

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

IN THE MATTER OF:)	
Dawn M. King)	CASE NO. 01-02
)	
CERTIFICATE NO. CR01710)	STATEMENT OF CHARGES
)	
RESPONDENT)	

COPY

COMES NOW, the Complainant, Susan A. Griffel, and states:

1. She is the Executive Officer of the Iowa Real Estate Appraiser Examining Board and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C (2001).
3. On July 2, 1998, Dawn M. King, the Respondent, was issued an Iowa Real Estate Appraiser Certificate by the Board.
4. The Certificate No. CR01710 is valid.

COUNT I

The respondent is charged with failure to comply with a Board order imposing discipline in violation of Iowa Code section 272C.3(2)(2001)

COUNT II


The respondent failed to adhere to appraisal standards in the development, preparation, and communication of an appraisal, in violation of Iowa Code sections 272C.3(2)(b), 543D.1(d)(e)(f) and 543D.18(1) 2001

CIRCUMSTANCES

1. On 7/3/01 the Board executed a Consent Agreement with the respondent. The respondent signed it on 6/30/01. The Agreement ordered the respondent to complete thirty (30) tested hours of fundamentals of real estate appraisal, successfully passing the examination and fifteen (15) hours of USPAP, successfully passing the examination. Proof of successful completion of the 15 hour USPAP course was received by the Board the first week of November, 2001.
2. The respondent was to additionally submit a written Demonstration Report to the Board in compliance with written demonstration report instructions from the Board. Respondent was to select a single-family residence between 5 and 20 years of age. The demonstration report was to be completed and sent to the Board no later than November 1, 2001.
3. The respondent completed a fundamentals course on September 11, 2001, but was unable to pass the course examination that was required per the terms of the Consent Agreement. The respondent called the Board to advise them that she wasn't able to pass the exam and followed the conversation up with a letter to the Board, dated December 2, 2001, requesting an extension to complete the terms of the Consent Agreement. The respondent said she was registered for a class with Lincoln Graduate Center scheduled on 2/13/02-2/16/02. In a letter, dated December 21, 2001, the Board agreed to extend the date of the Consent Agreement to February 28, 2002. The letter said that the Board Consultant would be contacting her regarding the Demonstration Report she submitted. The Board Consultant met with the respondent on January 22, 2002 to discuss the Demonstration Report requirements and offer assistance. The date to complete the Report was extended to March 15, 2002. As of April 26, 2002, the Board has not received confirmation from the Respondent that the 30 hour fundamentals course and the revised Demonstration Report have been completed.
4. On December 13, 2001, The Board received a complaint on a property appraised by the respondent, dated, 5/30/01. The 1402 Pennsylvania Avenue, Des Moines, IA report contains deficiencies including but not limited to the following;
 - a. Failure to be aware of, understand, and correctly employ recognized methods and techniques necessary to produce a credible appraisal (1-1(a))
 - b. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading 2-1(a)
 - c. Failure to prominently state the type of report format used 2-2

- d. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading 2-1(a)
- e. Failure to adequately identify and report the site description 1-2(a), 2-2(b)(I)
- f. Failure to adequately identify and describe improvements 1-2(a), 2-2(I)
- g. Failure to adequately identify and report the physical, functional and external market factors as they may affect the appraisal 1-4(g), 2-2(viii)
- h. Failure to include sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly 2-1(b)(vii)
- i. Failure to collect, verify and reconcile comparable sales, adequately identified and described 1-4(b)(viii)
- j. Failure to analyze comparable data to estimate depreciation applicable to subject property in cost approach 1-4((b)(iii)
- k. Failure to collect, verify and reconcile comparable sales, adequately identified and described 1-4(b)(iii) and 2-2(b)(viii)

WHEREAS, 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.


Susan A Griffel, Executive Officer
Complainant

On this 3rd day of April, 2002, the Iowa Real Estate Appraisal Examining Board found probable cause to file this complaint and to order a hearing in this case.


Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board

SECOND REQUEST

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

IN THE MATTER OF:)	
)	
Dawn M. King)	CASE NO. 01-02
)	
Certificate Number CR01710)	CONSENT AGREEMENT
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Dawn M. King (Respondent) enter into this Consent Agreement pursuant to Iowa Code sections 17A.10(2001) and 193F IAC 8.7:

1. The Board has jurisdiction of this matter pursuant to Iowa Code Chapters 17A, 543D, and 272C (2001).
2. The Board, after investigating a disciplinary complaint, has determined that this is a first offense involving the Respondent's compliance with the Uniform Standards of Professional Appraisal Practice and that a Consent Agreement pursuant to 193F-IAC 8.7 is an appropriate means of resolving the complaint.
3. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement. Once entered, this Consent Agreement shall have the full force and effect of a disciplinary order entered following contested case hearing.
4. Respondent agrees the State's counsel may present this Consent Agreement to the Board and may have ex parte communications with the Board while presenting it.
5. This Consent Agreement 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.
6. The Consent Agreement is a public record and available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2001).
7. Failure to comply with the provisions of this Consent Agreement shall be considered prima facie evidence of a violation of Iowa Code section 543D.17(1) (2001), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
8. This Agreement is subject to approval of the Board. If the Board fails to approve this Agreement, 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. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

9. The Respondent shall complete the following educational courses.

- (a) Thirty (30) tested hours of Fundamentals of Real Estate Appraisal, successfully passing the exam.
- (b) Fifteen (15) tested hours of USPAP, successfully passing the exam.

Documentation of completed education shall be submitted to the Board within ten days of completion of each course. Respondent may apply up to 25 hours of the Fundamentals course to renew her license in June of 2002.

10. Upon completion of the course work, Respondent shall submit a written Demonstration Report to the Board in compliance with Attachment "A", Demonstration Report Instructions. Respondent must select a single-family residence between 5 and 20 years of age. Demonstration Report must be completed and forwarded to the Board no later than November 1, 2001.

11. After completion of the education and satisfactory completion of the Demonstration Report, the Board may request a log to select one or more appraisals to review for compliance with USPAP and sound appraisal practice.

AGREED AND ACCEPTED:

[Redacted Signature]

Dawn M. King
Respondent

10-30-01
Date

[Redacted Signature]

Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board

7-3-01
Date

8. 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 (2001).

9. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. 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

The Respondent is reprimanded for failing to comply with a prior disciplinary order of the Board. Respondent agrees to fully comply with all terms of this Order. Respondent further agrees to comply with all applicable USPAP standards in all future appraisal assignments.

B. Desk Review

Within 20 calendar days of the date this Order is signed by the Board, Respondent shall enter into a desk review consultation agreement with a desk review appraiser pre-approved by the board. Respondent shall submit a copy of the consultation agreement to the Board prior to operating under the agreement. The agreement may be in letter form, but shall attach a copy of the Consent Order to assure the desk reviewer is familiar with the terms of this Order. Respondent shall continue operating under this agreement **until expressly released by Board order**, on the following terms and conditions:

(1) Respondent shall submit for pre-release review **all** appraisals she prepares until expressly released from this condition by Board order.

(2) The reviewing appraiser shall perform a desk review of each appraisal report before the final documents are signed and submitted to the client. The review shall be for facial compliance with USPAP. The reviewer will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations and any other documents reasonably needed. Along with draft appraisal reports, Respondent shall provide the reviewing appraiser copies of all documents verifying the accuracy of factual representations in each draft appraisal. The reviewer shall prepare written comments on each appraisal's compliance with USPAP.

(3) The reviewer's recommended revisions or corrections, if any, shall be incorporated into each appraisal report prior to releasing the report to the client. The desk reviewer shall notify the Board of any changes or amendments to the desk review which are reflected in the appraisal. The professional assistance of the desk reviewer shall be disclosed in the final report if the reviewer recommends substantive changes. A copy of the reviewer's comments shall be submitted directly to the Board from the reviewer. The comments do not need to be received by the Board prior to the completion of the appraisal assignment. Within ten days of written request, Respondent shall supply the Board with copies of requested appraisal reports reflecting both Respondent's initial draft and the final version issued following desk review.

(4) Respondent shall provide the Board at the onset of desk review with a list of clients for whom she routinely provides appraisal services. For as long as desk review continues, she will keep the board apprized as new clients are added.

(5) Until released from the desk review process, Respondent agrees she shall not act as a review appraiser and shall not co-sign appraisals with any other associate or certified appraiser.

(6) Respondent may petition the Board for release from this requirement after a minimum of 10 appraisals have been reviewed and the Board has received copies of the desk review reports. The Board shall release Respondent from desk review if the draft appraisals (i.e., those prepared prior to receiving the reviewer's comments) and review comments do not reveal serious deviations from minimum appraising standards. The Board will take into consideration the educational evolution, giving greatest weight to the appraisals completed in the latter stages of the desk review process. If the draft appraisals or review comments do reveal serious deviations from minimum appraising standards, the review process shall continue until further order of the Board. Respondent may petition the Board for release from the desk review process after an additional ten appraisals have been reviewed.

(7) Respondent may not change desk reviewers without prior written approval by the Board.

(8) This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals subject to desk review demonstrate probable cause to take such an action on an appraisal which 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.

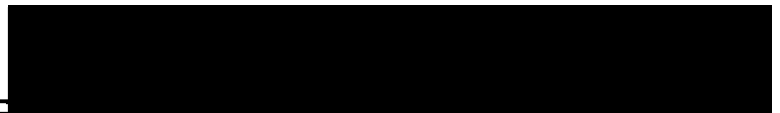
AGREED AND ACCEPTED:

The Respondent

**The Iowa Real Estate Appraiser
Examining Board**



Dawn King



By: Sharon L. Chism, Chair

6-28-02
Date

July 30, 2002
Date

Copies to:

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