

FILED August 7, 2019 (Date)

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

I.R.E.C.
Board / Commission
Signature Executive Officer

IN RE:)
) CASE NUMBER: 19-132
Debra F. Aanenson)
306 S. Fairview Drive) CONSENT AGREEMENT AND ORDER
Luverne, MN 56156)
)
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Debra F. Aanenson** (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4) and 543B.19 (2019).

1. The parties acknowledge the following:

- A. On or about June 11, 2019, the Applicant submitted an Application for Individual License (Application) electronically to the Commission for a new Iowa real estate salesperson license. On the Application, the Applicant answered question 2.4 by stating that a professional licensing authority in Iowa or another jurisdiction had taken disciplinary action against her.
- B. In explanation of her response to question 2.4, the Applicant disclosed on the Application that she agreed to an informal Consent Order with the State of Minnesota, Commissioner of Commerce (Minnesota Department of Commerce) on January 30, 2013, agreeing to pay a civil penalty in the amount of \$2,500. A true and accurate copy of said order is attached as EXHIBIT A.
- C. In explanation of her response to question 2.4, the Applicant also disclosed on the Application that she agreed to an informal Consent Cease and Desist Order with the Minnesota Department of Commerce on December 1, 2015, agreeing to pay a civil penalty in the amount of \$8,000, a two (2) month suspension of her broker's license, and revocation of her notary commission. A true and accurate copy of said order is attached as EXHIBIT B.
- D. An applicant for a real estate salesperson's license who has had a professional license of any kind revoked or suspended or who has had any other form of discipline imposed, in this or any other jurisdiction, may be denied a license by the Commission on the ground of the revocation, suspension, or other discipline. See Iowa Code § 543B.15(4).

- E. The Minnesota Department of Commerce certified that as of the date of her Iowa real estate licensure application, the Applicant was actively licensed as a real estate broker in the state of Minnesota and that her Minnesota broker license was in good standing with an expiration date of June 30, 2020.
- F. The Commission, when considering the denial of a license, shall consider the nature of the offense that led to previous license discipline; any documented aggravating or extenuating circumstances; the time lapsed since the revocation or conduct; the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the Commission deems relevant. See Iowa Code § 543B.15(6).

2. Upon review of the factors delineated in Iowa Code section 543B.15(6), the Commission concludes that the Applicant's professional licensing history as detailed above in subparagraphs 1-B and 1-C does not disqualify her for an Iowa real estate broker license. However, because the Applicant's misconduct that led to the disciplinary actions of her Minnesota real estate license directly related to the conduct of the real estate profession and her real estate license, the Commission finds that the imposition of conditions upon any license issued to the Applicant is an appropriate precaution to safeguard the safety and wellbeing of the public.

4. In recognition of the facts that the Applicant had a professional license disciplined as detailed above in subparagraphs 1-B and 1-C, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate broker license, the Applicant shall serve a probationary period throughout the duration her first license term.

5. By entering into this Agreement, the Applicant acknowledges and voluntarily waives her right to adjudicate the merits of her pending Application for a new real estate broker license through the commencement of a contested case proceeding before the Commission, and all rights attendant to a contested case proceeding including the right to seek judicial review of the Commission's actions.

6. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

7. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

8. This Agreement shall be public record.

IT IS THEREFORE ORDERED THAT:

8. Upon the Commission's approval of this Agreement, the Applicant shall be issued an Iowa real estate broker license subject to a probationary period. During the probationary period, the following terms shall apply:


- A. The Applicant shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate in the state of Iowa.
- B. Any violation of law governing the practice of real estate in the state of Iowa committed by the Applicant during the pendency of the probationary period shall be grounds for the immediate revocation and/or denial of the renewal of the Applicant's real estate broker license following notice of the alleged violation and opportunity for hearing before the Commission.

9. The probationary period imposed by this order shall end upon the expiration of the Applicant's initial broker license on December 31, 2021.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Real Estate Commission and the Applicant.


DEBRA F. AANENSON
Applicant

8/7/19
Date

 FOR IREC
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

August 7, 2019
Date

File #: 23985/TK

**STATE OF MINNESOTA
COMMISSIONER OF COMMERCE**

CONSENT ORDER

In the Matter of the
Debra Faye Aanenson
Minnesota Resident Real Estate Broker No.: 40116649

To: Debra Faye Aanenson
904 S. Kniss
Luverne, MN 56156

Commissioner of Commerce Mike Rothman (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has advised Debra Faye Aanenson ("Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2012), and other applicable law, against Respondent based on allegations that Respondent, as a salesperson for Real Estate Retrievers, LLC, made a material misrepresentation in violation of Minn. Stat. § 82.81 Subd. 12 (9) & (10) (2012). Specifically, the Respondent signed an Affidavit of Arm's Length Transaction which, among other statements, affirmed that the buyer will not receive any funds from the sale of the property. The Respondent's real estate broker did pay to the buyer the sum of \$5,488.06 shortly after the closing.

2. Respondent acknowledges that she has been advised of her rights to a hearing in this matter, to present argument to the Commissioner and to appeal from

EXHIBIT A

any adverse determination after a hearing, and Respondent hereby waives those rights. Respondent further acknowledges that she has been represented by legal counsel throughout these proceedings, or has been advised of her right to be represented by legal counsel, which right she hereby waives.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2012) and Minn. R. 1400.5900 (2011).

4. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027 (2012), that Respondent shall pay to the State of Minnesota a civil penalty in the amount of \$2,500.00

This Order shall be effective upon signature on behalf of the Commissioner.

Dated: 1/30/2013

MIKE ROTHMAN
Commissioner

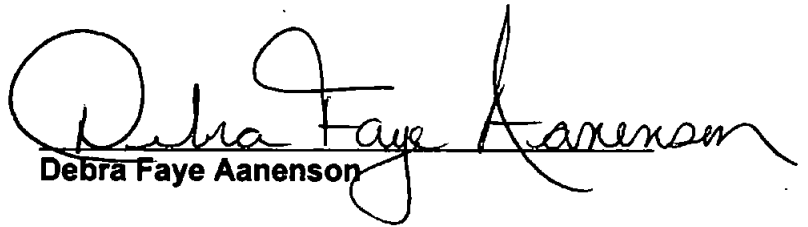
By: 
NANCY J. LEPPINK
Assistant Commissioner-Enforcement

85 7th Place East, Suite 500
St. Paul, MN 55101
Telephone: (651) 296-2488

JAN 19 2013
Rec'd \$ 2500

CONSENT TO ENTRY OF ORDER


The undersigned, Debra Faye Aanenson, states that she has read the foregoing Consent Order; that she knows and fully understands its contents and effect; that she has been advised of her right to a hearing in this matter and waives that right; that she has been represented by legal counsel in this matter, or has been advised of her right to be represented by legal counsel and waives that right; and that she consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

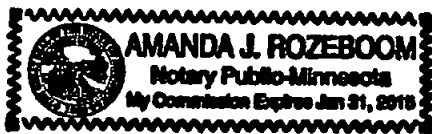

Debra Faye Aanenson

STATE OF Minnesota
COUNTY OF Rock

Signed or attested before me on January 9, 2013 (date)
By Amanda J. Rozeboom.

(stamp)


(Signature of notary officer)
No tary
Title (and Rank)
My Commission expires: 1/31/2015



File #: 36263/TK

State of Minnesota
Dept. of Commerce

NOV 24 2015

Rec'd \$

4000

STATE OF MINNESOTA
COMMISSIONER OF COMMERCE

CONSENT
CEASE AND DESIST
ORDER

In the Matter of
Debra Faye Aanenson
Real Estate Broker license number 40116649
Notary Commission number 31019703

To: Debra Faye Aanenson
904 S. Kniss
Luverne, MN 56156

Commissioner of Commerce Mike Rothman ("Commissioner") has determined as follows:

1. The Commissioner has advised Debra Faye Aanenson ("Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. § 45.027 (2014), and other applicable law, against Respondent's Real Estate Broker license and notary commission based on allegations that Respondent acted in a fraudulent, deceptive, and dishonest manner, in violation of Minn. Stat. § 82.81 subd. 12 (9) (2014). Specifically:

- a. When asked in the South Dakota real estate license application, "If now licensed or previously licensed, has that license ever been disciplined?", Respondent answered "No". Respondent had been the subject of a disciplinary action dated January 30, 2013, in which it was alleged that "Respondent signed an Affidavit of Arm's Length Transaction which, among other statements, affirmed that the

EXHIBIT B

buyer will not receive any funds from the sale of the property. The Respondent's real estate broker did pay to the buyer the sum of \$5,488.06 shortly after the closing." The Respondent agreed to a Consent Order in which she paid a \$2,500 civil penalty.

- b. Furthermore, the Respondent provided an altered document to the South Dakota Real Estate Commission to further the above material misstatement to make it appear as though the Respondent had not been subject to disciplinary action against her Minnesota Real Estate Broker license. The Respondent produced a Minnesota License Certification in which the page numbers were altered so that the last page, which indicated that the Respondent was subject to prior disciplinary action, was withheld. This gave the false impression that the Respondent was not ever subject to a disciplinary action against her Real Estate Broker License. Due to the above discovered violations, the South Dakota Real Estate Commission denied the Respondent's real estate license application.
- c. The Respondent has failed to notify the commissioner of a change in her real estate license application, specifically, the question which asks, in part, "Have you...ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?". The question defines "involved", in part, as "means having a license application denied...". Respondent has thereby violated Minn. Stat. § 82.65 subd. 1 (2014).

2. Respondent acknowledges that she has been advised of her rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and Respondent hereby waives those rights.

Respondent further acknowledges that she has been represented by legal counsel throughout these proceedings, or has been advised of her right to be represented by legal counsel, which right hereby waives.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2014) and Minn. R. 1400.5900 (2013).

4. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027 (2014), that Respondent shall pay to the State of Minnesota a civil penalty in the amount of \$8,000. The Respondent shall pay \$4,000 of the civil penalty immediately and pay the remaining \$4,000 by January 2, 2016. Pursuant to Minn. Stat. § 16D.17 (2014), the Commissioner may file and enforce any civil penalty imposed by this Order as a judgment against Respondent in district court without further notice or additional proceedings. In addition, pursuant to Minn. Stat. § 16D.13 (2014), Respondent is hereby notified that 30 days after the effective date of this Consent Order, simple interest computed in accordance with Minn. Stat. § 16D.13, subd. 2 (2014) will begin to accrue on any civil penalty imposed against Respondent.

FURTHERMORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027 (2014), Respondent's real estate broker license is hereby suspended for the longer of two (2) months from the effective date of this order or until the entire above referenced civil penalty is paid in full. Should the Respondent fail to pay the remaining civil penalty as outlined above, the Respondent's real estate broker license shall remain suspended indefinitely until the entire civil penalty is paid in full.

FURTHERMORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027 (2014), Respondent's notary commission is hereby revoked.

FURTHERMORE, IT IS HEREBY ORDERED, Respondent shall pay investigative costs pursuant to Minn. Stat. § 45.027, subd. 1 (8) (2014).

FURTHERMORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027 (2014), Respondent shall CEASE AND DESIST from violating any laws, rules, or orders related to the duties and responsibilities entrusted to the Commissioner.

This Order shall be effective upon signature on behalf of the Commissioner.

Dated: 12-1-2015.

MIKE ROTHMAN
Commissioner

By:


MARTIN FLEISCHHACKER
Assistant Commissioner
Enforcement Division

85 7th Place East, Suite
St. Paul, MN 55101

CONSENT TO ENTRY OF ORDER

The undersigned, Debra Faye Aanenson ("Respondent"), states that she has read the attached Consent Order; that she knows and fully understands its contents and effect; that she acknowledges she has been advised of her rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and she hereby expressly waives those rights. Respondent further acknowledges that she has been represented by legal counsel throughout these proceedings, or has been advised of her right to be represented by legal counsel, which right she hereby expressly waives; and she consents to entry of this Order by the Commissioner. It is further understood that this Consent Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either express or implied.

Debra Faye Aanenson
Debra Faye Aanenson

STATE OF MN

COUNTY OF ROCK

Signed or attested before me on 11-18-15 (date)

by Debra Faye Aanenson (name(s) of person(s)).

(stamp)

[Signature]
(Signature of notary officer)

Title (and Rank)
My Commission expires: _____

