

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

Department of Commerce  
Professional Licensing Bureau  
FILED 7/24/09 (Date)  
Appraiser Exam Board  
Board/Commission  
Signature, Executive Officer

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IN THE MATTER OF:	)	Case No. 09-30
	)	DIA NO. 09DOCRE005
Orville T. Vincent	)	
Certificate No. CR02528	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
Respondent.	)	DECISION AND ORDER

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On March 20, 2009, the Iowa Real Estate Appraiser Examining Board (Board) found probable cause to file a Statement of Charges against Orville T. Vincent (Respondent). The Statement of Charges alleged:

Count I: Respondent failed to comply with the Order for case 08-04.

The hearing was held before the Board on April 29, 2009 at 11:00 a.m. The Respondent appeared and was not represented by counsel. Pam Griebel, Assistant Attorney General, represented the state of Iowa. The following Board members presided at the hearing: Mike Lara, Appraiser, Chairperson; Greg Morehead, Appraiser; Amy Thorne, Appraiser; James Kesterson, Appraiser; Judy Zwanziger, Appraiser; and Maxine Moore Ballard, Public Member. 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 evidence and arguments, 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 and Exhibits 1-9.

## FINDINGS OF FACT

1. On November 4, 2003, the Respondent was issued Certificate No. CR02528 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, 2009. (Exhibit 2)
2. The Board issued a Combined Statement of Charges and Consent Order on August 13, 2008. This Order required the Respondent to complete 30 hours of education in the three approaches to value by November 1, 2008 with verification provided to the Board within 10 calendar days of completion; to submit all logs by the 10<sup>th</sup> day of each month while on probation; and provide 6 appraisals for peer review. (Exhibit 2)
3. The Respondent failed to submit verification of the 30 hours of education as required by the Order, failed to submit monthly logs as required by the Order and failed to submit any appraisals for review as required by the Order. (Exhibit 1, Testimony of the Respondent)
4. On March 20, 2009, the Board charged the Respondent with failure to comply with the Board's Order of August 13, 2008. (Exhibit 1)
5. The Respondent testified that he has been having a very difficult time finding a course that provides 30 hours of educational hours on the three basis of valuation. He had completed some educational hours, but not the full 30 hours.

The Respondent explained that he has provided the monthly logs, however some were late. The Respondent also explained that he has lined up a peer reviewer to review his appraisals. However, the Respondent believed that he was to have his appraisals reviewed after he completed his educational requirements. (Testimony of Respondent)

## CONCLUSIONS OF LAW

Iowa law provides that a licensing board has the authority to suspend or revoke a professional's license if the licensee fails to comply with a decision of the governing board. Iowa Code § 272C.3(2)(a)(2007).

The Respondent admitted that he failed to complete the required educational hours, failed to timely provide monthly logs, and had not provided appraisals for peer review.

The preponderance of the evidence established that the Respondent failed to comply with the Order for case 08-04 by failing to complete the required educational hours, by failing to provide his monthly logs in a timely manner, and by failing to provide appraisals for peer review.

The Board finds that the Respondent violated the Combined Statement of Charges and Consent Order signed on August 13, 2008. However, the Board finds that suspension or revocation of the Respondent's license would not be the appropriate sanction based upon the facts of this case.

The Board finds that the Respondent shall be allowed additional time to complete the required courses. The Board Orders that the Respondent complete the following qualifying educational course:

Residential Site Valuation and Cost Approach (15 hours, tested)  
Residential Sales Comparison and Income Approach (30 hours, tested)  
Report Writing (7 hours)

The Respondent may be able to complete equivalent courses, however it will require prior Board approval. These educational hours shall be completed by December 1, 2009. These educational hours shall not count towards the Respondent's recertification.

The Respondent shall also be required to send the Board monthly logs of appraisals he has completed in Iowa. Within the first two months the Board shall pick two appraisals that the Respondent shall forward to the peer reviewer of his choice. The Respondent shall then, once the peer review is completed, immediately send the appraisal, work file and review to the Board, plus complete any reissues as the peer review requires.

All other conditions of the Combined Statement of Charges and Consent Order shall remain in effect.

#### **DECISION AND ORDER**


**IT IS THEREFORE ORDERED** that for the Respondent, Orville T. Vincent to remain licensed as a real estate appraiser in the State of Iowa, he shall complete the following educational requirements:

Residential Site Valuation and Cost Approach (15 hours, tested)  
Residential Sales Comparison and Income Approach (30 hours, tested)  
Report Writing (7 hours)

The Respondent shall also be required to send monthly logs to the Board. The Board shall pick two appraisals within the first two months that will be reviewed by the peer reviewer of the Respondent's choice. The Board shall select four more appraisals for review by December 1, 2009. The Respondent will be required to immediately provide to the Board copies of the appraisals, work files and the completed reviews.

**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.

Dated this *24<sup>th</sup>* day of *July*, 2009.

  
Mike Lara, Appraiser  
Chairperson  
Iowa Real Estate Appraiser Examining Board

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