

## IOWA REAL ESTATE COMMISSION

### Frequently Asked Questions (FAQs) Background Checks

1. When did background checks begin?

July 1, 2005.

2. Why did the Commission find it necessary to require background checks?

Legislation was introduced and signed into law via Senate File 320. The Commission subsequently planned administrative and enforcement measures to comply with the new law.

3. Who will be required to have background checks?

All initial salesperson and broker applicants. This includes those licensing by exam, reciprocity and Rule 5.3, as well as salespersons converting to brokers. Also affected will be those who are reinstating a license that has been expired for more than 3 years.

4. Will background checks be completed on current licensees?

No. Only those applying for initial licensure or upgrading from salesperson to broker will be affected by the new law.

5. What exactly is a background check?

An applicant signs a waiver allowing the Real Estate Commission to conduct both an Iowa criminal history background check with the Division of Criminal Investigation (DCI) and a national check through the Federal Bureau of Investigation (FBI). An FBI fingerprint card is submitted and sent to the FBI lab. The results of both the state and national criminal background checks are then sent to the Real Estate Commission for review and final approval. The background check is valid for 90 days.

6. If someone had a license, let it expire and then decided to re-activate the license will a background check be required?

Only if the license has been expired for 3 years or more.

7. How much does it cost?

The total cost is \$46.00.

8. Will the background check include the Iowa sex offender registry?

Yes.

9. Can the information found on either the DCI or FBI be shared with anyone?

No. The information is confidential and protected.

10. Is it true that the results from the FBI fingerprints may take four to eight weeks?

Yes. In some instances, it may take longer. Please note that inkless fingerprints cannot be used. You must submit your fingerprints in ink.

11. How will that affect the licensure application?

The application will not be processed until the background check is received and reviewed. Applications for licensure should NOT be mailed to the Iowa Real Estate Commission's office until you have been notified that the background check is complete. Any applications received prior the completion of the background check will be returned as incomplete.

12. Does an individual need to divulge criminal activity if it occurred when he/she was a minor?

It depends. If a minor is accused of criminal conduct and found guilty by a juvenile court, the finding is referred to as an "adjudication" rather than a "conviction". Technically, a juvenile adjudication is outside the Commission's inquiry. In some cases, jurisdiction is transferred by the juvenile court and minors are charged and convicted as adults. In those cases, a "conviction" occurs, which must be disclosed. Whether an individual needs to divulge criminal activity when he/she was a minor depends upon whether the matter was considered by the juvenile or adult system. If juvenile court adjudication – no, if conviction in district court – yes.

13. Does an individual need to divulge deferred judgments?

Yes.

14. Does the Commission review the answers to the criminal history questions provided by the applicant for possible fraud?

Yes. If the applicant checked "yes" to any of the questions, the Commission reviews the information provided by the applicant against the actual criminal history record. If the applicant checked "no" to any of the questions but was found to have a conviction, the application may be considered fraudulent.

15. Why might an applicant be denied a license?

- a. The applicant failed to tell the truth
- b. The applicant's criminal history was serious enough to warrant a denial
- c. The applicant failed to provide the Commission with additional information requested by the Commission
- d. The applicant procured a fraudulent document
- e. The applicant's license from another state was suspended or revoked

16. Is there an appeal process if the applicant is denied?

Yes. The applicant may make written request for hearing if within 30 days of notification that the Commission has denied the application.

17. Can a previous background check be used?

No.

18. How do I get a fingerprint packet?

[E-mail](#) or FAX: 515-281-7411 providing your name and mailing address. Please note that inkless fingerprints cannot be used. You must submit your fingerprints in ink.