

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

IN THE MATTER OF:)	
Jodi M. Ehlers)	CASE NO. 00-01
)	
CERTIFICATE NO. CR01735)	STATEMENT OF CHARGES
)	
RESPONDENT)	

COMES NOW, the Complainant Susan A. Griffel, and states:

1. She is the Executive Secretary of the Iowa Real Estate Appraiser Examining Board and files this Complaint solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C(1999).
3. On July 15, 1994, Jodi M. Ehlers, the Respondent, was issued an Iowa Real Estate Residential Appraiser Certificate by the Board.
4. The Certificate No. CR01735 is currently in good standing.

COUNT I

The Respondent has repeatedly failed to adhere to appraisal standards, failed to exercise reasonable diligence, and performed in a negligent fashion in the development, preparation, and communication of numerous appraisals in 1999 and 2000, in violation of Iowa Code sections 272C.3(2)(b), 272C.10(8), 543D.17(1)(d)(e) and (f), and 543D.18(1)(1999), and 193F—IAC 7.1(5).

COUNT II

The Respondent has so consistently fallen below the minimum standards of professional performance in the development, preparation and communication of numerous appraisals that she has demonstrated a lack of competence to practice in a manner which would assure the citizens of this State an appropriate level of professional care, in violation of Iowa Code sections 272C.3(2)(b), 272C.10(2), 543D.17(1)(f).

CIRCUMSTANCES

1. The Respondent prepared and communicated four appraisals for real property identified as 829 Cortright Street, Mapleton, IA, 2606 Chicago Avenue, Sioux City, IA, 404 Woodrose Drive, Sioux City, IA and 1114 Villa Street, Sioux City, IA.

2. The above appraisals were prepared and communicated after the Respondent was issued Iowa Certified Residential Real Property Certificate No. CR01735.

3. The 829 Cortright Street, Mapleton, IA, (dated August 8, 1999) report contains deficiencies including but not limited to the following violations of the Uniform Standards of Professional Appraisal Practice:

- a. Failure to prominently state the report option used. 2-2.
- b. Failure to consider and identify the intended use and users(s) of the appraisal.
1-2(a), 2-2(b)(iii).
- c. Failure to adequately identify and report improvement(s) description.
1-2(a), 2-2(b)(i).
- d. Failure to collect, verify, analyze and reconcile comparable sales, adequately identified and described. 1-4(b)(iii), 2-2(b)(viii).
- e. Failure to correctly employ recognized methods and techniques. 1-1(a), 2-2(b)(viii).
- f. Appraiser committed a substantial error of omission or commission that significantly affected the appraisal. 1-1(b).
- g. Appraisal report fails to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a).

4. The 2606 Chicago Avenue, Sioux City, IA, dated February 15, 2000, report contains deficiencies including but not limited to the following violations of the Uniform Standards of Professional Appraisal Practice:

- a. Failure to prominently state the report option used (2-2).
- b. Failure to consider and identify the intended use and user of the appraisal. 1-2(a) and 2-2(b)(iii).

- d. Failure to adequately identify and report improvement(s) description. 1-2(a), 2-2(b)(i).
- d. Failure to collect, verify, analyze and reconcile comparable sales, adequately identified and described. 1-4(b)(iii) and 2-2(b)(viii).
- e. Failure to correctly employ recognized methods and techniques. 1-1(a), 2-2(b)(viii).
- f. Appraiser committed a substantial error of omission or commission that significantly affected the appraisal. 1-1(b).
- h. Appraisal report fails to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a).

5. The 404 Woodrose Drive, Sioux City, IA, dated June 6, 2000, report contains deficiencies including but not limited to the following violations of the Uniform Standards of Professional Appraisal Practice:

- a. Failure to prominently state the report option used. 2-2.
- b. Failure to consider and identify the intended use and user(s) of the appraisal. 1-2(a), 2-2(b)(iii).
- e. Failure to adequately identify and report improvement(s) description. 1-2(a), 2-2(b)(i).
- f. Failure to collect, verify, analyze and reconcile comparable sales, adequately identified and described. 1-4(b)(iii), 2-2(b)(viii).
- g. Failure to collect, verify, analyze and reconcile the cost new of improvements. 1-4(b)(i), 2-2(b)(viii).
- h. Failure to collect, verify, analyze and reconcile accrued depreciations. 1-4(b)(i), 2-2(b)(viii).
- i. Failure to correctly employ recognized methods and techniques. 1-1(a), 2-2(b)(viii).
- j. Appraiser committed a substantial error of omission or commission that significantly affected the appraisal. 1-1(b).
- k. Appraisal report fails to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a).

6. The 1114 Villa Street, Sioux City, IA, (dated July 10, 2000) report contains deficiencies including but not limited to the following violations of the Uniform Standards of Professional Appraisal Practice:

- a. Failure to prominently state the report option used. 2.2.
- b. Failure to consider and identify the intended use and user(s) of the appraisal. 1- 2(a), 2-2(b)(iii).
- c. Failure to adequately identify and report improvement(s) description. 1-2(a), 2-2(b)(i).
- d. Failure to collect, verify, analyze and reconcile comparable sales, adequately identified and described. 1-4(b)(iii), 2-2(b)(viii).
- e. Failure to correctly employ recognized methods and techniques. 1-1(a), 2-2(b)(viii).
- f. Committed a substantial error of omission or commission that significantly affected the appraisal. 1-1(b).
- g. Failure to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a).

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

IN THE MATTER OF:)

Jodi M. Ehlers)

CERTIFICATE NO. CR01735)

RESPONDENT)

CASE NO. 00-01

STATEMENT OF CHARGES

COPY

COMES NOW, the Complainant, Susan A. Griffel, and states:

1. She is the Executive Secretary of the Iowa Real Estate Appraiser Examining Board and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C (2001).
3. On July 15, 1994, Jodi M. Ehlers, the Respondent, was issued an Iowa Real Estate Residential Appraiser Certificate by the Board.
4. On January 11, 2001, the Board filed a Statement of Charges against the Respondent charging her in multiple counts with violations of the Uniform Standards of Professional Appraisal Practice, failure to exercise reasonable care in the development and reporting of real estate appraisals and negligence and incompetence in the practice of real estate appraising.
5. On January 11, 2001, the Board also executed a Settlement Agreement and Consent Order (Order). The Respondent had signed the Consent Order on December 4, 2000. The Order required the Respondent to submit all appraisals to a desk review process commencing December 4, 2000. The date was later extended to February 1, 2001.
6. The Board has never received a proposed desk review agreement and has never approved a desk reviewer. Respondent is accordingly unable to lawfully perform real estate appraisal services as a certified real estate appraiser. The Board reminded Respondent she could not perform appraisal services through a letter dated January 23, 2001 and February 14, 2001.

7. On February 19, 2001, Respondent assured the Board in writing that she was not performing appraisal services.
8. On February 16, 2001, Respondent signed an appraisal report as a certified appraiser for property located in Iowa.
9. On April 12, 2001, Respondent signed an appraisal report as a certified appraiser for property located in Iowa.
10. Respondent has performed appraisal services contrary to the terms of the January 11, 2001, Consent Order and has misrepresented her appraisal practice to the Board.
11. The Board may suspend or revoke a certificate or take other appropriate discipline based on a certificate holder's failure to comply with a Board order imposing discipline, pursuant to Iowa Code section 272C.3(2)(a)(2001).

COUNT I

The Respondent is charged with failure to comply with a Board order imposing discipline in violation of Iowa Code section 272C.3(2)(2001).

COUNT II

The Respondent engaged in willful violation of Iowa Code section 272C.3(2)(2001) as evidenced by her blatant violation of the Consent Order in the face of additional reminders, in violation of Iowa Code section 272C.10(3)(2001).

COUNT III

Respondent made misleading or deceptive representations in the practice of real estate appraising by signing her name as a certified real estate appraiser to appraisals when she was not in good standing to do so, and by misrepresenting her practice to the Board, in violation of Iowa Code section 272C.10(3)(2001).

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.


Susan A Griffel, Executive Secretary
Complainant

On this 30th day of May, 2001, the Iowa Real Estate Appraisal Examining Board found probable cause to file this complaint and to order a hearing in this case.



Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board

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

IN THE MATTER OF:)	
JODI M. EHLERS)	CASE NO. 00-01
Certificate Number CR01735)	SETTLEMENT AGREEMENT &
)	CONSENT ORDER
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Jodi M. Ehlers (Respondent) enter into this Consent Order pursuant to Iowa Code sections 17A.10(1999) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (1999).
2. A Statement of Charges alleging violations of real estate appraisal standards shall be filed with this Consent Order.
3. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Order. Once entered, this Consent Order shall have the full force and effect of a disciplinary order entered following contested case hearing.
4. Respondent agrees the State's counsel may present this Consent Order to the Board and may have exparte communications with the Board while presenting it.
5. This Consent Order shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
6. The Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1999).
7. Failure to comply with the provisions of this Consent Order shall be considered prima facie evidence of a violation of Iowa Code section 543D.17(1) (1999), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (1999). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
8. This Agreement is subject to approval of the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

9. The Respondent shall complete the following educational courses, none of which may be counted toward the continuing education requirement for certification of renewal:
 - (a) Fifteen (15) hours of USPAP, successfully passing the exam
 - (b) Three fifteen (15) hour courses, tested, totaling forty-five (45) hours, covering the three approaches to value, successfully passing each of the exams. Courses must be pre-approved by the board.
10. The course work shall be completed by August 31, 2001. Documentation of education shall be submitted within ten days of completion.
11. Desk Review: Respondent shall develop a desk review consultation agreement with an Iowa certified real estate appraiser in good standing and pre-approved by the Board on the following terms and conditions:
 - a. Respondent shall submit for pre-release review all appraisals she prepares after the date this Order is accepted by the Board for the time period described below.
 - b. An executed copy of the desk review consultation agreement shall be submitted to the Board prior to implementation of the agreement. The desk review consultation agreement may be in letterform, but must attach a copy of this Consent Order so the desk reviewer is familiar with its precise terms.
 - c. The reviewing appraiser shall perform a desk review of each appraisal report before the final documents are signed and submitted to the client. The review shall be for facial compliance with USPAP. The reviewer will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations and any other documents reasonably needed. The reviewer shall prepare written comments on each appraisal's compliance with USPAP.
 - d. The reviewer's recommended revisions or corrections, if any, shall be incorporated into each appraisal report prior to releasing the report to the client. The professional assistance of the desk reviewer shall be disclosed in the final report if the reviewer recommends substantive changes. A copy of the reviewer's comments shall be submitted directly to the Board from the reviewer. The comments do not need to be received by the Board prior to the completion of the appraisal assignment. Within ten days of written request, Respondent shall supply the Board with copies of requested appraisal reports reflecting both Respondent's initial draft and the final version issued following desk review.
 - e. Respondent may petition the Board for release from this requirement as soon as she submits verification of successful completion of the education and has completed desk review for a minimum of twelve months and a minimum of twenty appraisals. The Board shall release Respondent from desk review if the draft appraisals (i.e., those prepared prior to receiving the reviewer's comments) and review comments do not reveal serious deviations from minimum appraising standards. If the draft appraisals or review comments do reveal serious deviations from minimum appraising standards, the review process shall continue until further order of the Board. Respondent may petition the Board for release from the desk review process after an additional twenty appraisals have been reviewed.

f. This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals, subject to desk review shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.

g. Given Respondent's need to secure an approved reviewer to stay in business once this Order is accepted by the Board, the effective date of the desk review portion of the Order shall be December 15, 2000.

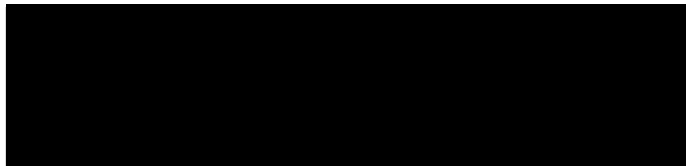
12. The Respondent shall submit to the Board a log of all residential appraisal reports completed in the first six months following her successful completion of the education and desk review plan described above. The Board may select one or more appraisals for review.

13. Should Respondent violate the terms of this Consent Order in any respect, the Board may institute formal disciplinary proceedings. This agreement shall be made part of the permanent record of the Iowa Real Estate Appraiser Examining Board, and may be considered by the Board in determining the nature or severity of any future action.

13. This Consent Order is subject to approval of the Board. If the Board fails to approve this Consent Order, it shall be of no force or effect to either party.

14. This Consent Order is public record and available for inspection and copying in accordance with Chapter 22 of the Iowa Code.

AGREED AND ACCEPTED:



Jodi M. Ehlers
Respondent



Richard Bruce, Chair
Iowa Real Estate Appraiser Examining
Board

Dec 4, 2000
Date

1-19-01
Date

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

IN THE MATTER OF:)

CASE NO. 00-01

Jodi M. Ehlers
204 Chamberlain
Mapleton, IA 51034)

NOTICE OF HEARING

COPY

RESPONDENT)

YOU ARE HEREBY NOTIFIED that hearing on the attached Statement of Charges will be held before the Iowa Real Estate Appraiser Examining Board on the 19th day of July, 2001, at 9:00 o'clock a.m., at 1918 S.E. Hulsizer Road, Ankeny, Iowa. The Board has jurisdiction over this case pursuant to Iowa Code chapters 17A, 272C and 543D (2001). The specific statutes and rules you are alleged to have violated and a short and plain statement of the matters asserted are included in the attached Statement of Charges.

ANSWER: At least 20 days prior to the hearing you must file an answer to the charges as provided in 193 F Iowa Administrative Code ("IAC") 8.9.

PREHEARING CONFERENCE: A prehearing conference will be held by telephone on the 13TH day of July, 2001, at 1:30 o'clock pm. You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Board rules on prehearing conferences may be at 193F IAC 8.9(1).

PRESIDING OFFICER: The Board shall serve as presiding officer. The Board may request that an Administrative Law Judge ("ALJ") from the Department of Inspections and Appeals make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

A request that an ALJ preside at the hearing must be filed within 20 days of the date you are served with this Notice pursuant to 1998 Iowa Acts, chapter 1202, section 15, and 193F IAC 8.12. However, disciplinary contested cases against licensees are heard by the Board or a panel of the Board pursuant to Iowa Code section 272C.6 and Board rule 193F IAC 8.12.

HEARING PROCEDURES: Board rules on hearing procedures may be found at 193F IAC chapter 8.12. You may appear personally and be represented by counsel at your own expense. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing.

DEFAULT: If you fail to appear at hearing the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with 2001 Iowa Acts, chapter 1202, section 16, and 193F IAC 8.12(15).

PROSECUTION: Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings filed with the Board should be provided to:

Pamela D. Griebel
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone: 515-281-6858
Fax: 515-281-7551

RESPONDENT'S COUNSEL: Keith E. Uhl, 3103 Elmwood Drive, Des Moines, IA 50312 (515)-255-8082

SETTLEMENT: The procedural rules governing the Board's settlement process are found at 193F IAC 8.6. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela D. Griebel, at the above telephone number.

COMMUNICATIONS: You may not contact Board members by phone, letter, or in person about the attached Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all other parties in the case. You should direct any questions to Assistant Attorney General Pamela Griebel at 515-281-6858.

5-31-01
(date)


Susan A. Griffel
Executive Secretary
Iowa Real Estate Appraiser
Examining Board

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

IN THE MATTER OF: JODI M. EHLERS CERTIFICATE NO. CR 01735 Respondent.	CASE NO. 00-01 DIA # 01DOCRE003 FINAL DECISION AND ORDER
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I. FINDINGS OF FACT:

1. Notice of hearing for this matter was issued on May 31, 2001. Pursuant to that notice, an administrative hearing was commenced on July 19, 2001. Present at the hearing were Board members Sharon Chism, Chair, Appraiser; Cindy A. Hansen, Vice Chair, Public Member; Richard Bruce, Appraiser; Luther Gammon, Appraiser; David Erickson, Public Member; and Richard J. Koestner, Appraiser. The Respondent, Jodi M. Ehlers, appeared and was represented by counsel, Keith Uhl. The State was represented by Pamela Griebel, Assistant Attorney General. The Honorable Donald W. Bohlken, Administrative Law Judge, presided. The hearing was open to the public.

2. The allegations submitted to the Board are set forth in three counts in the Statement of Charges attached to the Notice of Hearing which is part of the record of this case:

COUNT I

The Respondent is charged with failure to comply with a Board order imposing discipline in violation of Iowa Code section 272C.3(2) (2001).

COUNT 11

The Respondent engaged in willful violation of Iowa Code section 272C.3(2) (2001) as evidenced by her blatant violation of the Consent Order in the

face of additional reminders, in violation of Iowa Code section 272C.10(3) (2001).

COUNT III

Respondent made misleading or deceptive representations in the practice of real estate appraising by signing her name as a certified real estate appraiser to appraisals when she was not in good standing to do so, and by misrepresenting her practice to the Board, in violation of Iowa Code section 272C.10(3) (2001).

(EX. 1 - Statement of Charges).

3. As part of an agreement with the State, entered on the record at hearing, the Respondent confessed judgment to all three counts. The Respondent also voluntarily surrendered her license.

4. The Respondent also stipulated that State's Exhibits Nos. 1 through 12 would be admitted into the record without the need for supporting witnesses. The parties also stipulated that Respondent's Exhibits A and B would be admitted into the record under seal.

5. As part of her stipulated agreement, the Respondent was allowed to and did present evidence of the circumstances surrounding her violation of the earlier consent order. The consent order referred to is the Settlement Agreement and Consent Order entered on January 11, 2001. (EX. 2).

6. The Board accepted the stipulation and heard the Respondent's testimony on the circumstances surrounding her. After meeting in closed session, the Board decided to set forth conditions for reinstatement of the Appellant as well as take other appropriate measures in the Order below.

II. CONCLUSIONS OF LAW:

1. Jurisdiction for this disciplinary proceeding is provided by Iowa Code sections 17A.12, 17A.18, 272C.3, and 543D.17.

2. The administrative rules provide the following with respect to disciplinary actions that may be taken by this agency:

193F-8.29(543D) Dispensation. The board shall make findings of fact and conclusions of law and may take one or more of the following actions:

1. Dismiss the charges.
2. Suspend the registrant's registration as authorized by law.
3. Impose civil penalties, the amount which shall be set at the discretion of the board, but which shall not exceed \$1000. Civil penalties may be imposed for any of the disciplinary violations specified in Iowa Code section 543D.17 or for any repeat offenses.
4. Impose a period of probation, either with or without conditions.
5. Require reexamination.
6. Require additional professional education, reeducation, or continuing education.
7. Issue a citation and a warning.
8. Issue a consent order.

193F IAC 8.29. See also Iowa Code section 272C.3.

3. The rules also state, with respect to voluntary surrender of a license, that:

193F-8.41(543D,272C) Reinstatement. Any person whose registration has been revoked or suspended by the board may apply to the board for reinstatement in accordance with the terms of the order of revocation or suspension.

8.41(1) If the order of revocation or suspension did not establish terms upon which reinstatement might occur, or if the registration was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the order or the date of voluntary surrender.

8.41(2) All proceedings for reinstatement shall be initiated by the respondent who shall file with the board an application for reinstatement of the respondent's registration. Such application shall

be docketed in the original case in which the registration was revoked, suspended, or relinquished. All proceedings upon the petition for reinstatement, including the matters preliminary and ancillary thereto, shall be subject to the same rules of procedure as other cases before the board.

8.41(3) An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis of revocation or suspension of the respondent's registration no longer exists and that it will be in the public interest for the registration to be reinstated. The burden of proof to establish such facts shall be on the respondent.

8.41(4) An order of reinstatement shall be based upon a decision which incorporates findings of fact and conclusions of law and must be based upon the affirmative vote of not fewer than five members of the board. This order will be published as provided for in rule 8.42(543D,272C)

193F IAC 8.41 (emphasis added). By implication, this rule allows the board to establish conditions for reinstatement, even in cases of voluntary surrender, because such conditions may be required in order to ensure that "it will be in the public interest for the registration to be reinstated." Id. at 8.41(3).

3. By statute, this board may:

charge a fee not to exceed seventy-five dollars for conducting a disciplinary hearing pursuant to this chapter which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- a. Transcript.
- b. Witness fees and expenses.
- c. Depositions.

Iowa Code section 272C.6 (2001).

4. The administrative rules provide, with respect to hearing costs:

193F-8.44(543D,272C) Recovery of hearing fees and expenses. The board may assess the real estate appraiser certain fees and expenses relating to a disciplinary hearing, only if the board finds that the real estate appraiser did violate Iowa Code chapter 543D and rules of the real estate appraiser examining board.

8.44(1) The board may assess an amount up to the following costs under this rule:

- a. For conducting a disciplinary hearing, an amount not to exceed \$75.
- b. All applicable costs involved in the transcript including, but not limited to, the services of the court reporter at the hearing, transcription, duplication, and postage or delivery costs.
- c. All normally accepted witness expenses and fees for a hearing or the taking of depositions. This shall include, but not be limited to, the cost of an expert witness and the cost involved in telephone testimony.
- d. All normally applicable costs involved in depositions including, but not limited to, the services of the court reporter recording the deposition, transcription, duplication, and postage or delivery costs.
- e. The board, at its discretion, may assess an appropriate amount up to but not exceeding the \$75 fee established by this subrule and the actual acceptable costs, fees, and expenses involved.

8.44(2) Fees, costs, and expenses assessed pursuant to this rule shall be calculated and may be entered into the disciplinary order specifying the amount to be reimbursed and the time period in which the amount assessed must be paid by the real estate appraiser.

- a. When it is impractical or not possible to include the assessment and time period in the disciplinary order in a timely manner, or if the expenditures occur after the disciplinary order, the board, by a majority vote of the members present, may assess the amount to be reimbursed

and the time period in which payment is to be made by the real estate appraiser.

b. If the assessment and the time period are not included in the disciplinary order, the board shall have to the end of the sixth month after the date the state of Iowa paid the expenditures to assess the real estate appraiser for such expenditure.

8.44(3) Fees, costs, and expenses assessed by the board pursuant to this rule shall be allocated to the expenditure category in which the disciplinary procedure of hearing was incurred. The fees, costs, and expenses shall be considered repayment receipts as defined in Iowa Code section 8.2.

8.44(4) The failure to comply with payment of the assessed costs, fees, and expenses within the time specified by the board shall be considered prima facie evidence of a violation of Iowa Code chapter 543D. However, no action may be taken against the real estate appraiser without a hearing as provided in this chapter.

193F IAC 8.44.

5. The conditions placed on the reinstatement of the Appellant's voluntarily surrendered license, set forth in the order below, make reference to the following rule:

193F-3.6(543D) Associate real estate appraiser.

3.6(1) The classification of associate real estate appraiser shall be used only to refer to individuals who do not meet the experience requirements for certification or licensure.

3.6(2) Applicants for the associate real estate appraiser classification shall meet the educational requirements for one of the following examinations:

a. State licensed real property appraiser; b. Certified residential real property appraiser; c. Certified general real property appraiser.

3.6(3) Applicants for the associate real estate appraiser classification shall pay the appropriate examination fee. Applications will be considered incomplete without the correct examination fee.

3.6(4) The associate real estate appraiser shall be subject to direct supervision by a supervising appraiser who shall be licensed or certified in good standing.

3.6(5) The supervising appraiser shall be responsible for the training and direct supervision of the associate by:

- a. Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP);
- b. Reviewing the associate real estate appraiser reports; and
- c. Personally inspecting each appraised property with the associate real estate appraiser until the supervising appraiser determines the associate is competent in accordance with the Uniform Standards of Professional Appraisal Practices for the property type.

3.6(6) The associate real estate appraiser may have more than one supervising appraiser.

3.6(7) An appraisal log shall be maintained by the associate real estate appraiser and shall, at a minimum, include the following for each appraisal:

- a. Property address;
- b. Type of property;
- c. Date of report;
- d. Type of report;
- e. Number of hours claimed;
- f. Signature of supervising appraiser.

3.6(8) Separate appraisal logs shall be maintained for each supervising appraiser.

3.6(9) An associate real estate appraiser shall comply with the continuing education requirements of Chapter 6 of the board's administrative rules.

3.6(10) Upon completion of the appropriate hours of experience an associate real estate appraiser may apply for an upgrade to the appropriate certified or licensed designation by submitting the following:

- a. A completed application provided by the board;
- b. A copy of the appraisal log(s);
- c. The associate real estate appraiser certificate;
- d. The appropriate fee;
- e. A written request.

3.6(11) Upon review of the application and documentation the board shall issue the appropriate certificate to the applicant.

III. DECISION AND ORDER:

It is hereby ordered, adjudged and decreed that:

1. The Appellant has confessed judgment to Counts I, II and III of the Statement of Charges. The Board therefore finds that all the violations alleged in those counts have been established.
2. The Board accepts the Appellant's voluntary surrender of her license. Nevertheless, the Appellant must meet all the provisions of this order before she may apply for reinstatement.
3. The Appellant shall provide to the Board, within 30 days after the date of this order, copies of letters, sent by certified mail, to all persons for whom she performed appraisal services within one year prior to the date of this order, informing them that she is no longer licensed to perform real estate appraisals.
4. If the Appellant applies for reinstatement, the Appellant shall provide, at time of application, a physician's statement indicating that the Appellant is physically and mentally capable of performing the duties of a real estate appraiser.
5. The Appellant shall, prior to any application for reinstatement but no sooner than one year after the date of this order, begin the coursework required in paragraph 9 of the Consent Order dated January 11, 2001. All coursework and exam requirements set forth in paragraph 9 must be completed prior to any application for reinstatement.
6. In order to be reinstated, the Appellant shall, no sooner than one year after the date of this order, submit an application for the associate real estate appraiser classification under administrative rule 193F IAC 3.6. None of her education, experience or exam results obtained prior to one year after the date of this order shall be used to meet the requirements for associate real estate appraiser or any upgrade from that classification.

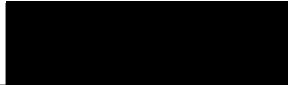
7. In the event that administrative rule 193F IAC 3.6 has been replaced by a real property appraiser trainee rule or other equivalent rule, the Appellant shall, in order to be reinstated, apply to be a trainee in accordance with the requirements of that new rule. None of her education, experience or examination results obtained prior to one year after the date of this order shall be used to meet the requirements for real property appraiser trainee or any equivalent classification or any upgrade from that classification.

8. The Board shall report this disciplinary action to the equivalent South Dakota and Nebraska agencies and to the national registry.

9. The Appellant shall pay hearing costs of \$75.00 to be remitted to the Board within 30 days of the date of this order.

IT IS SO ORDERED:

Signed this the 8th day of August, 2001.



Sharon Chism, Chair
Iowa Real Estate Appraiser Examining Board
1918 S.E. Hulsizer Road
Ankeny, Iowa 50021-3941