

BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309

FILED

August 6 2015 (Date)

1046
Board / Commission
Signature Executive Officer

IN THE MATTER OF:)
)
Ronald Cunningham)
Broker (B6139000))
INACTIVE)
)
5538 S 448th, PO Box 146)
Rose, OK 74364)
)
RESPONDENT)

CASE NUMBER: 13-207
INFORMAL SETTLEMENT
AGREEMENT AND CONSENT
ORDER IN A DISCIPLINARY CASE

The Iowa Real Estate Commission (Commission) and **Ronald Cunningham** (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) (2015).

1. The Commission issued the Respondent real estate broker license number B61390000 on March 12, 2012. Respondent's license is in full force and effect until December 31, 2017. At all times relevant to this matter, the Respondent was a licensed real estate sole-proprietor broker located in Rose, Oklahoma. The Respondent's license was placed on inactive status on August 7, 2013.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). 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 June 2, 2015, 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 each and every allegation in the above-stated Statement of Charges. This case shall constitute one violation for purposes of Iowa Code section 543B.29(4) (2015).

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.

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(1)(d), 543B.34(1) and 272C.3(2)(a) (2015) 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 Agreement 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 (2015).

CONSENT ORDER

IT IS THEREFORE ORDERED:

10. **CIVIL PENALTY.** The Respondent shall pay to the Commission a civil penalty in the amount of one thousand dollars (\$1,000.00) 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.

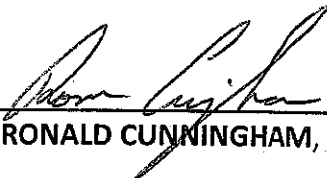
The Commission shall not reactivate or reinstate the Respondent's Iowa real estate broker license before and until it has received payment in full of the required civil penalty from the Respondent. Payment of the civil penalty shall not excuse the Respondent from demonstrating compliance with all other applicable statutory and regulatory requirements or otherwise qualifying for reactivation or reinstatement of his Iowa real estate broker license.

11. 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 Informal Settlement Agreement and Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

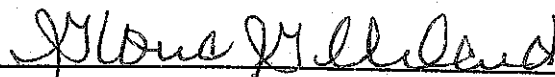
Voluntarily agreed to and accepted by Ronald Cunningham on this 11th day of JUNE, 2015.


By: **RONALD CUNNINGHAM**, Respondent

State of OKLAHOMA)

County of TULSA)

Signed and sworn to before me on this 11 day of June, 2015, by:


Notary Public, State of Iowa
Printed Name: Gloria Gilleland
My Commission Expires: 3-14-18

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 6th day of August, 2015.


TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

3. In May of 2013, the Respondent was sent a random audit by the Commission for compliance with the mandatory errors and omissions insurance requirement.

4. The Respondent failed to maintain uninterrupted errors and omission while he was actively licensed and could therefore not provide proof of insurance coverage to the Commission for the time period of January 1, 2013 to August 7, 2013.

PROCEDURES AND NOTIFICATIONS

5. **ANSWER.** Within 20 days of the date you are served with this Statement of Charges you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

6. **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: 515-281-4209
John.Lundquist@iowa.gov

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

NONE


8. **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.

9. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail, or in person about this 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 515-725-9026, or Fax 515-725-9032.

FINDING OF PROBABLE CAUSE

On August 7, 2014, the Commission found probable cause to file this Statement of Charges.

This Statement of Charges is filed and issued on the 2nd day of June, 2015.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:
Assistant Attorney General, John Lundquist