

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

---

**IN THE MATTER OF:**

**CASE NO. 03-42**

**DARRYL E. GREEN  
CG01380**

**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. CG01380 in 1992.
4. Certificate No. CG01380 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 when the Board received a complaint in September 2003 concerning an appraisal report completed by the Respondent on 4/28/03, on a property located at 1214 42<sup>nd</sup> Street, Des Moines, IA. The Board then requested that Respondent submit two appraisals that represented his best work. Respondent submitted 2200 Prospect Avenue, West Des Moines, IA dated 11/9/03 and 3216 Beaver Avenue, Des Moines, IA. dated 8/26/03. All three reports were submitted for Standard 3 reviews and were found to contain various USPAP violations.
6. The Board received the expert opinion of a peer reviewer in the form of a Standard Three review of the appraisal reports described in paragraph 5, dated 10/30/03 and two on 12/29/2003.
7. The review reports reveals numerous violations of the Uniform Standards of Professional Appraisal Practice (USPAP). As more fully itemized in each review report, the violations include but are not limited to:

- a. Failure to identify and correctly interpret appraisal problem. 1-1(a).
- b. Failure to adequately identify and report the site description. 1-2(e)(i-iv), 2-2(b)(viii)
- c. Improvements incorrectly described. 1-2(e)(i-iv); 2-2(b)(iii).
- d. Failure to adequately identify and report physical, functional and external market factors. 1-2(e)(i-v); 2-2(b)(iii),(ix).
- e. Failure to collect, verify analyze and reconcile the cost new of improvements.
- f. Failure to collect verify, analyze and reconcile accrued depreciation. 1-4(b)(iii), 2-2(b)(iii)(vii)(ix).
- g. Employed recognized methods and techniques incorrectly. 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, analyze and report prior sales of the property being appraised. 1-5(a), 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).

8. On the 28th day of July, 2004, the Board found probable cause to file the following charges and to order a hearing in this case:

#### COUNT I

9. 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 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) (2003), and 193F Iowa Admin. Code 7.2 and (5).

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 25<sup>th</sup> day of August, 2004

A solid black rectangular redaction box covering the signature of Susan A. Griffel.

Susan A. Griffel, Executive Officer

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

IN THE MATTER OF:

DARRYL E. GREEN  
CG01380

RESPONDENT

CASE NO. 03-42

CONSENT ORDER

The Iowa Real Estate Appraiser Examining Board (Board) and Darryl E. Green (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2003).

2. Respondent is a certified general real estate appraiser. He was first certified in Iowa in 1992.

3. The Board filed a Statement of Charges in connection with three appraisals, alleging that:

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 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) (2003), and 193F Iowa Admin. Code 7.2 and (5).

4. 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 Order is the final agency order in the contested case.

5. 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.

6. 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.

7. 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 (2003).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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. Education**

Respondent shall complete the following educational courses by March 31, 2005:

- (1) a 15-hour tested USPAP course;
- (2) a minimum of 30 pre-approved classroom hours covering the three approaches to value.
- (3) Certificates of completion shall be forwarded to the Board
- (4) Respondent may claim up to 14 hours of the hours specified in item (2) as continuing education on his 2006 license renewal.

**B. Probation**

- 1. Respondent shall be on probation until further order of the Board. The probationary period shall start the first day of the first full month after the Board signs this Consent Order. (November 1, 2004)
- 2. While on probation, Respondent, at Respondent's expense, shall submit three appraisals in November 2004, two appraisals per month beginning December 2004 and ending March 2005 for a total of eleven appraisals to a review appraiser pre-approved by the Board. The review appraiser shall prepare written reports to the Board that describe Respondent's compliance with USPAP and any other appraisal standards which are applicable to the appraisal at issue.

[\*]  
Review appraiser shall comply with USPAP Standard Three. Respondent may select which appraisals shall be submitted to desk review each month. The appraisals selected shall not be submitted to the client until after Respondent has submitted the appraisal to desk review, has received the desk review report, and has made any changes identified by the desk reviewer.

3. For each of the minimum eleven reviewed appraisals, Respondent shall submit to the Board the appraisal in the form initially submitted to the review appraiser, the desk review report, the final appraisal as submitted to the client (noting any changes or amendments which were made as a result of the reviewer's comments), and Respondent's work file. Such documents shall be submitted to the Board no later than 10 calendar days after the final appraisal has been issued to the client.
4. While on probation, Respondent shall submit a monthly log of his appraisals to the Board office no later than the 10<sup>th</sup> day following each calendar month beginning December 10<sup>th</sup>, 2004 for all appraisals completed in November 2004 and ending April 10<sup>th</sup>, 2005 for all appraisals completed in March 2005.
5. Respondent may apply to be released from probation after he: (a) has successfully completed all education requirements of this Consent Order, (b) has successfully subjected at least 11 appraisals to desk review, and (c) the Board has received all of the documents described in paragraph 3. The Board shall release Respondent from desk review if (1) he has complied with the terms of the Consent Order, and (2) the review reports do not reveal significant USPAP violations (taking into consideration the potential that the appraisals may improve as desk review progresses). If the desk review reports do reveal significant USPAP violations, the probation shall continue for at least another 4 months before Respondent may again apply to be released from probation.
6. This settlement shall not preclude the Board from filing additional changes if one or more of the appraisals submitted for desk review demonstrate probable cause to take such an action on an appraisal that was issued to the public. Respondent agrees Board review of desk review reports or 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.
7. Until released from the desk review process, Respondent agrees he shall not act as a review appraiser and shall not co-sign appraisals with any other associate or certified appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.

**AGREED AND ACCEPTED:**

**The Respondent**



**Darryl E. Green**

**Date**

9-29-04

**The Iowa Real Estate Appraiser  
Examining Board**



**By: Richard Koestner, Vice Chair**

**Date**

10-7-2004