

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

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<b>IN THE MATTER OF:</b>	)	
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<b>David R. Jenk</b>	)	<b>CASE NO. 08-02</b>
<b>CR01306</b>	)	
<b>Jenk Appraisals</b>	)	
<b>715 5<sup>th</sup> Avenue NW</b>	)	
<b>Mt. Vernon, Iowa 52314</b>	)	<b>COMBINED STATEMENT OF CHARGES AND CONSENT ORDER</b>
	)	
<b>RESPONDENT</b>	)	

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**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.
2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01306 on January 21, 1992.
3. Certificate No. CR01306 is currently valid and in good standing, and is scheduled to expire on June 30, 2008.
4. The Board received a complaint in January 2008, alleging that an appraisal report completed by Respondent failed to comply with applicable appraisal standards. The Board submitted the appraisal to a Standard Three USPAP review that revealed significant violations of USPAP standards. The Board requested a log and selected two additional appraisals for review. The Standard Three reviews of the additional appraisals also revealed USPAP violations, particularly of reporting standards.
5. Following investigation, the Board charges Respondent with: (a) Repeated failure to adhere to appraisal standards in the development and communication of appraisals; (b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and, (c) demonstrating 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) (2007), and 193F Iowa Admin. Code 7.2, 7.3(6)(a), and 7.3(7)(a).
6. Respondent has been previously disciplined by the Board on grounds substantially the same as those alleged in paragraph 5. Respondent successfully completed a lengthy desk review process.
7. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.
8. The Respondent does not admit all allegations, but does agree to comply with the Consent Order to resolve disputed matters.

## B. Settlement Agreement and Consent Order

9. Respondent has a right to a hearing on the charges, but waives his 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.

10. 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.

11. 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.

12. 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 (2007).

13. 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) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

14. 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 failing to adhere to applicable appraisal standards in multiple appraisals.

**B. Education.** Respondent shall complete the following educational courses by December 31, 2008, and shall forward certificates of completion to the Board within 10 calendar days of completion. Courses must be pre-approved and taken in a classroom environment and may be counted toward the Respondent's next renewal. Respondent is cautioned, however, that the 15-hour tested USPAP course is not a substitute for the 7-hour USPAP update course required for renewal in active status pursuant to 193F Iowa Administrative Code 11.2(1)(c).

- (1) a 15-hour tested USPAP course;
- (2) a 15-hour tested course on residential sales comparison and income approach;
- (3) a 15-hour tested course on site valuation and cost approach; and,

- (4) a 15-hour tested course on residential report writing and case studies.

**C. Probation and Review.** Respondent's certificate is placed on probationary status until the terms of this Consent Order have been fully complied with, and Respondent has been released from probation by Board order.

1. Monthly Logs and Desk Review. Respondent shall provide monthly logs by the 10<sup>th</sup> day of each month for all appraisals performed in the prior month. The Board will periodically select appraisal reports for Respondent to submit, at his expense, to a desk reviewer identified by the Board. Respondent's reimbursement for each desk review shall not exceed \$150. Except as provided below, no more than six appraisal assignments will be selected for review, two of which shall post-date Respondent's completion of all education required under this Consent Order. The Board-selected desk reviewer shall perform a Standard Three review and provide a written review report to Respondent and the Board. The Respondent shall provide the desk reviewer and the Board with his complete work file on all appraisals selected for review, within 7 days of the Board's e-mailed request. The Respondent shall also submit to the Board any appraisal report that is reissued as a result of comments received in the desk review process.

2. Logs The monthly logs shall include the following minimum information:

- (a) Date of inspection and date report signed.
- (b) Property address
- (c) Client for whom appraisal completed
- (d) Respondent's estimated value

3. Applying for Release from Probation. Respondent may apply to the Board for release from probation as provided in paragraph C4, using the procedures required by 193 Iowa Administrative Code 7.38.

4. Process for Release from Probation. The Respondent shall apply for release from probation promptly after he completes the education required under this Consent Order and has had at least six appraisals reviewed, at least two of which shall have been reviewed after he completed the education. If the desk review comments do not reveal significant USPAP violations and Respondent has fully complied with this Consent Order, the Board shall release Respondent from probation. If the desk review comments and/or appraisals do reveal significant USPAP violations, the Board shall continue Respondent's probation on such terms as will address the issues revealed in desk review. The Board may accordingly order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing on such additional probationary terms. The Board intends the reviews to be educational and shall accordingly give most weight to the latter reviews.

5. Settlement does not Preclude New Charges. This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for desk review or other appraisals coming to the Board's attention

demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports or appraisals shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.

6. Practice Restrictions. The Respondent shall permanently limit his appraisal practice to his area of geographical competence, which shall be guided in part by the locations in which he has access to the data his peers would ordinarily use in the competent completion of appraisal assignments. Until released from probation, Respondent shall not act as a review appraiser, co-sign appraisals with any other appraiser, or otherwise supervise the work product of an associate or unlicensed appraiser.

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser  
Examining Board**

  
\_\_\_\_\_  
David R. Jenk

  
\_\_\_\_\_  
Michael Lara, Chair

Date

Date

7-7-08

8/13/08

FILED 12/7/09 (Date)

Iowa RE Appr Ex Board  
A Board/Commission

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

[Redacted Signature]

Signature, Executive Officer

<b>IN THE MATTER OF:</b>	)	<b>Case No. 08-02;08-12</b>
	)	
<b>David Jenk</b>	)	<b>RELEASE OF PROBATION IN</b>
<b>Respondent</b>	)	<b>A DISCIPLINARY CASE</b>

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his probation and should be released. The Board voted unanimously to release probation on December 7, 2009.

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

[Redacted Signature]

Toni A Bright, Executive Director  
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