

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

IN RE:)	
)	CASE NUMBER: 05-101
Michael William Tipton)	
a/k/a Michael Edward Kowal)	
Salesperson (S45340))	
)	STIPULATION AND
RESPONDENT)	VOLUNTARY SURRENDER
)	OF BROKER LICENSE

The Iowa Real Estate Commission (Commission) and **Michael Edward Kowal a/k/a Michael William Tipton** (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 a real estate salesperson license number S45340 under the name **Michael William Tipton** on September 20, 2004. Respondent's license is currently expired and lapsed on January 31, 2007.

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. The Respondent is charged with engaging in practices harmful or detrimental to the public in that he made fraudulent representations in obtaining a real estate salesperson license in violation of Iowa Code sections 543B.15(5), 543B.29(1) & (3), 543B.34(1), (8), & (11), and 193 Iowa Administrative Code section 18.14(5)(s).

CIRCUMSTANCES

4. On or about September 24, 2004, the Respondent submitted an "Application for Individual License" to the Commission in the name of Michael William Tipton. A real estate salesperson license was then issued to the Respondent in the name of Michael William Tipton.

5. The Application contained a Social Security number obtained by Respondent through the use of false information in violation of 42 U.S.C. Section 408(a)(7)(A). Respondent has pled guilty in the United States District Court for the Northern District of Iowa to a violation of Section 408(a)(7)(A) relating to the Application.

6. Respondent made substantial misrepresentations, provided false information, and filed a fraudulent Application to obtain a real estate salesperson license.

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

CONSENT ORDER

13. **IT IS THEREFORE ORDERED:** Respondent's reciprocal Iowa Real Estate Salesperson License (S45340) is **REVOKED** for an indefinite time and not less than two years.

14. **RESPONDENT ACKNOWLEDGES** that the effective date of revocation shall be the date this Stipulation is accepted by the Commission.

15. **RESPONDENT FURTHER ACKNOWLEDGES** that Iowa law allows the Respondent to reapply for an Iowa Real Estate License if the surrender or revocation took place two (2) years (or longer) prior to reapplication, **AND** that the Respondent must qualify as a salesperson starting over as if never licensed, **AND** that reapplication may or may not be granted by the Iowa Real Estate Commission and that the violation of law herein may provide a basis for denial.

WHEREFORE, the terms of this Stipulation and Voluntary Surrender of License is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Michael Edward Kowal a/k/a Michael William Tipton** on this 15th day of MAY, 2007.



MICHAEL EDWARD KOWAL Respondent

State of IOWA)

County of LINN)

Signed and sworn to before me on this 15 day of MAY, 2007, by



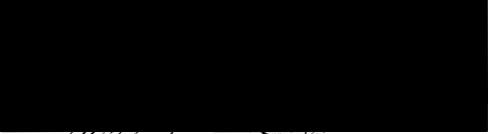
Notary Public, State of Iowa

Printed Name: PER WILSON

My Commission Expires: 6.28.08

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 28th day of JUNE, 2007.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission