

FILED October 22, 2021 (Date)
IRBC
Board / Commission
[Signature]
Signature, Executive Officer

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

IN RE:)
) CASE NUMBER: 21-040
Adam Hocking)
) ORDER TO DENY LICENSE
11004 Westport Dr)
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 ORDER:

1. On or about August 9, 2021, **Adam Hocking** (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license.
2. On September 14, 2021, the COMMISSION issued a "Notice of Intent to Deny License" (NOTICE) to the APPLICANT. A true and accurate copy of said NOTICE is attached to this order as EXHIBIT 1. The attached NOTICE was served upon the APPLICANT at his address of record via United States Postal Service certified mail on September 16, 2021.
3. The attached NOTICE provided that the APPLICANT's real estate salesperson application would be denied unless the APPLICANT filed an appeal in writing with the offices of the COMMISSION no later than October 15, 2021.
4. As of the date of this order, no notice of appeal has been filed by or on behalf of the APPLICANT with the COMMISSION challenging the denial of the APPLICANT's real estate salesperson license application.
5. The COMMISSION finds that having given the APPLICANT proper written notice of its intention to deny the APPLICANT's real estate salesperson license application; and having received no written notice of appeal challenging said denial; the APPLICANT has waived his right to a hearing contesting the denial of his license application. The COMMISSION is accordingly authorized to deny the APPLICANT's real estate salesperson application for the reasons cited in the attached NOTICE without hearing or further right of appeal.

In re: Adam Hocking; IREC Case No. 21-040
Order to Deny License
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IT IS THEREFORE ORDERED that Adam Hocking's August 9, 2021 Iowa real estate salesperson application is **DENIED**.

Dated this 22nd day of October 2021.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

Copies to:
Assistant Attorney General, John Lundquist
Lance T. Hanson, Real Estate Concepts, LC
CeCelia C. Ibson, Isbon Law Firm

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

FILED

September 14, 2021 (Date)

IREC

Board / Commission

M. L.

Signature of Executive Officer

IN RE:)	
)	CASE NUMBER: 21-040
Adam Hocking)	
)	NOTICE OF INTENT TO
11004 Westport Dr)	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 August 9, 2021, **Adam Hocking** (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson's license. Following its review of the APPLICANT's license application at its September 2, 2021 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 had a professional license of any kind revoked or suspended or who has had any other form of discipline imposed, in this or any other jurisdiction, may be denied a license by the COMMISSION on the ground of the revocation, suspension, or other discipline. See Iowa Code § 543B.15(4) (2021).

3. Review of the APPLICANT's professional license history with the State of Iowa Insurance Division establishes that the APPLICANT was licensed in the state of Iowa as a resident insurance producer and a business entity insurance producer. Review of the APPLICANT's professional licensure disciplinary history established that the APPLICANT's insurance producer licenses, numbers 9839832 and 16933283, were revoked on October 9, 2020 for a term of five years through a consent order entered between the APPLICANT and the Iowa Insurance Commissioner. See 10/9/2020 Order and Consent to Order, Iowa Insurance Division Case No. 105524. Additionally, through this consent order, the APPLICANT was ordered to pay a civil penalty in the amount of \$3,000 and \$55,000 in restitution.

4. The COMMISSION, when considering the denial of a license on the grounds of an applicant's licensing disciplinary history shall consider the nature of the offense; any documented aggravating or extenuating circumstances; the time lapsed since the revocation or conduct; the rehabilitation, treatment, or restitution performed by the applicant; and any other factors the COMMISSION deems relevant. See Iowa Code § 543B.15(6) (2021).

5. Upon a balancing of the above-stated factors, the COMMISSION finds that the APPLICANT's October 9, 2020 revocation of his insurance producer licenses constitutes grounds warranting denial of the APPLICANT's application for an Iowa real estate salesperson license.

6. Furthermore, an applicant who has been convicted of a crime may be denied a real estate salesperson license by the COMMISSION if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession. See Iowa Code § 272C.15(1) (2021). Iowa Code section 543B.15(3)(c) defines "convicted" or "conviction" to mean "a conviction for an indictable offense and includes a court's acceptance of a guilty plea, deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States, or in any foreign jurisdiction."

7. Review of the APPLICANT's criminal history establishes that the APPLICANT was convicted on or about July 7, 2021 of the felony criminal offense Acting as an Insurance Producer Without a License in violation of Iowa Code § 507A.10(3). After accepting his guilty plea, the court granted the Respondent a deferred judgment on July 7, 2021. See 07/07/2021 Sentencing Order, *State v. Hocking*, Polk Co. No. FECR344678. As a condition of his deferred judgment, the court ordered the Respondent to serve two years of probation. See *Id.* As of the date of this filing, the Respondent's deferred judgment has not been discharged by the court and he remains under probation supervision.

8. The COMMISSION finds that the APPLICANT's above-detailed crime of conviction constitutes an offense directly relating to the duties and responsibilities of a licensed professional in the state of Iowa.

9. The COMMISSION, in determining whether an applicant's criminal conviction for an offense relating to the practice of the real estate profession should disqualify that applicant for licensure, the COMMISSION shall consider: the nature and seriousness of the criminal offenses; the time elapsed since conviction; any documented aggravating or extenuating circumstances; the age of the applicant at the time the offense was committed; the rehabilitation, treatment, or restitution performed by the applicant; and, relevant evidence of rehabilitation and present fitness of the applicant. See Iowa Code § 272C.15(4) (2021).

10. Upon a balancing of the above-stated factors, the COMMISSION finds that the APPLICANT's July 7, 2021 felony criminal conviction for Acting as an Insurance Producer Without a License constitutes additional, independent grounds warranting denial of the APPLICANT's application for an Iowa real estate salesperson license.

11. The APPLICANT is hereby notified that his application for an Iowa Real Estate Salesperson License shall be **DENIED** for the above-stated reasons 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 **October 15, 2021**. See Iowa Code §§ 543B.19, 543B.35.


12. 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. At hearing, the COMMISSION shall carry the burden of proof on the question of whether the APPLICANT's criminal offense directly relates to the duties and responsibilities of the profession for which licensure is sought.

13. In the event that the COMMISSION does not receive a timely written notice of appeal, a final order confirming the denial of the APPLICANT's real estate salesperson license application shall be issued forthwith and there will be no further opportunities for appeal. A person whose application for a real estate license has been rejected is prohibited from seeking a license from the COMMISSION for a period of twelve months from the date of denial. See Iowa Code § 543B.15. A person denied a real estate license due to a criminal conviction may upon reapplication submit evidence of rehabilitation for the COMMISSION's consideration. See Iowa Code § 272C.15(6).

Notice issued this 14th day of September 2021, to Adam R. Hocking via restricted, certified mail, return receipt requested, to resident address 11004 Westport Dr, West Des Moines, IA 50266.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission



Date

Copies to:
Assistant Attorney General, John Lundquist
Lance T. Hanson, Real Estate Concepts, LC
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