

FILED 9/25/12 (Date)
SA RECOMM EX BOARD

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

Signature, Executive Officer

IN THE MATTER OF:)

Charles W. Teel, Sr.)
CR03111)

RESPONDENT)

Case No. 11-43

COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER

A. Statement of Charges

1. The Iowa Real Estate Appraiser Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2011).

2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR03111 on April 15, 2011. Respondent resides in Indiana. He holds active certificates as a residential real estate appraiser in South Dakota (starting 9/7/11), Illinois (starting 2/19/2010), and Wisconsin (starting 3/4/2011).

3. Between April and October 2011, Respondent completed approximately 118 appraisal assignments in Iowa. Respondent has never been in the state of Iowa. Certificate No. CR03111 is currently valid and in good standing, and is scheduled to expire on June 30, 2013.

4. The Board received a complaint in October 2011 alleging that the "appraiser price opinions" completed by Respondent do not comply with USPAP. The Board submitted the appraisal to a Standard Three USPAP review. The appraisal review revealed significant issues with Respondent's adherence to USPAP standards of practice. The Board picked two additional appraisals from a log and submitted them to review. All appraisals revealed concerns about Respondent's compliance with USPAP standards.

5. Respondent's counsel has assured the Board none of the appraisals at issue were used on the secondary market or were otherwise required to be performed by a certified real estate appraiser under state or federal law, rule, or policy. The "appraiser price opinions" were intended, however, to be appraisals subject to USPAP and the client did request that the appraisals be completed by a certified appraiser.

6. The range of USPAP violations are detailed in the reviews provided to Respondent. In summary, Respondent was not at the time of the appraisal assignments geographically competent to perform appraisals in Iowa; nor had he taken appropriate steps to become geographically competent. Respondent further failed to properly disclose those providing professional assistance in the development of the appraisal assignment, and has attempted to limit the scope of work to the point where the appraisal report lacks credibility.

7. Following investigation, the Board charges Respondent with (a) failure to adhere to appraisal standards in the development and communication of appraisals; (b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and, (c) demonstrating negligence or incompetence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1) (2011), and 193F Iowa Admin. Code 7.2, 7.3(2)(c), (d), 7.3(6)(a), and 7.3(7)(a).

8. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

Once the Board raised issues with Respondent's work product in Iowa, Respondent voluntarily ceased the practice.

9. The Respondent does not admit the allegations of the charges, but does agree to comply with the Consent Order to resolve disputed matters.

B. Settlement Agreement and Consent Order

10. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order.

11. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

12. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

13. This 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 future disciplinary action to be imposed in the event of any future violations.

14. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2011).

15. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2011). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

16. This Order is subject to approval of the Board: (a) If the Board fails to approve this Order, 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; (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand. Respondent is reprimanded for repeatedly completing appraisal assignments that do not comply with USPAP.

B. Civil Penalty. Respondent shall pay a civil penalty of \$1,000 within 10 days of the date this Consent Order is fully signed by all parties.

C. Cease and Desist Order. Respondent shall cease performing "appraisal price opinions" in the manner performed prior to his voluntary cessation of practice in Iowa. Should he practice real estate appraising in Iowa in the future as a certified real estate appraiser, he shall comply with all applicable appraisal standards, including USPAP.

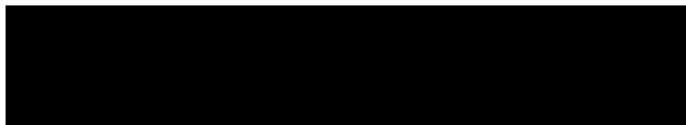
AGREED AND ACCEPTED:

The Respondent

Iowa Real Estate Appraiser Examining Board



Charles W. Teel, Sr.



James Westerson, Chair

09/20/2012

Date

9/25/12

Date

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:) **Case No. 11-43**
)
Charles Teel) **RELEASE OF PROBATION IN**
Respondent) **A DISCIPLINARY CASE**

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his probation and should be released. The Board voted unanimously to release probation on October 31, 2012.

IT IS THEREFORE ORDERED that the Respondent's probation is released.

[Redacted Signature]
Toni A Bright, Executive Director
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