

SUPREME COURT OF IOWA

Joseph W. Democko, Donald Jones and James Samis v. Iowa
Department of Natural Resources

840 N.W.2d 281 (Iowa 2013) · No. No. 12-1944 · Decided December 6, 2013

SUMMARY

The Iowa Supreme Court reviewed the revocation of resident hunting licenses issued to three nonresident landowners by the Iowa Department of Natural Resources. The court held that substantial evidence supported the agency's determination that the appellants lacked Iowa residency under Iowa Code chapter 483A and that the statute granting certain hunting privileges to resident landowners did not violate the Privileges and Immunities Clause. The court affirmed the district court's judgment upholding the agency decisions.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Appel, Justice
JURISDICTION	Iowa
DECIDED	December 6, 2013
DOCKET	No. 12-1944
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a consolidated judicial-review proceeding in which the Iowa district court affirmed administrative decisions revoking appellants' resident hunting licenses.
STANDARD OF REVIEW	Under Iowa Code section 17A.19, the Iowa Supreme Court determines whether applying the chapter 17A standards yields the same conclusions as the district court. Agency factual findings are upheld when supported by substantial evidence in the record as a whole. Constitutional issues are reviewed de novo without agency deference. Because the legislature supplied statutory definitions of the relevant residency terms and did not clearly vest the agency with interpretive authority over them, the agency's statutory interpretation was reviewed for correction of errors at law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.

PARTIES

Joseph W. Democko, Donald Jones, James Samis v. Iowa Department of Natural Resources

TOPICS

judicial review of agency action

administrative law

statutory interpretation

privileges and immunities

appellate procedure

PRACTICE AREAS

administrative law

constitutional law

wildlife and hunting regulation

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether substantial evidence supported the agency's determinations that Democko, Jones, and Samis were not Iowa residents for purposes of Iowa Code chapter 483A.
2. Whether the agency improperly interpreted Iowa Code section 483A.1A(10)(a) to require ninety consecutive days of physical presence in Iowa before a person could qualify as a resident.
3. Whether the agency improperly applied a rule requiring applicants to spend more than one-half of each year in Iowa.
4. Whether Iowa Code section 483A.24, which grants certain hunting privileges to resident landowners but not nonresident landowners, violates the Privileges and Immunities Clause of Article IV, section 2 of the United States Constitution.

HOLDINGS

1. Substantial evidence supported the agency's determinations that Democko, Jones, and Samis lacked an Iowa principal and primary residence or domicile for purposes of chapter 483A.
2. The agency did not interpret Iowa Code section 483A.1A(10)(a) to require continuous physical presence in Iowa for the ninety-day period preceding an application for a resident hunting license.
3. The agency did not apply a rule requiring Jones or Samis to spend more than one-half of each year in Iowa.
4. Iowa Code section 483A.24 does not violate the Privileges and Immunities Clause because Iowa landownership is not accompanied by a fundamental property right to hunt wildlife on one's own land.

KEY QUOTATIONS

"The legislature has also provided a nonexclusive list of factors, and thus requires the use of a multifactor, totality-of-the-circumstances approach." (p. 16)

"Regardless of what might have been at common law, we conclude the legislature has extinguished any such right." (p. 23)

“Applying this framework, we find in light of the extensive statutory scheme that landownership in Iowa is not accompanied by the right to hunt on one’s own land.” (p. 25)

FACTUAL BACKGROUND

The DNR revoked resident hunting licenses held by three individuals after determining that their principal and primary residences or domiciles were outside Iowa, despite each having some Iowa property, business, tax, voting, or licensing ties. Each appellant spent a majority or substantial portion of his time outside Iowa and regularly returned to an out-of-state home where his spouse or family lived. The administrative factfinders considered the totality of the circumstances, including family location, time spent in Iowa, business interests, property, and the nature of the claimed Iowa residences.

PROCEDURAL HISTORY

The Iowa Department of Natural Resources determined that Democko, Jones, and Samis did not qualify as Iowa residents for purposes of resident hunting licenses and issued notices of revocation. Administrative law judges affirmed, and the Iowa Natural Resource Commission affirmed those decisions. The appellants filed a consolidated petition for judicial review, and the Iowa District Court for Monroe County affirmed. The Iowa Supreme Court affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- ABC Disposal Systems, Inc. v. Department of Natural Resources, 681 N.W.2d 596, 601 (Iowa 2004)
- Watson v. Iowa Department of Transportation, 829 N.W.2d 566, 568 (Iowa 2013)
- Lee v. Iowa Department of Transportation, 693 N.W.2d 342, 344 (Iowa 2005)
- Gartner v. Iowa Department of Public Health, 830 N.W.2d 335, 344 (Iowa 2013)
- NextEra Energy Resources LLC v. Iowa Utilities Board, 815 N.W.2d 30, 37, 44 (Iowa 2012)
- Doe v. Iowa Department of Human Services, 786 N.W.2d 853, 857 (Iowa 2010)
- Sherwin-Williams Co. v. Iowa Department of Revenue, 789 N.W.2d 417, 423-24 (Iowa 2010)
- Iowa Dental Association v. Iowa Insurance Division, 831 N.W.2d 138, 143-45 (Iowa 2013)
- Julson v. Julson, 255 Iowa 301, 305, 122 N.W.2d 329, 331 (1963)
- Goodsell v. State Automobile & Casualty Underwriters, 261 Iowa 135, 139, 153 N.W.2d 458, 460 (1967)
- Home Savings & Loan Association v. Iowa City Inn, Inc., 260 Iowa 1321, 1326, 152 N.W.2d 588, 590 (1967)
- Pittsburgh-Des Moines Steel Co. v. Incorporated Town of Clive, 249 Iowa 1346, 1348, 91 N.W.2d 602, 603-04 (1958)
- Kroblin Refrigerated Xpress, Inc. v. Iowa Insurance Guaranty Association, 461 N.W.2d 175, 177-78 (Iowa 1990)
- Baldwin v. Fish & Game Commission of Montana, 436 U.S. 371, 383, 388 (1978)

- Borden v. Selden, 259 Iowa 808, 814-20, 146 N.W.2d 306, 311-14 (1966)
- State v. Ward, 170 Iowa 185, 186-89, 152 N.W. 501, 501-03 (1915)
- Minnesota ex rel. Hatch v. Hoeven, 456 F.3d 826, 831-36 (8th Cir. 2006)
- Taulman v. Hayden, No. 05-1118-WEB, 2006 WL 2631914, at *5-6 (D. Kan. Sept. 13, 2006)
- Schutz v. Thorne, 415 F.3d 1128, 1137-38 (10th Cir. 2005)
- Conservation Force, Inc. v. Manning, 301 F.3d 985, 993-95 (9th Cir. 2002)
- McCready v. Virginia, 94 U.S. 391 (1876)
- Metier v. Cooper Transportation Co., 378 N.W.2d 907, 914 (Iowa 1985)
- State v. Seering, 701 N.W.2d 655, 661-62 (Iowa 2005)

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