

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

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<b>IN RE:</b>	)	<b>CASE NUMBER: 09-135</b>
	)	
<b>Eugene Fisher</b>	)	
<b>Broker (B23076)</b>	)	
	)	<b>COMBINED STATEMENT OF</b>
<b>Keystone Property Management Co.</b>	)	<b>CHARGES, INFORMAL</b>
<b>533 Southgate Ave.</b>	)	<b>SETTLEMENT AGREEMENT</b>
<b>Iowa City, IA 52240</b>	)	<b>AND CONSENT ORDER IN A</b>
	)	<b>DISCIPLINARY CASE</b>
<b>Respondent.</b>	)	

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The Iowa Real Estate Commission (Commission) and **Eugene Fisher** (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 real estate broker license number B23076 on October 8, 1985. Respondent's license is current and in full force and effect through December 31, 2011.

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 having been convicted of a crime involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty in violation of Iowa Code sections 543B.15(3)(a), 543B.29(1)(e), 543B.34(11), and/or 272C.10(5) (2009). See 193E Iowa Admin. Code §§ 18.2(1) & (4).

CIRCUMSTANCES

4. On or about June 5, 2009, the Respondent plead guilty in the Iowa District Court of Johnson County to one count of theft in the 4th degree in violation of Iowa Code section 714.2(4), a serious misdemeanor. See State of Iowa v. Eugene Fisher, Johnson County No. FECR083793. Respondent received a deferred judgment and was ordered to serve one year of self-supervised probation. The Respondent was further ordered to pay a civil penalty in the amount of \$315 and victim restitution.

5. The Respondent reported the deferred judgment entered in Johnson County No. FECR083793 to the Commission in a timely manner. Until discharged by the sentencing court, the deferred judgment entered against the Respondent in Johnson County No. FECR083793 is grounds to disqualify the Respondent from holding a real estate broker license in the State of Iowa. See Iowa Code § 543B.15(3)(c), 543B.29(1)(e), 543B.34(11).

### **SETTLEMENT AGREEMENT**

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

7. 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 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 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. INDEFINITE SUSPENSION. The Respondent's real estate broker officer license shall be suspended indefinitely, but for a period of no less than 60 days. The effective date of the license suspension shall be the date this Order is accepted by the Commission. The Respondent shall return broker license number B23076 and the individual license of any salesperson or broker associate assigned to the Respondent to the Commission immediately upon notification that this Order has been accepted by the Commission.

15. LICENSEE REINSTATEMENT. The Respondent shall be eligible to seek reinstatement of his real estate broker license 60 days after the date this Order is accepted by the Commission. Provided that a minimum of 60 days have elapsed from the date the Commission accepted this Order, the Respondent's real estate broker license shall be immediately reinstated to full force and effect upon the Respondent's presentation to the Commission of a certified copy of the order discharging the deferred judgment entered in Johnson County No. FECR083793.

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 Eugene Fisher on this 12 day of January, 2010.

  
EUGENE FISHER, Respondent

State of Iowa  
County of Johnson

Signed and sworn to before me on this 12 day of January, 2010, by



  
Notary Public, State of Iowa  
Printed Name: Danielle Donohoe  
My Commission Expires: 2-7-12

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 21 day of January, 2010.

  
LAURIE DAWLEY, Chair  
Iowa Real Estate Commission