

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

IN THE MATTER OF:)	CASE NO. 08-03
)	DIA NO. 08DOCRE002
CRAIG JACOBSON)	
CERTIFICATE NO. CR02461)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
RESPONDENT)	DECISION AND ORDER

On February 12, 2008, the Iowa Real Estate Appraiser Examining Board (Board) found probable cause to file a Statement of Charges against Craig Jacobson (Respondent). The Statement of Charges alleged:

Count I: Respondent failed to comply with the order for Case 06-71 (DIA Number 07DOCRE013).

The hearing was held before the Board on March 26, 2008 at 11:00 a.m. The Respondent did not appear and was not represented by counsel. Pam Griebel, Assistant Attorney General, represented the state of Iowa. The following Board members presided at the hearing: Mike Lara, Appraiser, Chairperson; Greg Morehead, Appraiser; James Kesterson, Appraiser; Judy Zwanziger, Appraiser; and Amy Thorne, Appraiser. Administrative Law Judge John M. Priester assisted the Board in conducting the hearing. A certified court reporter recorded the proceedings.

The hearing was open to the public, pursuant to Iowa Code section 272C.6(1)(2007) and 193 IAC 7.25(2). After hearing the professional statement made by the Assistant Attorney General and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(2007) to deliberate its decision. The Board instructed the administrative law judge to prepare these Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.

THE RECORD

The record includes the State's Prehearing Conference Report, State Exhibits 1-3, and the Respondent's email of March 26, 2008.

FINDINGS OF FACT

1. On October 11, 2004, the Respondent was issued Certificate No. CR02461 to practice as a certified residential real estate appraiser in the state of Iowa. The Respondent's certificate is currently in good standing and is scheduled to expire on June 30, 2008. (State Exhibit 3)
2. The Board issued a disciplinary order following a contested case on December 19, 2007. The Respondent received the order on December 26, 2007. (State Exhibit 1).
3. The order required the Respondent to pay the hearing fee of \$75 within 30 days of December 26, 2007, or January 25, 2008. Respondent paid the hearing fee, although a few days late. (State Exhibits 1, 2).
4. The order required the Respondent to enter into a desk review consultation agreement with a pre-approved desk reviewer within 30 days of the issuance of the order on December 19, 2007, or January 18, 2008. (State Exhibit 1).
5. The Respondent failed to submit the name of a desk reviewer to the Board. He has also failed to provide a copy of his desk review agreement as required by the order. (State Exhibit 1).
6. On February 12, 2008, the Board charged the Respondent with failure to comply with the Board's December 19, 2007 order. (State Exhibit 3).
7. The Respondent sent an email to the Board on March 26, 2008, the morning of the hearing. The Respondent wrote, "In reference to the hearing scheduled for March 26, 2008, I will not be attending. I would like to surrender my Iowa license as I can not get the required education done in the near future this way I can decline work instead of telling clients that I am in limbo trying to get a review appraiser. . . ." (Exhibit A)

CONCLUSIONS OF LAW

Failure to Appear

If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or

proceed with the hearing and render a decision in the absence of a party. 193 IAC 7.27(1).

The Respondent was personally served with the Statement of Charges and Notice of Hearing on February 16, 2008, in accordance with 193 IAC 7.6(2). The Respondent was properly served but failed to appear. The Board was authorized to proceed with the hearing.

The preponderance of the evidence established that the Respondent failed to comply with the order for Case 06-71 (DIA Number 07DOCRE013) by failing to enter into a contract with a desk reviewer within 30 days of the signed agreement (signed December 19, 2007, with a copy due to the Board by January 18, 2008) or provide said contract to the Board to enable the enforcement of the required desk review of all reports.

The Board accepts the Respondent's voluntary surrender of his certificate.

DECISION AND ORDER

IT IS THEREFORE ORDERED that Iowa Real Estate Appraiser Certificate No. CR02461, issued to Craig A. Jacobson, is hereby **SURRENDERED**, effective immediately upon service of this Decision and Order.

IT IS FURTHER ORDERED that if the Respondent wishes to gain certification again, the Respondent will be required to redo all of the education, examination, and experience requirements required for initial licensure under the current requirements. The required education, examination, and experience must be completed following the issuance of this Decision and Order and prior to filing an application for reinstatement.

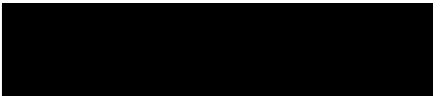
The Board retains the right to set conditions of probation in connection with any order reinstating the Respondent's license.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 193 IAC 7.41, that the Respondent shall pay \$75.00 within thirty (30) days of receipt of this decision for fees associated with conducting the disciplinary hearing.

IT IS FURTHER ORDERED that the Respondent shall notify all clients of the fact that his certification has been surrendered within fifteen (15) days of receipt of this final decision, in accordance with 193 IAC 7.30(3). Within thirty days of receipt

of this final order, the Respondent shall provide the Board with copies of the notice sent to clients.

Dated this 15th day of May, 2008.


Michael Lara, Appraiser
Chairperson
Iowa Real Estate Appraiser Examining Board

Cc: Craig A. Jacobson
601 East Railroad Lane
PO Box 250
LeRoy, MN 55951-0250
(PERSONAL SERVICE)

Pam Griebel
Assistant Attorney General
Iowa Department of Justice
Administrative Law Division
Hoover Building, 2nd Floor
Des Moines, IA 50319

This decision becomes final agency action, unless, within 15 days after the date of notification or mailing of this decision, a motion to vacate is filed and served on all parties. A motion to vacate shall state all facts relied upon by the moving party that establishes that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit or a person with personal knowledge of each such fact attached to the motion. 193 IAC 7.27(3).

Judicial review of the board's decision may be sought in accordance with the terms of Iowa Code chapter 17A. 193 IAC 7.37.