

FILED December 3, 2020 (Date)
Incl
Board / Commission
M.L.
Signature, Executive Officer

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

IN RE:)	
)	CASE NUMBER: 16-355
Dannie R. Mowen)	
Broker (B55891000))	INFORMAL SETTLEMENT
EXPIRED)	AGREEMENT AND CONSENT
)	ORDER IN A DISCIPLINARY CASE
595 E Maple)	
Roseville, IL 61473-9680)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) **Dannie R. Mowen** (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) (2020).

1. The Commission issued the Respondent real estate broker license number B55891000 on February 3, 2005. Respondent’s license was in full force and effect until December 31, 2017. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of IPP Associates, LLC, a licensed real estate firm, license number F05615000, located in Monmouth, Illinois. On March 16, 2016 the Respondent’s license was placed on inactive status. The Respondent’s real estate broker license expired on December 31, 2017. The Respondent has the right to reinstate his broker license for a period of three years following the date of expiration. See 193E Iowa Administrative Code § 3.6.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2016). 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 October 26, 2020, 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 A. 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) (2020).

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) (2020) 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 (2020).

CONSENT ORDER

IT IS THEREFORE ORDERED:

10. CIVIL PENALTY. The Respondent shall pay to the Commission a civil penalty in the

amount of five hundred dollars (\$500.00) 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 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 **Dannie R. Mowen** on this 10 day of November, 2020.



By: **DANNIE R. MOWEN**, Respondent

State of _____)

County of _____)

Signed and sworn to before me on this _____ day of _____, 2020, by:

Notary Public, State of _____

Printed Name: _____

My Commission Expires: _____

FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on this
3rd day of December, 2020.

/// M. L. FOR IREC

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FILED October 26, 2020 (Date)

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

IREL
Board / Commission
[Signature]
Signature, Executive Officer

IN THE MATTER OF:)	
)	CASE NUMBER: 16-355
Dannie R. Mowen)	
Broker (B55891000))	STATEMENT OF CHARGES
EXPIRED)	
)	
595 E Maple)	
Roseville, IL 61473-9680)	
)	
RESPONDENT)	

The Iowa Real Estate Commission ("Commission") issues this Statement of Charges pursuant to Iowa Code Section 272C.3 and 193 Iowa Administrative Code Section 7.5. The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2016). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

1. The Commission issued the Respondent real estate broker license number B55891000 on February 3, 2005. Respondent's license was in full force and effect until December 31, 2017. At all times relevant to this matter, the Respondent served both as the designated broker in charge and a licensed real estate broker officer of IPP Associates, LLC, a licensed real estate firm, license number F05615000, located in Monmouth, Illinois. On March 16, 2016 the Respondent's license was placed on inactive status. The Respondent's real estate broker license expired on December 31, 2017. The Respondent has the right to reinstate his broker license for a period of three years following the date of expiration. See 193E Iowa Administrative Code § 3.6.

STATEMENT OF CHARGES

COUNT I

2. The Respondent, as the designated broker, is charged with engaging in a practice that is harmful or detrimental to the public by holding his real estate brokerage firm out as being engaged in the business of selling real estate and/or practicing real estate while the real estate firm license was inactive, lapsed, or expired in violation of Iowa Code sections 543B.1, 543B.2, 543B.29(1)(d), 543B.34(1) (2016). See 193E Iowa Administrative Code sections 3.3(2), 7.2(1), 18.2(5), 18.14(5)(s).

EXHIBIT A

CIRCUMSTANCES

3. Respondent was assigned as the designated broker in charge of real estate brokerage firm to IPP Associates, LLC at all times relevant to this matter. As the designated broker in charge of the real estate brokerage firm, the Respondent is responsible for ensuring compliance with all applicable rules and regulations governing the firm's operations in the state of Iowa.

4. Pursuant to Commission licensing records, IPP Associates, LLC's real estate brokerage firm license expired on December 31, 2015.

5. On November 22, 2016, an affiliate of IPP Associates, LLC was advertising and/or holding the real estate brokerage firm out as being engaged in the business of selling real estate located in Iowa.

6. In November 2016, while IPP Associates, LLC's Iowa real estate firm license was expired, it conducted activities requiring a real estate license in the state of Iowa.

PROCEDURES AND NOTIFICATIONS

7. **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.

8. **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
John.Lundquist@iowa.gov

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

NONE

10. **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

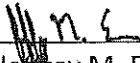
this matter, please contact Assistant Attorney General John R. Lundquist.

11. **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.

FINDING OF PROBABLE CAUSE

On March 2, 2017, the Commission found probable cause to file this Statement of Charges.

This Statement of Charges is filed and issued on the 26th day of October, 2020.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:
Assistant Attorney General, John Lundquist