

FILED November 21, 2018 (Date)

IAEC  
Board / Commission  
[Signature]  
Signature, Executive Officer

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

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IN RE: )  
 ) CASE NUMBER: 18-174  
Terry L. Spindel )  
 ) ORDER TO DENY LICENSE  
3706 6<sup>th</sup> Avenue )  
East Moline, IL 61244 )  
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 )  
APPLICANT - SALESPERSON )

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**PURSUANT TO IOWA CODE SECTIONS 543B.19 AND 543B.35, THE IOWA REAL ESTATE COMMISSION ISSUES THE FOLLOWING ORDER:**

1. On or about July 20, 2018, **Terry L. Spindel** (APPLICANT) submitted an Application for Individual License to the Iowa Real Estate Commission (COMMISSION) for a new Iowa real estate salesperson license.
2. On October 16, 2018, 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 October 23, 2018.
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 November 15, 2018.
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: Terry L. Spindel; IREC Case No. 18-174  
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**IT IS THEREFORE ORDERED** that Terry L. Spindel's July 20, 2018 Iowa real estate salesperson application is **DENIED**.

Dated this 21<sup>st</sup> day of November 2018.

  
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Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission

Copies to:  
Assistant Attorney General, John Lundquist  
Robert C. Fick, Mel Foster Co. Inc. of Illinois

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

FILED

October 16, 2018

(Date)

IR&E

Board / Commission

Signature, Executive Officer

IN RE:	)	
	)	CASE NUMBER: 18-174
Terry L. Spindel	)	
	)	NOTICE OF INTENT TO
3706 6 <sup>th</sup> Avenue	)	DENY LICENSE
East Moline, IL 61244	)	
	)	
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 July 20, 2018, Terry L. Spindel (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 6, 2018 meeting, the COMMISSION authorized the issuance of this Notice of Intent to Deny License.

2. A person who makes a false statement of material fact on an application for an Iowa real estate salesperson's license may be denied a license by the Commission solely on the grounds of the false statement. See Iowa Code § 543B.15(5) (2018).

3. On the APPLICANT's July 20, 2018 license application, the APPLICANT answered question 2.7 by stating that he did not have a criminal conviction (or equivalent) for a serious misdemeanor, aggravated misdemeanor, or felony offense. Contrary to his answer to question 2.7, 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) (2018) and a search of Iowa Courts Online established that the APPLICANT was convicted on or about December 2, 1970 of a criminal offense involving theft.

4. 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) (2018). The APPLICANT's failure to accurately and completely disclose his criminal history on his license application constitutes a false statement of material fact for which denial of his application for a real estate salesperson license is warranted.

5. Furthermore, an applicant for a real estate salesperson's license who has been convicted of a criminal offense which is classified as a felony, an offense including or involving

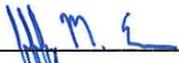
forgery, embezzlement, obtaining money under false pretenses, theft, arson, extortion, conspiracy to defraud, or other similar offense, any other offense involving a criminal breach of fiduciary duty, or any offense not described involving moral turpitude may be denied a license by the COMMISSION on the grounds of the conviction. See Iowa Code § 543B.15(3) (2018). Upon a balancing of the factors delineated in Iowa Code section 543B.15(6), the COMMISSION finds that the APPLICANT's December 2, 1970 criminal conviction constitutes an additional, independent ground warranting denial of the APPLICANT's application for a real estate salesperson license.

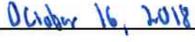
6. The APPLICANT is hereby notified that his application for an Iowa Real Estate License shall be **DENIED** for the above-stated reasons unless a timely appeal is filed pursuant to Iowa Code § 543B.19. The notice of appeal shall be in writing and must be filed with the offices of the Iowa Real Estate Commission, 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309, no later than **November 15, 2018**. See Iowa Code §§ 543B.19, 543B.35.

7. 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.

8. 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 16<sup>th</sup> day of October 2018, to Terry L. Spindel via restricted, certified mail, return receipt requested, to resident address 3706 6<sup>th</sup> Avenue, East Moline, IL 61244.**

  
\_\_\_\_\_  
Jeffrey M. Evans, Executive Officer  
Iowa Real Estate Commission

  
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Date

Copies to:  
Assistant Attorney General, John Lundquist  
Robert C. Fick, Mel Foster Co. Inc. of Illinois