

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

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INRE:	)	
	)	CASE NUMBER: 08-054
Bruce V. Michelson	)	
Broker (B37479)	)	
	)	COMBINED STATEMENT OF
RESPONDENT	)	CHARGES, INFORMAL
	)	SETTLEMENT AGREEMENT,
INACTIVE.	)	AND CONSENT ORDER IN A
56 Fair Oaks Drive	)	DISCIPLINARY CASE
St. Louis, Mo. 63124	)	

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The Iowa Real Estate Commission (Commission) and Bruce V. Michelson (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) (2007).

1. The Commission issued the Respondent a real estate broker license number B37479 on November 25, 1996. Respondent's license is Inactive but current until December 31, 2010. At all times relevant to this matter, the Respondent was a licensed broker officer assigned to Michelson Realty Co, a licensed firm, license number F03807, located in St. Louis, Missouri.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2007). 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 making a false statement of material fact on an application for a real estate broker license, in violation of Iowa Code sections 272C.10(1); 543B.15(5); 543B.29(1) & (3), 543B.34(1) & (11) (2007); and 193£ Iowa Administrative Code section 16.5(4).

CIRCUMSTANCES

4. On December 24, 2007, the Respondent submitted an application to the Commission for his Iowa real estate broker renewal license. On the Application, Step 1 question c, the Respondent answered by stating he has not had any disciplinary action taken against him by any state board or similar licensing agency since his last license renewal.

5. On August 2, 2007, Complaint Case No. 07-110, the Commission entered into an Informal Settlement Agreement with the Respondent for his failure to maintain mandatory errors and omissions insurance coverage.

6. Truthful and complete disclosure of one's criminal and licensing history is essential to the Commission's determination of whether an applicant meets all requirements for renewing an Iowa real estate broker license. See Iowa Code § 543.15 (2007). The Respondent's failure to accurately disclose his previous licensing discipline on his real estate broker license application constituted a false statement of material fact.

#### SETTLEMENT AGREEMENT

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

8. 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.

9. 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.

10. 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.

11. 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) (2007) 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.

12. 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.

13. 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 (2007).

CONSENT ORDER

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

15. 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 her real estate salesperson license.

WHEREFORE, the terms of this Combined Statement of Charges, Informal Settlement Agreement is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

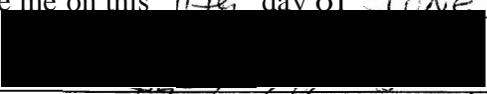
 Voluntarily agreed to and accepted by Bruce V. Michelson on this 11th day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
BRUCE V. MICHELSON, Respondent

State of Missouri )

County of St. Louis )

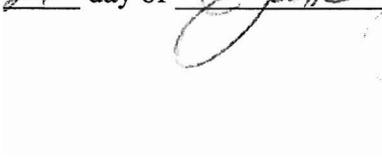
Signed and sworn to before me on this 11th day of NOV, 2008, by

  
\_\_\_\_\_  
Notary Public, State of ~~Iowa~~ Missouri  
Printed Name: Susan A. Moose  
My Commission Expires:

NOTARY SEAL  
Susan A. Moose, Notary Public  
St. Louis City, State of Missouri  
My Commission Expires 12/21/2009  
Commission Number 05439019

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on  
this 26 day of June, 2008.

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