

Signature, Executive Officer  
 Board/Commission  
 OF REAL ESTATE EXAMINING BOARD  
 (Date) FILED 12/7/10  
 Professional Licensing Bureau  
 Department of Commerce

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

<b>IN THE MATTER OF:</b>	)	
	)	<b>CASE NO. 10-35</b>
<b>RON D. RODGERS</b>	)	
<b>CG01751</b>	)	<b>CONSENT ORDER</b>
	)	
<b>Respondent.</b>	)	

The Iowa Real Estate Appraiser Examining Board (Board) and Ron D. Rodgers (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 CG01751 on January 4, 1994. The certificate is active and will next expire on June 30, 2011.
3. Respondent was disciplined by the Board in Case Nos. 02-33 and 03-07. When removed from probationary status in March 2005, Respondent agreed not to perform commercial appraisals. The discipline was based on appraisal methodology and not on a violation of the USPAP Ethics rule.
4. Respondent's real estate broker license was revoked on July 21, 2010 in Case No. 08-105, before the Iowa Real Estate Commission based primarily on failure to disclose a material adverse fact as a listing broker. In an earlier appraisal assignment Respondent did disclose the material adverse fact that the property had formerly been a city landfill.
5. The Board issued a Notice of Hearing on October 21, 2010 charging Respondent with revocation of a license by another licensing authority under Iowa Code section 546.10(7). Given the factual basis for the revocation (practice harmful or detrimental to the public, failure to disclose a material adverse fact), Respondent was also charged with a practice harmful or detrimental to the public under Iowa Code section 272C.10(3).
6. Rather than defend the charges, Respondent wishes to resolve the dispute by voluntarily entering into this Consent Order. He does not dispute that his real estate license was revoked by the Iowa Real Estate Commission. The revocation is the subject of a pending judicial review action. In the event the revocation is reversed in the judicial review action, the discipline entered against Respondent in this Consent Order shall be vacated. Respondent understands, however, that the Board shall not refund to him any

sums paid under this Consent Order; nor is the Board precluded from filing new charges based on the underlying facts, if the Board has grounds to do so.

7. 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.

8. 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.

9. 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.

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

11. 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. Practicing as a certified appraiser following the surrender of the certificate is also an unlawful practice that may subject a person to civil penalties as provided in Iowa Code section 543D.21.

12. 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. Probation.**

1. Respondent's certificate shall be on probationary status for a minimum of one year. While on probation, Respondent shall submit to the Board office monthly logs of all reports signed by Respondent about in which he provided specific assistance.

2. On a random periodic basis, the Board shall select one or more appraisals from Respondent's log. Within 10 days following the Board's request, Respondent shall send the Board 6 copies of the identified appraisal, 6 copies of the associated work file, and, if needed, 6 copies of such additional documents as will verify the significant factual representations in the appraisal report.

3. The Board may submit one or more appraisals to a Board selected review appraiser, up to a maximum of 4 appraisals in the course of the probationary period. For each appraisal submitted for review, Respondent shall pay to the Board the sum of \$200 per residential appraisal or \$400 per agricultural appraisal, as applicable.

4. Respondent may apply to be released from probation at the end of the one year period as long as he has fully complied with all terms of the Consent Order. When ruling on an application for release from probation, the Board shall consider whether the reviews reveal any significant violations of USPAP, including but not limited to the Ethic's rule. If the reviews reveal significant violations of USPAP, the Board may impose additional terms of probation, first providing Respondent notice and an opportunity to object.

5. While on probation Respondent shall not supervise any registered associates or unlicensed persons who provide professional assistance on any appraisal assignment.

**B. Education.** Respondent shall successfully complete a 15-hour tested USPAP course and a pre-approved course on appraisal ethics of at least 4 hours. The courses shall be completed by March 30, 2011 and shall not apply to the continuing education required for renewal. The USPAP course may be taken on-line, but the ethics course must be taken in a classroom setting.

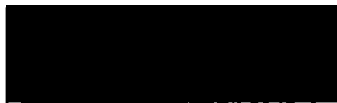
**C. Civil Penalty.** Respondent shall pay the sum of \$1,000 to the Board office no later than January 15, 2011.

**D. Future Compliance.** In addition to the restrictions on Respondent's practice resulting from the prior discipline, he shall not perform any appraisal services for any clients that are, or are owned or managed by anyone, related to Respondent within the third degree of consanguinity and affinity.

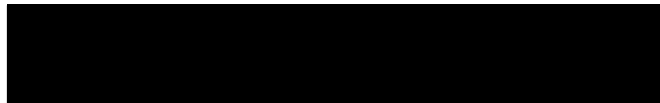
**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser Examining Board**



Ron D. Rodgers



Michael Lara, Chair

12-2-10  
Date

December 7, 2010  
Date

FILED 9/25/12 (Date)  
IA. RE Apprs. Exam Board

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

  
Signature, Executive Officer


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IN THE MATTER OF:	)	Case No. 10-35
	)	
Ron Rodgers	)	RELEASE OF PROBATION IN
Respondent	)	A DISCIPLINARY CASE

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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 September 25, 2012.

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

  
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