

FILED December 19, 2014 (Date)
JREC
Board / Commission
[Signature]
Signature Executive Officer

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

IN RE:)
) CASE NUMBER: 19-208
Mario A. Sciorrotta)
Salesperson (S41432000)) COMBINED STATEMENT OF
) CHARGES, INFORMAL
SRE Matrix Iowa, LLC) SETTLEMENT AGREEMENT,
3546 Baxter Circle) AND CONSENT ORDER IN A
Clive, IA 50325) DISCIPLINARY CASE
)
RESPONDENT)

The Iowa Real Estate Commission (Commission) and **Mario A. Sciorrotta** (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) (2019).

1. The Commission issued the Respondent real estate salesperson license number S41432000 on April 25, 2001. Respondent's license is current and in full force and effect through December 31, 2021. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to SRE Matrix Iowa, LLC, a licensed real estate firm, license number F05910000, located in Clive, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2019). 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. Respondent is charged with having been convicted of a criminal offense involving moral turpitude in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code section 543B.29(1)(f). See Iowa Code § 543B.15(3) and 193E Iowa Administrative Code §§ 2.1 (definition of "moral turpitude"), 18.2(1), 18.2(4).

COUNT II

4. Respondent is charged with failing to timely notify the Commission of his conviction of a criminal offense included in Iowa Code section 543B.15(3)(a), in violation of Iowa Code section 543B.29(1)(f)(1).

CIRCUMSTANCES

5. On October 9, 2019, the Respondent pled guilty in the Iowa District Court for Polk County to the serious misdemeanor offense of Assault Causing Bodily Injury in violation of Iowa Code sections 708.2; 708.1(2). *See State of Iowa v. Mario Anthony Sciorrotta*, Polk County No. FECR329735. On that same date, the Court accepted the Respondent's guilty plea and imposed judgment with the following sentencing conditions: a \$315 fine plus court costs, one year period of incarceration suspended except for one day in jail, one year of supervised probation, mental health programming if a recommendation is received after the Respondent is subject to a mental health evaluation, and victim restitution.

6. In accepting the Respondent's plea of guilty to violating Iowa Code section 708.1(2) and entering judgment thereon, the Respondent stands convicted of an indictable offense that constitutes an offense involving moral turpitude as his conduct was, among other things, contrary to justice, honesty, and good morals. *See* Iowa Code §§ 543B. 15(3)(a), 543B.29(1)(f); 193E Iowa Administrative Code § 2.1.

7. The Respondent failed to report the conviction entered against him in Polk County No. FECR329735 to the Commission within ten days of entry as required by Iowa Code § 543B.29(1)(f)(1). The failure of a licensee to timely notify the Commission of a qualifying conviction is sufficient grounds for revocation of that licensee's real estate license. *See Id.*

SETTLEMENT AGREEMENT

8. Respondent admits to 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) (2019).

9. 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.

10. 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.

11. 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.

12. 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) (2019) 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.

13. 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.

14. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, 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 (2019).

CONSENT ORDER

IT IS THEREFORE ORDERED:

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

16. **SUSPENSION**. Respondent's real estate salesperson license shall be suspended for a period of six (6) months. The six (6) month license suspension shall commence upon the date this Order is accepted by the Commission. Upon completion of the suspension period, Respondent's salesperson license shall be reinstated subject to the probationary terms detailed below.

17. **PROBATION**. The Respondent's real estate salesperson license shall be placed on probation commencing upon the Commission's acceptance of this Order and ending on

December 31, 2021. The Respondent's probation shall be subject to the following terms:

- A. The Respondent shall maintain full compliance with all terms and conditions of his court-ordered probation in the matter of *State of Iowa v. Mario Anthony Sciorrotta*, Polk County No. FECR329735. Respondent shall promptly provide all necessary documentation to verify such compliance upon request of the Commission.
- B. The Respondent shall notify the Commission within ten (10) days of the entry of any order either discharging or revoking the term of probation entered against him in the matter of *State of Iowa v. Mario Anthony Sciorrotta*, Polk County No. FECR329735.
- C. In addition to the reporting requirements detailed in Iowa Code § 543B.29(f)(1), the Respondent shall notify the Commission of any conviction for a criminal offense within ten (10) days of the court entering judgment. Should the Respondent fail to timely report the entry of any criminal conviction, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.
- D. Should the Respondent commit any felony or misdemeanor criminal offense or commit any violation of law governing the practice of real estate in the state of Iowa during the pendency of the probationary period, the Commission shall have the right to revoke and/or deny the renewal of the Respondent's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

18. 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 Combined Statement of Charges, Informal Settlement Agreement and Consent Order are agreed to and accepted by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Mario A. Sciorrotta** on this 18 day of December, 2019.


By: **MARIO A. SCIORROTTA**, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 18th day of December, 2019, by:



Bryan Curtis
Notary Public, State of Iowa
Printed Name: Bryan Curtis
My Commission Expires: 2/28/2022

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this 19th day of December, 2019.

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