

COPY

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

IN THE MATTER OF:

)
)
) **CASE NO. 03-12, 03-20**
)
)

**WILLIAM J. SPARKS
CG02353**

)
) **AMENDED**
) **STATEMENT OF CHARGES**
)
)

RESPONDENT

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

1. Susan A. Griffel is the Executive Officer of the Iowa Real Estate Appraiser Examining Board ("Board") and files this Statement of Charges on behalf of the Board solely in her official capacity.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2003).

3. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG02353 on August 22, 2002.

4. Certificate No. CG02353 is currently valid and in good standing, and is scheduled to expire on June 30, 2005.

5. Respondent first came to the Board's attention when the Board received a complaint dated April 25, 2003, concerning two appraisal reports signed by Respondent with an effective date of March 10, 2003, regarding 21802 Ridge Road, Blakesburg, Iowa 52536.

6. The Board received the expert opinions of a peer reviewer in the form of a Standard Three review of the appraisal reports described in paragraph 5, dated May 1, 2003.

7. The review report reveals numerous violations of the Uniform Standards of Professional Appraisal Practice (USPAP). As more fully itemized in the May 1, 2003, report, the violations include, but are not limited to the following:

- a. Failure to prominently state the report option used. 2-2.
- b. Failure to identify and correctly interpret appraisal problem. 1-1(a).
- c. Site and improvements incorrectly described and valued. 1-1(a); 1-2(e)(i-iv); 1-4(b)(ii), (iii); 2-2(b)(iii), (vii), (ix).
- d. Failure to adequately identify and report physical, functional and external market factors. 1-2(e)(i-v); 2-2(b)(iii),(ix).

- e. Comparable properties were not properly selected or analyzed. 1-4(a); 2-2(b)(iii), (vii), (ix).
 - f. Appraisal services were rendered in a careless or negligent manner. 1-1c ; 2-1(a), (b), (c).
 - g. Improper certification. 2-2(xii); 2-3 and comment.
8. The Board has also received the expert opinions of a peer reviewer regarding additional appraisals (one through complaint and the rest from Respondent's log). As more fully itemized in the peer review reports, all of the following appraisal reports reveal similar or additional USPAP violations:
- a. Review report dated June 24, 2003, concerning report effective April 22, 2003, 427 Armory Avenue, Chariton, Iowa.
 - b. Review report dated June 24, 2003, concerning report effective April 23, 2003, 1724 Crawford Street, Boone, Iowa.
 - c. Review report dated June 24, 2003, concerning report effective May 19, 2003, 250 Cimarron Drive, #108 Hiawatha, Iowa.
 - d. Review report dated June 25, 2003, concerning report effective May 27, 2003, 1329 23rd Street, Des Moines, Iowa.

9. The Board received two additional complaints on 9/11/03 and 1/7/04 on 2408 E. Thornton Avenue, Des Moines, IA dated 11/07/03 and 2317 Richland Drive, Des Moines, IA dated 8/21/03 concerning The On the 24th day of September, 2003, the Board found probable cause to file the following charges and to order a hearing in this case:

COUNT I

10. Respondent repeatedly failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence in the development, preparation and communication of appraisals; and, demonstrated 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) (2003), and 193F Iowa Admin. Code 7.2 and (5).

WHEREFORE, 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.

Dated this 2nd day of March, 2004.



Susan A. Griffel, Executive Officer

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

IN THE MATTER OF:)	
)	
WILLIAM J. SPARKS)	CASE NO. 03-12, 03-20
CG02353)	CONSENT ORDER
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and William J. Sparks (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2003).
2. Respondent is a certified general real estate appraiser. He was first certified in Iowa in 2002.
3. The Board filed a Statement of Charges alleging that:

Respondent repeatedly failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence in the development, preparation and communication of appraisals; and, demonstrated 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) (2003), and 193F Iowa Admin. Code 7.2 and (5).
4. Hearing is currently set for July 13, 2004. Respondent denies the allegations, disputes the charges, but is entering into a consent order to resolve the matter through settlement agreement with no admission of liability. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Order is the final agency order in the contested case.
5. 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.
6. 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.
7. 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 (2003).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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. Probation

Respondent's certificate shall be on probation status until all terms of this Consent Order are fully complied with. Once the terms are complied with, Respondent may apply to the Board for formal release from probation. While on probation, Respondent shall not act as a supervisory appraiser or sign appraisal reports as a supervisory appraiser.

B. Education

Respondent voluntarily completed a 15-hour tested USPAP course in March 2004. He agrees to complete the additional educational courses by February 15, 2005:

(1) a 30-hour pre-approved classroom course on the three approaches to value; and, (2) a pre-approved report writing course which is at least seven hours. In lieu of the report writing course, Respondent may request a pre-approved appraiser to perform desk reviews on 3 appraisal reports and provide the review reports to the Board. The review reports shall be in compliance with USPAP Standard Three and shall only be required to address minimum compliance with USPAP Standards. The Board approves Respondent's selection of Alan Hummel as desk reviewer.

C. Log

Within 60 days of completion of the education described above, Respondent shall submit to the Board a log of all appraisals completed in the first 50 days following

completion of the education. The Board shall select 2 or more appraisals to review. If the appraisals do not reveal significant USPAP violations, the Board will release Respondent from probation status. If the appraisals do reveal significant USPAP violations, the probation shall continue until further order of the Board and the Board may order additional education or mandatory desk review. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing on such additional probationary terms.

AGREED AND ACCEPTED:

The Respondent

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

William J. Sparks

[Redacted Signature]

By: Vice Chair

Date June 23, 2004

Date 7/12/04

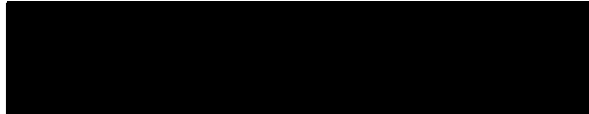
**BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD
OF THE STATE OF IOWA**

COPY

IN THE MATTER OF:)	
)	
WILLIAM J. SPARKS)	CASE NO. 03-12, 03-20
CG02353)	
)	ORDER RELEASING RESPONDENT
RESPONDENT)	FROM PROBATION AND CLOSING
)	CASE

Now on this 11th day of January, 2006, the Iowa Real Estate Appraiser Examining Board (Board), having reviewed the Consent Order and Respondent's compliance with the terms thereof, FINDS that William J. Sparks has fully and satisfactorily complied with all terms of the Consent Order, and should be released from probation.

IT IS THEREFORE ORDERED, that Respondent is released from probation and this case is closed.



Richard J. Koestner, Vice Chair

Copies to:

William Sparks

David Brown