$2,500 no later than 180 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 11-351.

12. 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 **Craig R. Kohl** on this 1ST day of FEBRUARY, 2012.


By: **CRAIG R. KOHL**, Respondent

State of Iowa)

County of Linn)

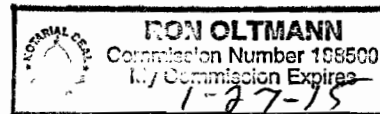
Signed and sworn to before me on this 1st day of February,
2012, by



Notary Public, State of Iowa

Printed Name: Ron Oltmann

My Commission Expires: 1-27-15



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE**
COMMISSION on this 23 day of February, 2012.



Laurie Dawley
LAURIE DAWLEY, Chair
Iowa Real Estate Commission

BEFORE THE IOWA REAL ESTATE COMMISSION
1920 SE HULSIZER
ANKENY, IOWA

12 JAN 27 AM 11:37

IN RE:

Craig R. Kohl
Broker (B12093)
Suspended

100-1st Avenue NE, Apt. 2204
Cedar Rapids, Iowa 52401

) BRIAN D. GARDNER
) SHERIFF
) LINN CASE NUMBER: 11-351

) NOTICE OF HEARING AND
) STATEMENT OF CHARGES
) IN A DISCIPLINARY CASE
)
)
)

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2011). Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

The Commission issued the Respondent real estate broker license number B12093 on January 1, 1982. Respondent's license was suspended on December 28, 2011 pursuant to Iowa Code section 543B.29(1)(f)(2011) and expires on December 31, 2014. At all times relevant to this matter, the Respondent was a broker sole proprietor located in Cedar Rapids Iowa.

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on **February 23, 2012 at 9:30 AM**, at 1920 S.E. Hulsizer Road, Ankeny, Iowa.

2. **ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.

3. **ANSWER.** 193 Iowa Administrative Code 7.9 requires that you file an answer to the charges.

4. **PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the **February 16, 2012 at 10:00 AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Commission office of the telephone number at which you or your counsel can be reached. Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

5. **PRESIDING OFFICER.** The full Commission shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

12 JAN 27 AM 11:39
SHERIFF
LINN COUNTY, IOWA

6. **HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. **Iowa Code section 543B.29(1)(f)(2011) requires that hearing on this Statement of Charges occur within 30 days of the suspension date of the Respondent's real estate broker license. Therefore, no continuances of this hearing will be granted by the Commission absent extraordinary circumstances.** The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

8. **PROSECUTION.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Commission, with copies mailed to:

John R. Lundquist
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Phone: 515-281-3658
Fax: 515-281-7551

9. **RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Commission shall be also be provided to Respondent's counsel of record:

NONE

10. **SETTLEMENT.** The procedural rules governing the Commission's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General John R. Lundquist.

11. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Commission members may only receive information about the case when all parties have notice

and an opportunity to participate, such as at the hearing or in pleadings you file with the Commission office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General John R. Lundquist at 515-281-3658, or the Commission's Executive Officer at 515-281-7397, or Fax 515-281-7411.

STATEMENT OF CHARGES

COUNT I

12. The Respondent is charged with having been convicted of a felony criminal offense in violation of Iowa Code section 543B.29(1)(2011). See also Iowa Code § 272C.10(5) (2011); Iowa Code § 543B.15(3)(2011); 193E Iowa Admin. Code §§ 18.2(1) & (4).

COUNT II

13. The Respondent is charged with failing to notify the Commission within ten days upon entry of a conviction for a felony criminal offense in violation of Iowa Code section 543B.15(6)(2009).

CIRCUMSTANCES

13. On or about December 18, 2009, Respondent pleaded guilty in Criminal Case Number 4:09-CR-00006-001 in the United States District Court for the Southern District of Iowa to violating Title 16, United States Code, section 703 (Migratory Bird Treaty Act) and Title 16, United States Code, section 668 (Bald and Golden Eagle Act). The Court entered judgment against the Respondent in Criminal Case Number 4:09-CR-00006-001 on or about December 18, 2009.

14. Violation of the Migratory Bird Treaty Act in violation of Title 16, United States Code, section 703 is a felony offense under the laws of the United States. See 16 U.S.C. § 707(b).

15. Violation of the Migratory Bird Treaty Act in violation of Title 16, United States Code, section 703 constitutes a felony criminal offense as contemplated by Iowa Code section 543B.15(3)(2011).

16. The Respondent failed to notify the Commission within 10 days of the entry of the conviction.

This Notice of Hearing and Statement of Charges is filed and issued on the on the 25th day of January 2012.



DAVID BATTS, Executive Officer
Iowa Real Estate Commission

Copies to:

AAG John R. Lundquist

Respondent

Department of Inspections and Appeals, assigned Administrative Law Judge