

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

FILED

November 21, 2019

(Date)

IIRec

Board / Commission

M. E.

Signature, Executive Officer

IN RE:)
)
Shannon M. Moore) CASE NUMBER: 19-205
)
321 41st St NE) CONSENT AGREEMENT
Cedar Rapids, IA 52402)
)
APPLICANT)

The Iowa Real Estate Commission (Commission) and **Shannon M. Moore** (Applicant) enter into this Consent Agreement (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 August 1, 2019 the Applicant submitted a Waiver for Completing Criminal History Background Checks (Waiver) to the Commission so that the criminal history check required by Iowa Code 543B.15(9) (2019) could be completed.
- (B) On or about October 7, 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 2.7 by stating that she did not have a criminal conviction (or equivalent) for a serious misdemeanor, aggravated misdemeanor, or felony offense.
- (C) The criminal history checks conducted by the Iowa Division of Criminal Investigations and the Federal Bureau of Investigation pursuant to Iowa Code 543B.15(9) (2019) and a search of Iowa Courts Online established, however, that the Applicant failed to accurately and/or completely disclose her criminal history as requested by question 2.7 on the Application.
- (D) The Applicant does not contest that she failed to accurately disclose her criminal history as requested by question 2.7 on the Application.
- (E) A person who makes a false statement of material fact on an application for an Iowa real estate salesperson license may be denied a license by the Commission solely on the grounds of the false statement. See Iowa Code § 543B.15(5) (2019).

- (F) Truthful and complete disclosure of one's criminal history is essential to the Commission's determination of whether an applicant meets all requirements for obtaining an Iowa real estate salesperson license. See Iowa Code § 543B.15(3) (2019). The Applicant's failure to accurately and completely disclose her criminal history constitutes a false statement of material fact upon which the Commission may deny her license application.
- (G) Although the Applicant is now eligible to apply for an Iowa real estate salesperson license as more than five years have elapsed since the completion of all applicable periods of incarceration, payment of all fines, and fulfillment of all other types of sentences resulting from her covered criminal offenses, she may nonetheless be denied a license due to her conviction for a crime involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense. See Iowa Code §§ 543B.15(3)(a)(2), 543B.15(6) (2019).
- (E) Upon a balancing of the factors delineated in Iowa Code section 543B.15(6), particularly the time elapsed since her criminal conduct, the Commission concludes that the Applicant's criminal history does not disqualify her from obtaining an Iowa real estate salesperson license. However, because of the nature of the Applicant's misconduct that led to her criminal convictions, 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.

2. CIVIL PENALTY. In recognition of the material false statements submitted to the Commission as detailed above in subparagraphs 1-D and 1-F, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate salesperson license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of five hundred dollars (\$500.00) within thirty (30) days of the Commission's approval of this Agreement. Failure to timely submit the agreed upon civil penalty shall result in the denial of the Applicant's license application. Furthermore, the Applicant shall submit an amended real estate salesperson license Application to the Commission that correctly states her criminal history. Said Application and disclosures referencing question 2.7 are to be duly signed and acknowledged by the employing broker.

3. PROBATION. The Applicant further voluntarily agrees that she shall be granted a salesperson license subject to probation for the time period of her first license term, through December 31, 2021. Should the Applicant 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 Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

4. NOTIFICATION. In addition to the reporting requirements detailed in Iowa Code section 543B.29(f)(1), the Applicant shall notify the Commission of any conviction for a criminal offense within ten (10) days of the Court entering judgment. Should the Applicant 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 Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

5. Provided that the Applicant can demonstrate she meets all other licensing requirements, including payment of the applicable licensing fee, the Applicant shall be issued an Iowa real estate salesperson license subject to the above probationary term upon her submission of a corrected license Application and the Commission's timely receipt of the civil monetary penalty as required by paragraph 2 of this Agreement. Should the Applicant otherwise fail to demonstrate her eligibility to hold a real estate salesperson license, the civil monetary penalty remitted by the Applicant to the Commission shall be returned.

6. 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 salesperson 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.

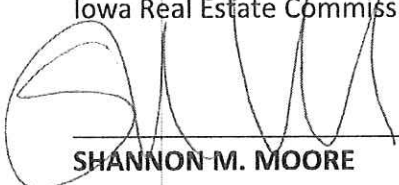
7. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

8. 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.


9. This Agreement shall be public record. The Applicant further agrees to fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

IREC Case No. 19-205
Shannon M. Moore


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



SHANNON M. MOORE
Applicant

 FOR IREC

TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission



Date



Date