

House Study Bill 163

PAG LIN

1 1 Section 1. Section 543B.15, subsection 3, Code 2007, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:

1 4 3. a. An applicant for a real estate broker's or
1 5 salesperson's license who has been convicted of an indictable
1 6 offense shall not be considered for licensure until the
1 7 following time periods have elapsed following completion of
1 8 any applicable period of incarceration, or payment of a fine
1 9 or fulfillment of any other type of sentence:

1 10 (1) For an offense which is classified as a serious or
1 11 aggravated misdemeanor, one year.

1 12 (2) For an offense which is classified as a felony, two
1 13 years.

1 14 (3) Notwithstanding subparagraphs (1) and (2), for
1 15 offenses including or involving forgery, embezzlement,
1 16 obtaining money under false pretenses, theft, arson,
1 17 extortion, conspiracy to defraud, or other offense involving a
1 18 criminal breach of fiduciary duty, five years.

1 19 b. After expiration of the time periods specified in
1 20 paragraph "a", an application shall be considered by the
1 21 commission pursuant to subsection 7 and may be denied on the
1 22 grounds of the conviction. An applicant may request a hearing
1 23 pursuant to section 543B.19 in the event of a denial.

1 24 c. For purposes of this section, "convicted" means a
1 25 guilty plea, deferred judgment from the time of entry of the
1 26 deferred judgment until the time the defendant is discharged
1 27 by the court without entry of judgment, or other finding of
1 28 guilt by a court of competent jurisdiction in this state, or
1 29 in any other state, territory, or district of the United
1 30 States, or in any foreign jurisdiction.

1 31 Sec. 2. Section 543B.15, subsection 6, Code 2007, is
1 32 amended to read as follows:

1 33 6. A licensed real estate broker or salesperson shall
1 34 notify the commission of the licensee's conviction of an
1 35 offense included in subsection 3 within ~~sixty ten~~ days of the
2 1 conviction. Notification of a conviction for an offense which
2 2 is classified as a felony shall result in the immediate
2 3 suspension of a license pending the outcome of a hearing
2 4 conducted pursuant to section 543B.35. The failure of the
2 5 licensee to notify the commission of the conviction within
2 6 ~~sixty ten~~ days of the date of the conviction is sufficient
2 7 grounds for revocation of the license.

EXPLANATION

2 8
2 9 This bill relates to action taken by the real estate
2 10 commission in circumstances where an applicant for licensure,
2 11 or an existing licensee, has been convicted of specified
2 12 criminal offenses.

2 13 The bill provides that an applicant for a real estate
2 14 broker's or salesperson's license who has been convicted of an
2 15 indictable offense shall not be considered for licensure until
2 16 specified time periods have elapsed following completion of a
2 17 sentence. The bill defines "convicted" to refer to a guilty
2 18 plea, deferred judgment, or other finding of guilt. The time
2 19 periods are one year for a serious or aggravated misdemeanor,
2 20 two years for a felony, and five years for offenses which
2 21 include or involve forgery, embezzlement, obtaining money
2 22 under false pretenses, theft, arson, extortion, conspiracy to
2 23 defraud, or other criminal breach of fiduciary duty. The bill
2 24 provides that after these time periods have elapsed, the
2 25 commission shall consider an application and may deny it based
2 26 on the conviction. If denied, an applicant may request a
2 27 hearing pursuant to Code section 543B.19.

2 28 With regard to existing licensees, the bill modifies Code
2 29 section 543B.15 to require that a licensee notify the
2 30 commission of a conviction of any of the above-specified
2 31 offenses within 10 days of the conviction. That Code section
2 32 currently provides for a 30-day notification period. The bill
2 33 provides that notification of a conviction for an offense
2 34 which is classified as a felony will result in the immediate
2 35 suspension of a license pending the outcome of a revocation
3 1 hearing conducted pursuant to Code section 543B.35.

