

FILED 12/7/10 (Date)

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

DA R. Kelley
Exam Board

Signature, Executive Officer

IN THE MATTER OF:)
)
Ronald R. Kelley)
CR01309)
)
Respondent.)
)

CASE NO. 10-43
CONSENT ORDER

The Iowa Real Estate Appraiser Examining Board (Board) and Ronald R. Kelley (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2009) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2009).
2. Respondent was issued Iowa certificate number CR01309 on June 30, 1998. The certificate is active and will next expire on June 30, 2012.
3. The Board charged Respondent with intentionally reporting inaccurate continuing education information to the Board in his 2010 renewal application in violation of 193F IAC 7.3(1) and with renewing his certificate when not qualified to do so pursuant to 193F IAC 7.3(5)(a).
4. This is a first offense for Respondent. Respondent disputes that he intentionally submitted inaccurate information. He did take all of the courses he claimed to have taken. Some courses, however, were not pre-approved by the Board as eligible for continuing education credit and Respondent had not taken an approved report writing course, as required by Board rules. Respondent has now taken an approved 7-hour report writing course and has sufficient hours for his 2010 renewal. Rather than proceed to hearing on a disputed matter, the parties agree to this Consent Order.
5. The Board concludes that Respondent did not intentionally submit inaccurate information to the Board. Respondent is cautioned to determine in advance of renewal whether courses have been approved for continuing education credit, in general, and as relevant to specific required courses.

6. Respondent acknowledges he has a right to a hearing on the charges; but waives his right to hearing and all attendant rights, including judicial review, by freely and voluntarily entering into this Order. This Order is the final agency order in the contested case.

7. 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.

8. 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.

9. This Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

10. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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; and (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Civil Penalty. Respondent shall pay a civil penalty of \$250.00 by January 15, 2011.

B. Education. By July 1, 2011, Respondent shall submit to the Board office a certificate of successfully completing a tested, AQB approved 15-hour USPAP course. He may take the course online, but cannot use the course toward future renewals.

C. Manual 2012 Renewal. Respondent shall not renew electronically in 2012. He shall manually renew and shall attach all certificates of completion for all continuing education courses.

AGREED AND ACCEPTED:

The Respondent Iowa Real Estate Appraiser Examining Board


Ronald R. Kelley Michael Lara, Chair

12-06-2010
Date Date

December 7, 2010