

FILED February 4, 2016 (Date)

Joe L.
Board / Commission

Signature Executive Officer

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

IN RE:)	
)	CASE NUMBER: 15-344
Carmen Hocking)	
Salesperson (S37220000))	VOLUNTARY SURRENDER
SUSPENDED)	OF SALESPERSON LICENSE
)	THROUGH CONSENT ORDER
4631 Timberline Pl)	
West Des Moines, IA 50265)	
)	
RESPONDENT)	

The Iowa Real Estate Commission (Commission) and **Carmen Hocking** (Respondent) enter into this Voluntary Surrender of Salesperson License through Consent Order (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2015).

1. The Commission issued the Respondent real estate salesperson license number S37220000 on July 18, 1996. The Respondent's license was suspended on December 17, 2015 pursuant to Iowa Code § 543B.29(1)(f)(1). At all times relevant to this matter, the Respondent was a licensed real estate salesperson, assigned to Godwin Realty Inc., license number F03416000, located in Des Moines, Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

SETTLEMENT AGREEMENT

3. On December 17, 2015, the Commission issued a Statement of Charges against the Respondent. A true and accurate copy of said Statement of Charges is attached to this Order as Exhibit 1. The Respondent does not contest that she has been convicted of a felony criminal offense involving wire fraud affecting a financial institution as cited in the attached Statement of Charges.

4. The Respondent acknowledges that she has a right to a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives her right to a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.

5. The Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have ex parte communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

6. The Respondent shall at all future times fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate. This Order shall be part of the permanent record of the Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

7. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(1)(d), 543B.34(1) and 272C.3(2)(a) (2015) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

8. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

(a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

9. Upon acceptance by both the Commission and Respondent, this Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2015).

IREC Case No. 15:344
Carmen Hocking

CONSENT ORDER

IT IS THEREFORE ORDERED:

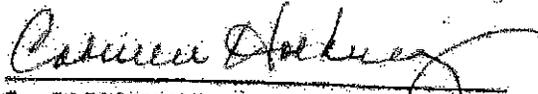
10. VOLUNTARY SURRENDER: The Respondent voluntarily agrees to surrender her Iowa Real Estate Salesperson License (S37220000) to the Iowa Real Estate Commission in lieu of a formal hearing as required by Iowa Code section 543B.29(1)(f)(1) (2015). Pursuant to 193E Iowa Administrative Code section 18.15(4)(c), the duration of the Respondent's license surrender shall be for an indefinite period of time and the Commission shall not grant an application for reinstatement until all terms of the sentencing have been fully satisfied. The effective date of the license surrender shall be the date this Order is accepted by the Commission.

11. LICENSEE REAPPLICATION: Reinstatement of the Respondent's Iowa Real Estate license shall be governed by Iowa Code section 543B.15 and 193E Iowa Administrative Code section 18.15. The Respondent further acknowledges that Iowa Code § 543B.15(3) (2015) prohibits the Respondent from applying for an Iowa Real Estate license until five (5) years after the Respondent has successfully satisfied any applicable period of incarceration, payment of all fines, and/or fulfillment of any other type of sentence pursuant to United States of America v. Carmen Hocking, SDIA Criminal No. 4:14-cr-00083-001, AND that the Respondent must qualify as a salesperson starting over as if never licensed, AND that reapplication may or may not be granted by the Iowa Real Estate Commission.

...this voluntary surrender of Salesperson License through Consent Order is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by Carmen Hocking on this 5th day of January, 2015.


By: **CARMEN HOCKING**, Respondent

State of Iowa
County of Polk

IREC Case No. 15-344
Carmen Hocking

Signed and sworn to before me on this 5th day of January, 2015⁴ by:



Samantha Dillavou

Notary Public, State of Iowa
Printed Name: Samantha Dillavou
My Commission Expires: 8/7/2017

Voluntarily agreed to and accepted by the IOWA REAL ESTATE COMMISSION on this 4th day of FEBRUARY, ~~2015~~ 2016

Terrance M. Duggan
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

FILED December 17, 2015 (Date)

I.R.E.C.
Board / Commission
Signature Executive Officer

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

IN RE:

Carmen Hocking
Salesperson (S37220000)
INACTIVE

4631 Timberline Pl
West Des Moines, IA 50265

RESPONDENT

CASE NUMBER: 15-344

NOTICE OF HEARING AND
STATEMENT OF CHARGES

The Iowa Real Estate Commission ("Commission") issues this Notice of Hearing pursuant to Iowa Code sections 17A.12(2), 17A.18A, 543B.29(1)(f) and 543B.35. The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2015). Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

The Commission issued the Respondent real estate salesperson license number S37220000 on July 18, 1996. Respondent's license is in full force and effect until December 31, 2017. At all times relevant to this matter, the Respondent was a licensed real estate salesperson assigned to Godwin Realty Inc., a licensed real estate firm, license number F03146000, located in Des Moines, Iowa. The Respondent's license was placed on inactive status on November 17, 2015.

NOTICE OF HEARING

1. **HEARING.** A contested case hearing will be held concerning the below-stated disciplinary charges before the Iowa Real Estate Commission on the 14th day of January, 2016, at 9:30 o'clock AM, at 200 East Grand, Suite 350, Des Moines, Iowa.

2. **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.

3. **ANSWER.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

4. **PREHEARING CONFERENCE.** A prehearing conference will be held by telephone on the 7th day of January, 2016 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.

5. **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(1). 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).

6. **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 charges, 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. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

7. **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.

8. **STATE'S COUNSEL.** Licensee disciplinary cases are prosecuted 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

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

NONE

10. **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.

11. **COMMUNICATIONS.** You may not contact Commission members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. 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.

STATEMENT OF CHARGES

COUNT I

12. The Respondent is charged with having been convicted of a felony criminal offense and/or a criminal offense 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 in a court of competent jurisdiction in this state, or in any other state, territory, or district of the United States in violation of Iowa Code section 543B.29(1)(f). See also Iowa Code §§ 272C.10(5) & 543B.15(3) and 193E Iowa Administrative Code §§ 18.2(1) & 18.2(4).

COUNT II

13. The Respondent is charged with failing to timely notify the Commission of her conviction for a felony criminal offense and/or other criminal offense included in Iowa Code section 543B.15(3)(a) in violation of Iowa Code section 543B.29(1)(f)(1).

CIRCUMSTANCES

14. On or about July 21, 2014, the Respondent pled guilty in the United States District Court for the Southern District of Iowa to two counts of felony charges of wire fraud affecting a

financial institution in violation of Title 18, United States Code, § 1343. See United States of America v. Carmen Hocking, SDIA Criminal No. 4:14-cr-00083-001.

15. On or about November 17, 2015, the Court entered judgment against the Respondent. The Court ordered payment of restitution through entry of an amended judgment against the Respondent on December 8, 2015.

16. The Respondent's felony conviction also constitutes a criminal offense involving forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, an offense involving moral turpitude, and/or an offense involving a criminal breach of fiduciary duty.

17. The Respondent's criminal conduct that gave rise to her felony conviction occurred during or was otherwise related to her practice as a licensed real estate salesperson.

18. Iowa Code section 543B.29(1)(f) mandates that a licensed real estate broker or salesperson shall notify the commission of a felony conviction entered against the licensee within ten days of the conviction. As of the date of this filing, the Respondent has yet to notify the Commission of her felony conviction for wire fraud affecting a financial institution conviction.

This Notice of Hearing and Statement of Charges is filed and issued on the 17th day of December, 2015.



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