

5. On August 27, 2018, through counsel, the APPLICANT requested permission to withdraw his February 9, 2018 application for a new Iowa salesperson license. In the interests of judicial efficiency, the COMMISSION now finds that the APPLICANT's request to withdraw his application for a new salesperson license should be granted.

IT IS THEREFORE ORDERED:

6. The APPLICANT's August 27, 2018 request for permission to withdraw his February 9, 2018 application for a new Iowa salesperson license is **GRANTED**. The application in question is accordingly withdrawn from further consideration by the COMMISSION.

7. The Notice of Intent to Deny License issued in this docket on March 14, 2018 is hereby rescinded and the APPLICANT's pending license denial appeal is dismissed as moot.

Dated this 6th day of September, 2018.



Terrance M. Duggan
Chairperson, Iowa Real Estate Commission

Copies to:
Assistant Attorney General, John Lundquist
Sandra Quesada, Corporate Counsel for Iowa Realty Co. Inc.

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

FILED

March 14, 2018

(Date)

JREL

Board / Commission

M. L.
Signature, Executive Officer

IN RE:)
)
) CASE NUMBER: 18-034
)
 Timothy C. Gorman)
)
) NOTICE OF INTENT TO
)
 811 Burr Oaks Drive, Unit 505)
) DENY LICENSE
 West Des Moines, IA 50266)
)
)
)
 APPLICANT - SALESPERSON)

PURSUANT TO IOWA CODE SECTIONS 543B.19 AND 543B.35, THE IOWA REAL ESTATE COMMISSION ISSUES THE FOLLOWING NOTICE:

1. On or about February 9, 2018, **Timothy Gorman** (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license. Following its review of the APPLICANT's application at its March 1, 2018 meeting, the COMMISSION authorized the issuance of this Notice of Intent to Deny License.
2. An applicant for a real estate salesperson's license who has been convicted of a criminal offense which is classified as a felony, an offense including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any other offense involving a criminal breach of fiduciary duty, or any offense not described involving moral turpitude may be denied a license by the COMMISSION on the grounds of the conviction. See Iowa Code § 543B.15(3) (2018).
3. Review of the APPLICANT's criminal history establishes that the APPLICANT was convicted on or about July 11, 2011 of a criminal offense involving moral turpitude. See 193E Iowa Admin. Code r. 2.1 (defining "moral turpitude").
4. The COMMISSION, when considering the denial of a license on grounds of an applicant's criminal history shall consider the nature of the offense(s); any documented aggravating or extenuating circumstances; the time lapsed since the conduct or conviction(s); the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the COMMISSION deems relevant. See Iowa Code § 543B.15(6) (2018). Upon a balancing of these factors, the COMMISSION finds that the APPLICANT's July 11, 2011 criminal conviction warrants denial of the APPLICANT's application for a real estate salesperson license.
5. The APPLICANT is hereby notified that his application for an Iowa Real Estate License shall be **DENIED** unless a timely appeal is filed pursuant to Iowa Code § 543B.19. The notice of appeal shall be in writing and must be filed with the offices of the Iowa Real Estate Commission, 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309, no later than **April 13, 2018**. See

Iowa Code §§ 543B.19, 543B.35.

6. Upon receipt of a timely notice of appeal, the COMMISSION shall set a hearing to address the issues cited by the COMMISSION for the denial of the APPLICANT's real estate salesperson license application. The Applicant shall have the right to respond to the reasons cited for the license denial, produce evidence on his behalf, cross-examine witnesses and examine any documents introduced at hearing. The Applicant may appear personally and be represented by counsel at his own expense at any such hearing.

7. In the event that the COMMISSION does not receive a timely written notice of appeal, a final order confirming the denial of APPLICANT's real estate salesperson license application shall be issued forthwith and there will be no further opportunities for appeal.

Notice issued this 14th day of March 2018, to Timothy Gorman via restricted, certified mail, return receipt requested, to resident address 811 Burr Oaks Drive, Unit 505, West Des Moines, IA 50266.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission



Date

Copies to:
Assistant Attorney General, John Lundquist

5. **HEARING PROCEDURES.** Commission rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. You have the right to respond to the reasons cited for your license denial, produce evidence on your behalf, cross-examine witnesses and examine any documents introduced at hearing. You may appear personally and be represented by counsel at your own expense. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. License denial hearings are contested cases that are open to the public.

6. **DEFAULT.** If you fail to appear at hearing, the Commission may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

7. **STATE'S COUNSEL.** Licensee denial decisions are defended 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

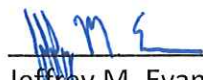
8. **RESPONDENT'S COUNSEL.** Copies of all pleadings filed with the Commission shall also be provided to Respondent's counsel of record:

NONE

9. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail or in person about this Notice of Hearing or your real estate salesperson license application. 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.

10. **ADA NOTICE.** If you require the assistance of auxiliary aids or services to participate in this matter because of a disability, immediately call or e-mail the Commission's Executive Officer at 515-725-9026. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

This Notice of Hearing is filed and issued on the 30th day of March, 2018.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:

Assistant Attorney General, John Lundquist

Department of Inspections and Appeals, assigned Administrative Law Judge

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

FILED

March 14, 2018

(Date)

JAGL

Board / Commission

[Signature]
Signature, Executive Officer

IN RE:)
)
Timothy C. Gorman) CASE NUMBER: 18-034
)
811 Burr Oaks Drive, Unit 505) NOTICE OF INTENT TO
West Des Moines, IA 50266) DENY LICENSE
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APPLICANT - SALESPERSON)

PURSUANT TO IOWA CODE SECTIONS 543B.19 AND 543B.35, THE IOWA REAL ESTATE COMMISSION ISSUES THE FOLLOWING NOTICE:

1. On or about February 9, 2018, Timothy Gorman (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license. Following its review of the APPLICANT's application at its March 1, 2018 meeting, the COMMISSION authorized the issuance of this Notice of Intent to Deny License.
2. An applicant for a real estate salesperson's license who has been convicted of a criminal offense which is classified as a felony, an offense including or involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any other offense involving a criminal breach of fiduciary duty, or any offense not described involving moral turpitude may be denied a license by the COMMISSION on the grounds of the conviction. See Iowa Code § 543B.15(3) (2018).
3. Review of the APPLICANT's criminal history establishes that the APPLICANT was convicted on or about July 11, 2011 of a criminal offense involving moral turpitude. See 193E Iowa Admin. Code r. 2.1 (defining "moral turpitude").
4. The COMMISSION, when considering the denial of a license on grounds of an applicant's criminal history shall consider the nature of the offense(s); any documented aggravating or extenuating circumstances; the time lapsed since the conduct or conviction(s); the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the COMMISSION deems relevant. See Iowa Code § 543B.15(6) (2018). Upon a balancing of these factors, the COMMISSION finds that the APPLICANT's July 11, 2011 criminal conviction warrants denial of the APPLICANT's application for a real estate salesperson license.
5. The APPLICANT is hereby notified that his application for an Iowa Real Estate License shall be DENIED unless a timely appeal is filed pursuant to Iowa Code § 543B.19. The notice of appeal shall be in writing and must be filed with the offices of the Iowa Real Estate Commission, 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309, no later than April 13, 2018. See

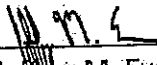
EXHIBIT A

Iowa Code §§ 543B.19, 543B.35.

6. Upon receipt of a timely notice of appeal, the COMMISSION shall set a hearing to address the issues cited by the COMMISSION for the denial of the APPLICANT's real estate salesperson license application. The Applicant shall have the right to respond to the reasons cited for the license denial, produce evidence on his behalf, cross-examine witnesses and examine any documents introduced at hearing. The Applicant may appear personally and be represented by counsel at his own expense at any such hearing.

7. In the event that the COMMISSION does not receive a timely written notice of appeal, a final order confirming the denial of APPLICANT's real estate salesperson license application shall be issued forthwith and there will be no further opportunities for appeal.

Notice issued this 14th day of March 2018, to Timothy Gorman via restricted, certified mail, return receipt requested, to resident address 811 Burr Oaks Drive, Unit 505, West Des Moines, IA 50266.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

March 14, 2018

Date

Copies to:
Assistant Attorney General, John Lundquist

FILED May 1, 2018 (Date)

JRE

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: 18-034
Timothy C. Gorman)	
	)	ORDER TO CONTINUE
811 Burr Oaks Drive, Unit 505	)	FORMAL HEARING
West Des Moines, IA 50266)	
)	
APPLICANT)	

Come now before the Real Estate Commission for the State of Iowa [Commission], a motion to continue the contested action between the Commission and Timothy C. Gorman [Applicant]. This motion is at the request of the Applicant's counsel, who stated that additional time was needed for investigation and if necessary, hearing preparation; and therefore asked for a continuance of the hearing scheduled on May 3, 2018. The Commission hereby grants the continuance with the hearing rescheduled on the 7th day of June, 2018 at 9:30 o'clock AM, at 200 East Grand, Suite 350, Des Moines, Iowa. A prehearing conference will be held by telephone on the 31st day of May, 2018 at 9:30 o'clock AM before an Administrative Law Judge from the Iowa Department of Inspections and Appeals.

Dated this 1st day of May 2018.

[Signature]
 Jeffrey M. Evans, Executive Officer
 Iowa Real Estate Commission

FILED May 24, 2018 (Date)

IREC

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: 18-034
Timothy C. Gorman)	
	)	ORDER TO CONTINUE
811 Burr Oaks Drive, Unit 505	)	FORMAL HEARING
West Des Moines, IA 50266)	
)	
APPLICANT)	

Come now before the Real Estate Commission for the State of Iowa [Commission], a motion to continue the contested action between the Commission and Timothy C. Gorman [Applicant]. This motion is at the request of the Applicant's counsel, who stated that additional time was needed and there is a possibility that a hearing in this matter may not be necessary and therefore asked for a continuance of the hearing scheduled on June 7, 2018. The Commission hereby grants the continuance with the hearing rescheduled on the 2nd day of **August, 2018** at **1:30 o'clock PM**, at 200 East Grand, Suite 350, Des Moines, Iowa. A prehearing conference will be held by telephone on the 26th day of **July, 2018** at **10:00 o'clock AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals.

Dated this 24th day of May 2018.

[Signature]
 Jeffrey M. Evans, Executive Officer
 Iowa Real Estate Commission

FILED July 26, 2018 (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: 18-034
Timothy C. Gorman)	
	)	ORDER TO CONTINUE
811 Burr Oaks Drive, Unit 505	)	FORMAL HEARING
West Des Moines, IA 50266)	
)	
APPLICANT)	

Come now before the Real Estate Commission for the State of Iowa [Commission], a motion to continue the contested action between the Commission and Timothy C. Gorman [Applicant]. This motion is at the request of the Applicant's counsel, who asked for a continuance of the hearing scheduled on August 2, 2018. The Commission hereby grants the continuance with the hearing rescheduled on the 6th day of **September, 2018** at **9:30 o'clock AM**, at 200 East Grand, Suite 350, Des Moines, Iowa. A prehearing conference will be held by telephone on the 30th day of **August, 2018** at **9:30 o'clock AM** before an Administrative Law Judge from the Iowa Department of Inspections and Appeals. Absent extenuating circumstances, no further continuances will be granted.

Dated this 26th day of July 2018.

[Signature]
Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

FILED August 27, 2018 (Date)
JMEC
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: 18-034
Timothy C. Gorman)	
	)	ORDER TO CANCEL
811 Burr Oaks Drive, Unit 505	)	FORMAL HEARING
West Des Moines, IA 50266)	
)	
APPLICANT)	

Come now before the Real Estate Commission for the State of Iowa [Commission], a motion to cancel the contested action between the Commission and Timothy C. Gorman [Applicant]. This motion is at the request of the parties, who communicated the Applicant's intention to withdraw his pending real estate salesperson license application. To permit the Commission an opportunity to consider the Applicant's request to withdraw his pending real estate salesperson license application at the next scheduled meeting, the formal hearing scheduled for September 6, 2018 in this matter is hereby cancelled.

Dated this 27th day of August 2018.

[Signature]
Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission