

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

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IN THE MATTER OF:

CASE NO. 04-32

Dale D. Findlay  
CG01595

STATEMENT OF CHARGES

RESPONDENT

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

1. Susan A. Griffel is the Executive Officer of the Iowa Real Estate Appraiser Examining Board ("Board") and files this Statement of Charges on behalf of the Board solely in her official capacity.
2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2003).
3. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01595 in December 1992.
4. Certificate No. CG01595 is currently valid and in good standing, and is scheduled to expire on June 30, 2006.
5. Respondent first came to the Board's attention in February 2004 when the Board received information from the Nebraska Real Estate Appraiser Board regarding an appraisal completed on a Nebraska property. The Board then requested that Respondent submit two samples of his work that represented his most USPAP compliant work. Standard 3 reviews were completed on all three reports. USPAP violations were found in the three appraisal reports. The Board received the expert opinion of a peer reviewer in the form of Standard Three reviews, dated June 9, 2004 on 2871 Martin Avenue, Omaha, NE and August 23, 2004 on 1485 O'Banion Road, Dunlap, IA and 2157 Morgan Avenue, Logan, IA. In August of 2004, the Respondent again came to the Board's attention when the Board received from a trainee, three appraisals that Respondent signed as supervisory appraiser. All three reports revealed numerous USPAP violations.
6. The review report revealed numerous violations of the Uniform Standards of Professional Appraisal Practice (USPAP). The violations included but are not limited to:

**2871 Martin Avenue, Omaha, NE:**

- a. Failure to prominently state the report option used. 2-2, 2-2[Comment]
- b. Failure to adequately identify and report the site description. 1-2(e)(i-iv), 2-2(b)(iii)
- c. Failure to adequately identify and report physical, functional and external market factors. 1-2(e)(i-v); 2-2(b)(iii),(ix).
- d. Failure to appropriately value the site. 1-4(b)(i), 2-2(b)(iii)(vii)(ix).
- e. Failure to collect, verify, analyze and reconcile the cost new of improvements. 1-4(b)(ii), 2-2(b)(iii)(vii)(ix).
- f. Failure to collect verify, analyze and reconcile accrued depreciation. 1-4(b)(iii), 2-2(b)(iii)(vii)(ix).
- g. Failure to employ recognized methods and techniques correctly. 1-1(a), 2-2(b)(iii)(vii)(ix).
- h. Failure to collect, verify, analyze, and reconcile comparable sales, adequately identified and described. 1-4(a), 2-2(b)(iii)(vii)(ix).
- i. Failure to consider the quality and quantity of the data in the approaches, the applicability of the approaches and commented in the reconciliation. 1-6(a)(b), 2-2(b)(iii)(vii)(ix)
- j. Failure to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a)(b)(c)

**1485 O'Banion Road, Dunlap, IA**

The violations include but are not limited to:

- a. Failure to prominently state the report option used. 2-2, 2-2[Comment]
- b. Failure to consider and report the extent of the process of collecting, confirming and reporting data (Scope of Work) 1-2(f), 2-2(b)(vii)
- c. Failure to consider and state all special or extraordinary assumptions and limiting conditions. 1-2(g)(h), 2-1(c), 2-2(b)(viii)

- d. Failure to collect, verify, analyze, and reconcile comparable sales, adequately identified and described. 1-4(a), 2-2(b)(iii)(vii)(ix).
- e. Failure to employ recognized methods and techniques correctly. 1-1(a), 2-2(b)(iii)(vii)(ix).
- f. Failure to consider the quality and quantity of the data in the approaches, the applicability of the approaches and commented in the reconciliation. 1-6(a)(b), 2-2(b)(iii)(vii)(ix)
- g. Failure to clearly and accurately set forth the appraisal in a manner that is not misleading. 2-1(a)(b)(c)

**2157 Morgan Avenue, Logan, IA, and the following reports signed as supervisory appraiser, including 63262 240<sup>th</sup> Street, Glenwood, IA, 1900 Argyle, Hamburg, IA and 1010 E. 10<sup>th</sup> Street, Atlantic, IA.**

Violations include but are not limited to:

- a. Failure to prominently state the report option used. 2-2, 2-2[Comment]
- b. Failure to adequately identify and report improvement(s) description. 1-2(e)(i-v), 2-2(b)(iii).
- c. Failure to employ recognized methods and techniques correctly. 1-1(a), 2-2(b)(iii)(vii)(ix).
- d. Failure to appropriately value the site. 1-4(b)(i), 2-2(b)(iii)(vii)(ix)  
On the 7th day of October, 2004, the Board found probable cause to file the following charges and to order a hearing in this case:
- e. Failure to collect, verify, analyze, and reconcile comparable sales, adequately identified and described. 1-4(a), 2-2(b)(iii)(vii)(ix).

### **COUNT I**

- 6. Respondent repeatedly failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence in the development, preparation and communication of appraisals; and, demonstrated negligence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and 543D.18(1) (2003), and 193F Iowa Admin. Code 7.2 and (5).

**COUNT II**

7. Failure to adequately, ethically and competently supervise a non-certified appraiser. While serving as a supervising appraiser, on at least one occasion, the Respondent allowed his trainee to use his digital signature without reviewing the appraisal report for USPAP compliance.

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.

Dated this 30<sup>th</sup> day of December, 2004.



Susan A. Griffel, Executive Officer  
Iowa Real Estate Appraiser Examining Board

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

**IN THE MATTER OF:**

**DALE D. FINDLAY  
CG01595**

**RESPONDENT.**

)  
) **CASE NO. 04-32**  
)  
) **CONSENT ORDER**  
)  
)

The Iowa Real Estate Appraiser Examining Board (Board) and Dale D. Findlay (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2005) and 193F IAC 8.16.

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2005).

2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01595 in 1992.

3. On December 30, 2004, the Board issued a Notice of Hearing and Statement of Charges, alleging:

Respondent failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence in the development, preparation and communication of appraisals; and, demonstrated negligence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and 543D.18(1)(2003), and 193F Iowa Admin. Code 7.2 and (5); and

Failed to adequately, ethically and competently supervise a non-certified appraiser. While serving as a supervising appraiser, on at least one occasion, the Respondent allowed his trainee to use his digital signature without reviewing the appraisal report for USPAP compliance.

4. Respondent denies the allegations but consents to settlement as stated herein.

5. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Consent Order is the final agency order in the contested case.

6. 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.

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

8. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

9. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a)(2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. 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. Voluntary Surrender**

Respondent shall voluntarily surrender his certificate by physically returning the certificate to the board office no later than ten (10) calendar days following the date this Order is signed by the Board. Respondent may not seek reinstatement for a period of at least one calendar year. Respondent shall comply with 193 IAC 7.30(3) regarding client notification of the voluntary surrender.

**B. Reinstatement**

Any application to reinstate must satisfy the requirements of 193 IAC 7.38 and 193F IAC 8.17. The Board may, in a reinstatement order, impose any requirements as it deems necessary to protect the public interest.

**AGREED AND ACCEPTED:**

**The Respondent**

[Redacted Signature]

**Dale D. Findlay**

5/21/05  
**Date**

**The Iowa Real Estate Appraiser  
Examining Board**

[Redacted Signature]

**By: Richard Koestner, Chair**

5/24/05  
**Date**