

FILED May 16, 2011 (Date)
IA RE Appraiser Exam Board

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

Signature, Executive Officer

IN THE MATTER OF:

**James Horras
CG01230**

RESPONDENT

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Case No. 11-12

**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 general real estate appraiser in Iowa. He was issued Certificate No. CG01230 on December 26, 1991.
3. Certificate No. CG01230 is currently valid and in good standing, and is scheduled to expire on June 30, 2012.
4. The Board received a complaint in April 2011 alleging that Respondent signed appraisal reports indicating he inspected properties when his unregistered trainee inspected the properties instead. Respondent does not deny the allegation. Instead, he states he did not know his trainee needed to be registered as an associate and was unfamiliar with the manner in which an unregistered trainee could co-sign a report under his supervision.
5. Respondent has assured the Board he will not allow this situation to recur and that he now fully understands the requirement that a trainee register as an associate in order to provide professional services under the supervision of a certified appraiser for an appraisal assignment that requires under state or federal law, rule, or policy, that the assignment be completed by a certified appraiser. Respondent self-reported in advance of the Board's receipt of the complaint when the violation came to his attention.
6. The Board charges Respondent with repeated failure to adhere to the Ethics Rule of the Uniform Standards of Professional Appraisal Practice, a deceptive practice that is harmful and detrimental to the public, and failure to comply with Iowa Code section 543D.20(1) in violation of Iowa Code sections 272C.10(3); 543D.17(1)(d); and 543D.18(1) (2009), and 193F Iowa Admin. Code 7.2, 7.3(3)(a); 7.3(7)(a), (f).

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

B. Settlement Agreement and Consent Order

8. 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. 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.

9. 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.

10. 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.

11. 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).

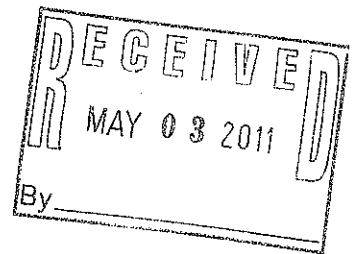
12. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2011). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

13. 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 allowing an unregistered associate to provide professional services for appraisal assignments that are required by state or federal law, rule, or policy to be completed by a certified appraiser, and for signing appraisals indicating he inspected properties when the inspections were completed by the trainee.

B. Civil Penalty Respondent shall pay a civil penalty of \$1,000 within 30 days of the date this Consent Order is signed by all parties.



AGREED AND ACCEPTED (Case No. 11-12):

The Respondent

Iowa Real Estate Appraiser Examining Board



James Horras



Chair

5-2-2011
Date

5-16-11
Date

FILED 7-14-11 (Date)

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD IA REC 1001

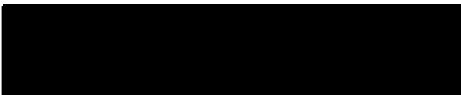
Board / Commission Exam

Signature, Executive Officer

IN THE MATTER OF:) Case No. 11-12
)
James Horras)
Respondent) RELEASE OF PROBATION IN
) A DISCIPLINARY CASE

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned file, finds that Respondent has complied with terms of his probation and should be released. The Board voted unanimously to release probation on July 14, 2011.

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


Toni A Bright, Executive Director
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