

**FILED** August 26, 2014 (Date)

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD  
*Iowa Real Estate Appraiser Examining Board / Commission*

|                    |   |                            |
|--------------------|---|----------------------------|
| IN THE MATTER OF   | ) | DIA No. 14REA002           |
|                    | ) | Case No. 14-20             |
| CHRISTOPHER HAUSER | ) |                            |
| CRO2698            | ) | <b>FINDINGS OF FACT,</b>   |
|                    | ) | <b>CONCLUSIONS OF LAW,</b> |
| Respondent.        | ) | <b>DECISION AND ORDER</b>  |

*Signature, Executive Officer*

The Iowa Real Estate Appraising Examining Board issued Respondent Christopher Hauser Residential Real Estate Appraiser Certificate No. CRO2698 on December 18, 2007. On January 23, 2014, Hauser and the Board entered into a Combined Statement of Charges and Consent Order in which Hauser agreed to complete education courses by May 1, 2014. The Board found Hauser failed to complete the required education by May 1, 2014, and filed a Notice of Hearing in a Disciplinary Case, charging Hauser with failure to comply with a disciplinary order in violation of Iowa Code section 272C.3(2)a.

A contested case hearing was held on August 12, 2014. Assistant Attorney General Pam Griebel represented the state of Iowa. Hauser failed to appear for the hearing.<sup>1</sup> The Board waited 10 minutes before proceeding with the hearing. Board Executive Officer Toni Bright testified on behalf of the State. State's Exhibit 1, pages 1 through 29, was admitted into the record.

The following Board members presided at the hearing: Gene Nelsen, Chair and Appraiser; Caryl Swaim, Appraiser; Joan Scotter, Public Member; Lee Schoenewe, Public Member; Amanda Luscombe, Appraiser; Fred Greder, Appraiser; and Greg Harms, Appraiser. Administrative Law Judge Heather Palmer assisted the Board in conducting the hearing. A certified court reporter recorded the proceeding. The hearing was held open to the public.

After testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)f, to deliberate its decision. The Board instructed the Administrative Law Judge to draft Findings of Fact, Conclusions of Law, Decision and Order, in conformance with their deliberations.

**FINDINGS OF FACT**

The Board issued Hauser Residential Real Estate Appraiser Certificate No. CRO2698 on December 18, 2007.

<sup>1</sup> Hauser was served with a copy of the Notice of Hearing in a Disciplinary Case by certified mail on June 13, 2014.

On November 12, 2012, the Board received a complaint about an appraisal Hauser completed as an associate appraiser in November 2007. The complaint alleged Uniform Standards of Professional Appraisal Practice ("USPAP") violations in the appraisal.

During the Board's investigation Hauser failed to produce information requested by the Board. The Board charged Hauser with failure to cooperate with a disciplinary investigation. Following a hearing, the Board suspended Hauser's Certificate on May 29, 2013 and ordered him to pay a \$1,000 civil penalty. The Board released Hauser from the suspension on November 21, 2013.

The Board submitted the November 2007 appraisal to a Standard Three USPAP review. The appraisal review revealed multiple issues with appraisal methodology and adherence to USPAP standards of practice. The Board selected two additional appraisals from a log and submitted them to review. These appraisals also revealed concerns about Hauser's compliance with USPAP standards.

Effective January 23, 2014, Hauser and the Board entered into a Combined Statement of Charges and Consent Order ("Consent Order") in which Hauser agreed to complete: (1) a 15-hour tested USPAP course; (2) a 30-hour tested course entitled, "Residential sales comparison and income approaches;" and (3) a 15-hour tested course entitled, "Residential appraiser site valuation and cost approach." (Exhibit 1 at 13). Hauser agreed to complete the courses by May 1, 2014 and to forward a certificate of compliance for each course to the Board within 10 calendar days of completion. The Order notified Hauser "[f]ailure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2013)." (Exhibit 1 at 12).

Bright contacted Hauser on multiple occasions reminding him of the May 1, 2014 deadline. The Board office attempted to send Hauser two certified letters. Hauser responded to Bright on March 30, 2014, stating he had been in Carroll, Iowa helping his parents with their store. He noted his father had had recently had back surgery and his mother was preparing to have knee replacement surgery. Hauser reported he had not completed any appraisals in the past year. Hauser told Bright he had not moved, but the Board could send correspondence to a Carroll address.

On May 8, 2014, Bright sent Hauser another e-mail stating his course certificates were past due and reminding him that he needed to submit all of his course certificates to the Board as agreed upon in the Consent Order. The e-mail was returned as not delivered.

Bright attempted to contact Hauser again on May 21, 2014 to inquire about the progress of his continuing education, and requested an update. The e-mail was returned as not delivered.

Hauser did not contact the Board to provide an update on his continuing education. He did not provide the Board with an updated e-mail address.

The Board suspended Hauser's Certificate on June 5, 2014 after the Board received a Certificate of Noncompliance from the Iowa Department of Human Services. Hauser's certificate remains suspended. Hauser's Certificate also expired on June 30, 2014.

The Board also found Hauser had failed to comply with the Consent Order and charged him with failure to comply with a disciplinary order under Iowa Code section 272C.3(2)(a) on June 5, 2014.

### CONCLUSIONS OF LAW

Iowa Code chapter 543D governs real estate appraisals and appraisers. The Iowa Legislature has granted the Board authority to establish uniform appraisal standards and appraiser certification requirements and other rules necessary to administer Iowa Code chapter 543D and the Board's responsibilities under Iowa Code chapter 272C.<sup>2</sup> Under the governing statute, "[a]ppraiser certification requirements shall require a demonstration that the applicant has a working knowledge of current appraisal theories, practices, and techniques which will provide a high degree of service and protection to members of the public. . . ."<sup>3</sup> The Board granted Hauser Residential Real Estate Appraiser Certificate No. CR02698 on December 18, 2007, after it found he met the certification requirements.

A licensing board may revoke or suspend a license "upon failure of the licensee to comply with a decision of the board imposing licensee discipline."<sup>4</sup> Hauser failed to comply with the January 23, 2014 Consent Order by completing: (1) a 15-hour tested USPAP course; (2) a 30-hour tested course entitled, "Residential sales comparison and income approaches;" and (3) a 15-hour tested course entitled, "Residential appraiser site valuation and cost approach" by May 1, 2014.

As of the date of the hearing Hauser had not submitted proof he had completed the three required courses. Hauser did not attend the hearing to explain his failure to comply with the January 23, 2014 Consent Order. Hauser's Certificate should be suspended indefinitely.

### DECISION AND ORDER

IT IS THEREFORE ORDERED that Christopher Hauser's Iowa Real Estate Appraiser Certificate No. CR02698 is hereby SUSPENDED, effective immediately upon service of this Decision and Order.

IT IS FURTHER ORDERED THAT the Certificate Suspension will remain in effect until Hauser:

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<sup>2</sup> Iowa Code § 543D.5 (2013).

<sup>3</sup> *Id.* § 543D.5(3).

<sup>4</sup> *Id.* § 272C.2a.

1. Fully complies with the terms of the January 23, 2014 Consent Order by completing: (a) a 15-hour tested USPAP course; (b) a 30-hour tested course entitled, "Residential sales comparison and income approaches;" and (c) a 15-hour tested course entitled, "Residential appraiser site valuation and cost approach."
2. Completes the Certified Residential Examination and receives a passing score.
3. Completes two demonstration reports to be selected by the Board and sent to peer review.
4. Files a reinstatement application and demonstrates to the Board that the reason for the suspension no longer exists and that it is in the public interest for his certificate to be reinstated.

Dated this 26<sup>th</sup> day of August, 2014.

*M. Nelsen FOR CHAIR*  
M. Nelsen, Chair  
Iowa Real Estate Appraiser Examining Board

cc: Christopher Hauser  
510 Parkview Dr.  
Carroll, IA 51401(Certified)

Pam Griebel  
Assistant Attorney General  
Hoover State Office Building (Local)

Default decisions or decisions rendered on the merits after a party has failed to appear or participate in a contested case proceeding become final board action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or an appeal of a decision on the merits is timely initiated. A motion to vacate must state all facts relied upon by the moving party that establish good cause existed for the party's failure to appear or participate in the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.<sup>5</sup>

<sup>5</sup> 193 IAC 7.27(3).