

BEFORE THE INDIANA REAL
ESTATE COMMISSION
CAUSE NO.: *MAIREC 90-09*

STATE OF INDIANA,
Petitioner,
v.
JOSEPH W. CIRILLO,
License No. IB51432131
Respondent.

FILED
APR 10 1990
IPLA

COMPLAINT

The State of Indiana (hereinafter "Petitioner"), by counsel, Linley E. Pearson, Attorney General of Indiana, by Richard E. Hagenmaier, Deputy Attorney General, pursuant to IC 25-1-7-7(a), files its complaint against Joseph W. Cirillo (hereinafter "Respondent"), and in support thereof alleges and states as follows:

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Indiana Real Estate Commission (hereinafter "Commission") pursuant to IC 25-1-7-1 et seq.

2. The Commission is charged with the duty and responsibility of regulating the practice of Real Estate in the State of Indiana pursuant to IC 25-34.1-2-5.

3. The Commission is empowered to hold disciplinary hearings pursuant to the authority of IC 25-34.1-2-5, IC 25-34.1-6-1.1, and IC 4-21.5-3 et seq.

4. The Respondent, who resides at 35 Colony Court, Zionsville, Indiana, 46077, is and was at all times relevant herein, a broker licensed to practice Real Estate in the State of Indiana under License No. IB51432131.

5. That on or about October 18, 1989, the Respondent was charged in an eight (8) count information, filed by the United States District Attorney for the Southern District of Indiana, with several felony offenses arising out of false statements uttered by, or aided by, the Respondent to the United

States Department of Housing and Urban Development and/or the Federal Housing Administration. A true and accurate copy of this information is attached hereto as Exhibit "A" and made a part herein.

6. That on or about October 18, 1989, the Respondent executed a plea agreement with the United States Attorney wherein he plead guilty to the acts alleged in Count One (1) and Count eight (8) of said information. This plea agreement, a true and accurate copy of which is attached hereto as Exhibit "B" and made a part herein, was filed with the United States District Court in the Southern District of Indiana on October 30, 1989.

7. That on or about December 7, 1989, judgments of conviction were entered against the Respondent in the United States District Court for the Southern District of Indiana, for conspiracy to make false statements to HUD, in violation of 18 USC 371 (Count 1), and making false statement TO HUD, in violation of 18 USC 1010 (Count 8). A true and accurate copy of the judgment of conviction and docket entries evidencing the same are attached hereto as Exhibit "C" and made a part herein.

8. That the acts for which the Respondent was convicted arose from the Respondent's practice of real estate.

9. That the acts and conduct of the Respondent as alleged herein constitute violations of Indiana Code 25-34.1-6-1.1(b)(1) and (2), which are set out as follows:

(b) A practitioner shall conduct his practice of real estate in accordance with the standards established by the commission under IC 25-34.1-2-5.1 of this chapter and is subject to the exercise of the disciplinary sanctions under subsection (e), if after a hearing the commission finds:

(1) The practitioner has . . . engaged in fraud or material deception in the course of professional services or activities, . . . ;

(2) The practitioner has been convicted of a crime which has a direct bearing on the practitioner's ability to continue to practice competently;

WHEREFORE the Petitioner prays that the Commission impose such sanctions as are appropriate under IC 25-34.1-6-1.1, and for all other necessary and proper relief in the premises.

Respectfully submitted,

LINLEY E. PEARSON
Attorney General of Indiana

By: Richard E. Hagemmaier
Richard E. Hagemmaier
Deputy Attorney General

cc: Mr. Joseph W. Cirillo
35 Colony Court
Zionsville, Indiana 46077
CERTIFIED MAIL NO. P 066 826 001

Office of Attorney General
219 State House
Indianapolis, IN 46204
Telephone: (317) 232-0168
REH/sb:8039S