

BEFORE THE IOWA REAL ESTATE APPRAISER
EXAMINING BOARD

IN THE MATTER OF:)	
)	CASE NO. 93-10
ROBERT J. FAY,)	
)	INFORMAL SETTLEMENT
Respondent.)	
)	

COMES NOW the Iowa Real Estate Appraiser Examining Board (the Board) and Robert J. Fay (Respondent), and, pursuant to Iowa Code §§ 17A.10 and 272C.3(4) (1993), enter into the following Informal Settlement of the contested case currently on file.

1. Respondent was originally issued a certificate in the state of Iowa on June 25, 1992, and holds certificate number [REDACTED].
2. A Complaint and Statement of Charges was issued against the Respondent on July 23, 1993.
3. The Board has jurisdiction of the parties and the subject matter.
4. Respondent's license shall be suspended for a period of six (6) months, commencing on the date of execution of this settlement by the Board.
5. During the period of suspension, Respondent shall successfully complete forty-five (45) tested hours of continuing education. Such education shall include:

- (a) Fifteen (15) tested hours in Uniform Standards of Professional Appraisal Practice (USPAP).
- (b) Courses which include coverage of the following

topics: valuation process; sales comparison approach;
cost approach; income approach; site value.

6. Prior to the end of the six-month suspension, Respondent shall submit to the Board, for its approval, written documentation of his successful completion of the forty-five hours of continuing education. Failure to do so will result in the continuation of the suspension period until proof of compliance is submitted and accepted by the Board.

7. Following the period of suspension, Respondent's license shall be placed on probation for a period of six (6) months, under the following terms and conditions:

(a) During the period of probation, Respondent must have another certified Iowa general real property appraiser review and sign his appraisals. The reviewing appraiser must be approved by the Board.

(b) The Respondent shall be subject to periodic, random audits of his appraiser files by the Board or the Board's designee.


(c) The Respondent shall obey all laws and regulations relating to the practice of a certified general real property appraiser in the state of Iowa.

8. Should Respondent violate the terms of this Informal Settlement in any respect, the Board, after giving Respondent

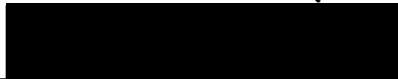
notice and an opportunity to be heard, may pursue further action against Respondent's certificate.

9. This Informal Settlement is subject to approval by the Board. If the Board approves this Informal Settlement, it becomes the final disposition of this matter. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

10. This Informal Settlement is voluntarily submitted by the Respondent to the Board for its consideration.


ROBERT J. FAY

11. This Informal Settlement is accepted by the Iowa Real Estate Appraiser Examining Board on this 30th day of September, 1993.


SUSAN D. ALBRIGHT
Chairperson
Iowa Real Estate Appraiser
Examining Board

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

COPY

IN THE MATTER OF:)	CASE NO. 93-10
ROBERT J. FAY)	
CERTIFICATE NO. [REDACTED])	
RESPONDENT)	COMPLAINT

COMES NOW, the Complainant William M. Schroeder, and states:

1. He is the Executive Secretary of the Iowa Real Estate Appraiser Examining Board and files this Complaint solely in his official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C (1993).
3. On June 25, 1992, Robert J. Fay, the Respondent was issued an Iowa Certified General Appraisal Certificate by the Board.
4. The certificate No. [REDACTED] is currently in good standing.

COUNT I

The Respondent is charged with a violation of the standards for the development and communication of a real estate appraisal pursuant to Iowa Code sections 543D.17(1)(d) and 543D.18(1) (1993) and Iowa Administrative Code 193F - 7.1(5).

COUNT II

The Respondent is charged with failing to exercise reasonable diligence in the preparation and communication of a real estate appraisal in violation of Iowa Code section 543D.17(1)(e) (1993).

COUNT III

The Respondent is charged with negligence and incompetence in the preparation and communication of a real estate appraisal in violation of Iowa Code section 543D.17(1)(f) (1993).

CIRCUMSTANCES OF THE COMPLAINT

(1) The Respondent prepared and communicated an appraisal for an acreage described as "A tract 660' x 660' in SW corner NW NW 7-76-33, Adair County, Iowa, and dated January 15, 1993. A copy of the appraisal is attached as Exhibit 1.

(2) Exhibit 1 was prepared and communicated after the Respondent was issued Iowa Certified General Real Property Certificate No. [REDACTED].

(3) Exhibit 1 contains numerous deficiencies including, but not limited to the following:

- a. Failure to adequately define the scope of the appraisal or to identify assumptions and limiting conditions of the appraisal a violation of USPAP SR 1-2(a) (1993).
- b. Failure to properly identify and consider the appropriate procedures and market information required to perform the appraisal, including all physical, functional, and external market factors as they may affect the appraisal {USPAP SR 1-4(g) (1993)}.
- c. Failure to utilize adequate appropriate data as required in USPAP SR-1-4(b) (1993).
- d. Failure to utilize appropriate valuation techniques, comparison approach, income approach and cost approach as defined in USPAP SRs 1-4(a), 1-4(b) and 2-2(j).
- e. Failure to be aware of, understand and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal which is a violation of USPAP SR 1-1 (1993).

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WHEREAS, 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.

William M. Schroeder, Complainant
Executive Secretary

On this 23rd day of July, 1993, the Iowa Real Estate Appraiser Examining Board found probable cause to file this complaint and to order a hearing in this case.

Susan Albright, Chair
Iowa Real Estate Appraiser
Examining Board