

FILED

December 15, 2016

(Date)

JREC

Board / Commission

Signature, Executive Officer

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

IN THE MATTER OF:)	
)	CASE NUMBER: 16-296
Tonya Adams)	
)	NOTICE OF HEARING
281 15 th Street NW)	
Cedar Rapids, IA 52405)	
)	
APPLICANT)	

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing ("Notice") pursuant to Iowa Code Section 17A.12(2). The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B and 272C (2016). The hearing shall address whether Applicant Tonya Adam's application for a new real estate salesperson license should be denied for the reasons cited in the attached Notice of Intent to Deny License issued by the Commission on November 3, 2016. See Exhibit A.

NOTICE OF HEARING

- HEARING.** Pursuant to Iowa Code sections 543B.19 and 543B.35, a contested case hearing on the Applicant's appeal of the Notice of Intent to Deny her application for a new real estate salesperson license will be held before the Iowa Real Estate Commission on the 2nd day of February, 2017, at 9:30 o'clock AM, at 200 East Grand, Suite 350, Des Moines, Iowa.
- ACKNOWLEDGMENT.** The Commission requests that you file a statement to acknowledge receipt of the notice of hearing within 10 days of the date you are served with this Notice.
- PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the 26th day of January, 2017 at 9:30 o'clock AM before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Commission office of the telephone number at which you or your counsel can be reached. Commission rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.
- PRESIDING OFFICER.** The full Commission shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(2). The Commission may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

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:

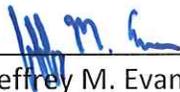
NONE

9. **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.

10. **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.

11. **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 15th day of December, 2016.



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

November 3, 2016 (Date)

JSC
Board / Commission
Signature Executive Officer

IN RE:)
)
) CASE NUMBER: 16-296
Tonya Adams)
)
) NOTICE OF INTENT TO
281 15th Street NW)
Cedar Rapids, IA 52405)
)
) DENY LICENSE
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 September 14, 2016, Tonya Adams (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 November 3, 2016 meeting, the COMMISSION authorized the issuance of this Notice of Intent to Deny License.

2. 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) (2016). 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) (2016).

3. Furthermore, an applicant for a real estate salesperson's license who has been convicted of any criminal offense including or involving "forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any offense involving moral turpitude, or other offense involving a criminal breach of fiduciary duty" shall be ineligible for licensure for a period of five years following completion of any applicable period of incarceration, payment of fines, or fulfillment of any other term of sentencing. See Iowa Code § 543B.15(3).

4. The criminal history checks conducted by the Iowa Division of Criminal Investigations ("DCI") and the Federal Bureau of Investigation ("FBI") pursuant to Iowa Code 543B.15(9) (2016) and a search of Iowa Courts Online established that the APPLICANT failed to accurately and/or completely disclose her criminal history as requested by question 10a on the application. 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.

EXHIBIT A

5. Additionally, review of the APPLICANT's criminal history establishes that the APPLICANT stands convicted of a criminal offense including or involving forgery, fraud, and/or moral turpitude. Because less than five years have elapsed since the entry of this conviction and/or the fulfillment of all applicable sentencing terms, the APPLICANT is disqualified from applying for and/or should otherwise be denied a new Iowa real estate salesperson license pursuant to Iowa Code section 543B.15(3)(a)(2).

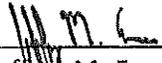
6. In recognition of the material false statements submitted to the COMMISSION as detailed above in Paragraph 4 and entry of the criminal conviction detailed above in Paragraph 5, the COMMISSION finds grounds exist to deny the APPLICANT's application for an Iowa Real Estate Salesperson license.

7. The APPLICANT is hereby notified that her 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 **December 5, 2016**. See Iowa Code §§ 543B.19, 543B.35.

8. 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 her behalf, cross-examine witnesses and examine any documents introduced at hearing. The Applicant may appear personally and be represented by counsel at her own expense at any such hearing.

9. 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 3rd day of November 2016, to Tonya Adams via restricted, certified mail, return receipt requested, to resident address 281 15th ST NW, Cedar Rapids, IA 52406.



Jeffrey M. Evans, Executive Officer
Iowa Real Estate Commission

November 3, 2016

Date

Copies to:
Assistant Attorney General, John Lundquist