

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

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<b>IN THE MATTER OF:</b>	)	<b>Case No. 10-009</b>
	)	
Calvin D. Cleveringa	)	
266-12 <sup>th</sup> Street SE	)	
Sioux Center, Iowa 51250	)	<b>STIPULATION AND</b>
	)	<b>VOLUNTARY SURRENDER</b>
<b>Respondent.</b>	)	<b>BROKER LICENSE</b>
	)	

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The Iowa Real Estate Commission (Commission) and Calvin D. Cleveringa (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) (2011).

1. The Commission issued the Respondent a real estate broker license number B19346 on October 5, 1983. Respondent's license is suspended but valid through December 31, 2012.

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 March 1, 2010, the Commission issued an Amended 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, without admission of wrongdoing or guilt, does not contest the allegations recited in the attached Statement of Charges.

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 right to seek judicial review. This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

5. The 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. 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. This Order shall be part of the permanent record of the 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(3), 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

#### **IT IS THEREFORE ORDERED**

10. VOLUNTARY SURRENDER: The Respondent voluntarily agrees to surrender his Iowa real estate broker license (Number B19346) to the Iowa Real Estate Commission. Pursuant to 193E Iowa Administrative Code section 18.15(2), the duration of the Respondent's real estate broker license surrender shall be for an indefinite period of time, but shall not be less than two years. The effective date of the license surrender shall be the date this Order is accepted by the Commission. The Respondent shall return broker license number B19346 to the Commission immediately upon notification that this Order has been accepted by the Commission.

11. SALESPERSON LICENSE: In consideration of the fact that the Respondent has fulfilled his federal criminal sentence and has been released from further court supervision, and that his real estate broker license has been under continuous suspension since January 12, 2010, the Iowa Real Estate Commission agrees to downgrade the Respondent's real estate broker license upon its surrender to a real estate salesperson license. Following the return of his real estate broker license to the Commission, the Respondent shall be eligible to activate his license

In re: Calvin D. Cleveringa, IREC No. 10-009  
Stipulation  
Page 3 of 4

as a real estate salesperson pursuant to Iowa Code section 543B.33 immediately upon his employment by a qualifying Iowa real estate broker.

**12. BROKER LICENSEE REAPPLICATION:** Reinstatement of the Respondent's Iowa real estate broker license shall be governed by 193 Iowa Administrative Code section 18.5. The Respondent acknowledges that Iowa law allows the Respondent to reapply for an Iowa real estate broker license if the surrender or revocation took place two (2) years (or longer) prior to reapplication, AND that the Respondent must qualify as if he had never previously been licensed as a real estate broker in the state of Iowa, AND that reapplication may or may not be granted by the Iowa Real Estate Commission.

**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:**

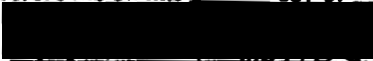
Voluntarily agreed to and accepted by Calvin D. Cleveringa on this 23<sup>rd</sup> day of May, 2011.

  
By: CALVIN D. CLEVERINGA, Respondent

State of Iowa )

County of Sioux )

Signed and sworn to before me on this 23<sup>rd</sup> day of May, 2011, by

  
Notary Public, State of Iowa  
LADONA M. FOPMA  
Commission Number 725013  
MY COMMISSION EXPIRES 10-14-12  
Printed Name: Ladona M. Fopma  
My Commission Expires: 10-14-12

In re: Calvin D. Cleveringa, IREC No. 10-009  
Stipulation  
Page 4 of 4

**FOR THE COMMISSION:**

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on  
this 26 day of May, 2011

  
LAURIE DAWLEY, Chair  
Iowa Real Estate Commission

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

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<b>IN THE MATTER OF:</b>	)	<b>Case No. 10-009</b>
	)	
Calvin D. Cleveringa	)	
266-12 <sup>th</sup> Street SE	)	
Sioux Center, Iowa 51250	)	<b>AMENDED</b>
	)	<b>NOTICE OF HEARING AND</b>
<b>Respondent.</b>	)	<b>STATEMENT OF CHARGES</b>
	)	

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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 (2009). 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 associate license number B19346 on October 5, 1983. Respondent’s license is suspended but valid through December 31, 2012. At all times relevant to this matter, the Respondent was a licensed broker associate assigned to Team Realty Services, a license real estate firm, license number F03552 located in Sioux Center, Iowa.

1. **Hearing.** A contested case hearing on your federal felony conviction pursuant to Iowa Code section 543B.15(6) will be held before the Iowa Real Estate Commission on the **25<sup>th</sup>** day of **March, 2010** at 1:30 o’clock 9.m. at 1920 SE Hulsizer Road, Ankeny, Iowa.
2. **Acknowledgement.** Then 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. **Prehearing Conference.** A prehearing conference will be held by telephone on the **19<sup>th</sup>** day of **March, 2010**, at 10:30 o’clock, a. m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (“ALJ”). You are responsible for notifying the Commission’s 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.
4. **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 Commission at hearing, as described in 193 Iowa Administrative Code 7.10(4).

5. **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. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. License denial hearings are contested cases that are open to the public.

6. **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.

7. **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  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Phone: 515-281-3658  
Fax: 515-281-7551

8. **Respondent's Counsel.** Copies of all pleadings filed with the Commission shall be provided to:

Jill A. Finken  
Heidman Law Firm  
1128 Historic 4<sup>th</sup> Street, P.O. Box 3086  
Sioux City, Iowa 51102  
Phone: 712- 255-8838  
Fax: 712-258-6714

9. **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 Lundquist.

10. **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 Lundquist, or David Batts, the Commission's Executive Officer, at 515-281-3658.

**STATEMENT OF CHARGES**

Count I

11. The Respondent is charged with having been convicted of a felony criminal offense and/or a criminal offense 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).

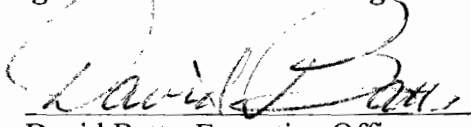
Circumstances

12. On or about November 20, 2008, an indictment was entered against Respondent Calvin D. Cleveringa in Criminal Case Number 5:08-CR-4086 in the United States District Court for the Northern District of Iowa. The indictment charged the Respondent with multiple counts of violating Title 18, United States Code, section 1005.

13. On or about October 9, 2009, the Respondent entered a plea of guilty to Count III of the indictment (making a false entry in the books, reports, and statements of a bank in violation of 18 U.S.C. §1005, third clause), a felony offense.

14. On or about December 30, 2009, the Court entered judgment against the Respondent. The Respondent's real estate broker license was subsequently suspended pending hearing pursuant to Iowa Code section 543B.15(6).

**This Notice of Hearing and Statement of Charges is filed and issued on the 1<sup>st</sup> day of March, 2010.**

  
\_\_\_\_\_  
David Batts, Executive Officer  
Iowa Real Estate Commission

Copies to:

Assistant Attorney: General John Lundquist  
Respondent

Respondent's Attorney: Jill Finken

Department of Inspections and Appeals, assigned Administrative Law Judge