

**BEFORE THE REAL ESTATE APPRAISER EXAMINING BOARD
OF THE STATE OF IOWA**

IN THE MATTER OF:)	CASE NO. 07-50
)	DIA NO. 08DOCRE001
BILL BRYSON)	
CERTIFICATE NO. CR02232)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
RESPONDENT)	DECISION AND ORDER

On January 8, 2008, the Iowa Real Estate Appraiser Examining Board (Board) found probable cause to file a Statement of Charges against Bill Bryson (Respondent). The Statement of Charges alleged:

The Respondent failed to comply with an order from Case 06-25 by not completing the education as mandated by the consent order (15-hour USPAP, 30 hours in the three approaches to value and 7 hours of report writing by October 1, 2007, with verification provided to the Board within 10 calendar days of completion); failing to submit all logs by the 10th day of each month while on probation; and failing to submit 4 of the 6 appraisals required for review in violation of Iowa Code section 272C.3(2)(a).

The hearing was held before the Board on March 26, 2008 at 9:00 a.m. The Respondent did not appear and was not represented by counsel. Pam Griebel, Assistant Attorney General, represented the state of Iowa. The following Board members presided at the hearing: Michael Lara, Appraiser, Chairperson; Greg Morehead, Appraiser; James Kesterson, Appraiser; Judy Zwanziger, Appraiser; and Amy Thorne, Appraiser. Administrative Law Judge John M. Priester assisted the Board in conducting the hearing. A certified court reporter recorded the proceedings.

The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1)(2007) and 193 IAC 7.25(2). After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(2007) to deliberate its decision. The Board instructed the administrative law judge to prepare these Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.

THE RECORD

The record includes the State's Prehearing Conference Report, the testimony of the witness, and State Exhibits 1-16 and the Respondent's email from March 26, 2008.

FINDINGS OF FACT

1. On March 15, 2001, the Respondent was issued Certificate No. CR02232 to practice as a certified residential real estate appraiser in the state of Iowa. The Respondent's certificate is currently in good standing and is scheduled to expire on June 30, 2008. (State Exhibit 1)
2. The Respondent signed a Consent Order on May 13, 2007. The Consent Order imposed discipline on the Respondent. The Respondent was required to complete educational hours (15 hours of USPAP, 30 hours in the three approaches to value and 7 hours of report writing) by October 1, 2007; he was to submit all logs by the 10th day of each month while on probation; and he was required to submit 4 of the 6 appraisals required for review. (State Exhibit 2)
3. The Respondent failed to send verification that he completed the required educational hours. The Respondent failed to provide all of the required logs by the 10th day of each month. The Respondent had not sent in a log since September 2007. The Respondent also failed to provide 4 of the 6 appraisals required for review. (Exhibit 1, testimony of Sylvia King).

CONCLUSIONS OF LAW

Failure to Appear

If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of a party. 193 IAC 7.27(1).

The Respondent was personally served with the Statement of Charges and Notice of Hearing on January 21, 2008 in accordance with 193 IAC 7.6(2). The Respondent was properly served but failed to appear. The Board was authorized to proceed with the hearing.

Iowa law proves that the Board may "revoke a license . . . upon failure of the licensee to comply with a decision of the board imposing licensee discipline." Iowa Code § 272C.3(2)(a).

The preponderance of the evidence established that the Respondent violated Iowa Code section 272C.3(2)(a) when he failed to comply with the terms of the Consent Order he signed on May 13, 2007.

DECISION AND ORDER

The Respondent's actions in failing to abide by the terms of the Consent Order he signed warrant revocation of his certificate.

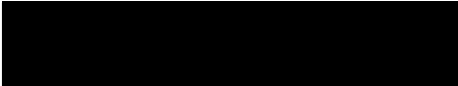
IT IS THEREFORE ORDERED that Iowa Real Estate Appraiser Certificate No. CR02232, issued to Bill Bryson, is hereby **REVOKED**, effective immediately upon service of this Decision and Order.

IT IS FURTHER ORDERED that before any application for reinstatement is granted, the Respondent will be required to establish that the reason for the revocation no longer exists and it is in the public interest for his license to be reinstated. 193 IAC 7.38(5). The Board retains the right to set conditions of probation in connection with any order reinstating the Respondent's license.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 193 IAC 7.41, that the Respondent shall pay \$75.00 within thirty (30) days of receipt of this decision for fees associated with conducting the disciplinary hearing.

IT IS FURTHER ORDERED that the Respondent shall notify all clients of the fact that his certification has been revoked within fifteen (15) days of receipt of this final decision, in accordance with 193 IAC 7.30(3). Within thirty days of receipt of this final order, the Respondent shall provide the Board with copies of the notice sent to clients.

Dated this 15th day of May, 2008.



Michael Lara, Appraiser
Chairperson
Iowa Real Estate Appraiser Examining Board

Cc: Bill Bryson
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Russell IA 50238
(PERSONAL SERVICE)

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This decision becomes final agency action, unless, within 15 days after the date of notification or mailing of this decision, a motion to vacate is filed and served on all parties. A motion to vacate shall state all facts relied upon by the moving party that establishes that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit or a person with personal knowledge of each such fact attached to the motion. 193 IAC 7.27(3).

Judicial review of the board's decision may be sought in accordance with the terms of Iowa Code chapter 17A. 193 IAC 7.37.