



17A.10 and 193 Iowa Administrative Code 7.4. Respondent acknowledges Respondent had the opportunity to consult with legal counsel before signing this Consent Order.

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 future disciplinary action to be imposed in the event of any future violations.

10. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2013).

11. Failure 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). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

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

**IT IS THEREFORE ORDERED:**

**A. Education.** Respondent shall complete the following tested, Appraisal Qualifications Board approved qualifying courses no later than October 1, 2014 and shall provide documentation of successful completion no later than October 15, 2014. The education may be taken online and may be counted toward the continuing education required for renewal. Respondent is cautioned, however, that the USPAP course described below will not satisfy the mandatory 7-hour update USPAP course required for renewal.

1. 15-hour USPAP course,
2. 15-hour Residential report writing and case studies.

**B. Logs and Follow-up Reviews.**

1. Until released from this Consent Order, Respondent shall provide the Board monthly logs on the 10th day of each month for the prior month.
2. Approximately 90 days after Respondent has completed the education, the Board shall select two appraisals for review from Respondent's logs which were completed after the education was completed.
3. The Board will retain a certified appraiser to complete Standard Three reviews on

the appraisals selected for review. The Respondent shall provide the Board, within 10 days of request, five copies of the appraisals and associated work files, and the sum of \$400 to be paid by the Board to the retained appraiser.

4. The reviewing appraiser shall complete a comprehensive Standard Three review for each appraisal. 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 appraisal reports and work files, Respondent shall provide the reviewing appraiser copies of all documents verifying the accuracy of factual representations in each appraisal. The reviewer may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for adjustments, a narrative discussion of how the neighborhood was selected, how the market conditions data is consistent with the neighborhood, and the like. Respondent shall cooperate with the requests of the reviewer. The costs associated with desk review are the responsibility of the Respondent, but are capped at the amounts noted in paragraph 3.

5. The reviewer shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board and the Respondent.

6. At the next meeting following the Board's receipt of the two review appraisals, the Board shall enter an order indicating Respondent's full compliance with this Consent Order, or, if the desk review comments and appraisals reveal significant USPAP violations, the Board shall defer final ruling and may order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing.

7. Respondent shall not supervise an associate appraiser or otherwise co-sign another appraiser's work as a supervisor until Respondent has complied all terms of the Consent Order.

8. This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for desk review demonstrate probable cause to take such an action. 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.

CASE NO. 13-32

AGREED AND ACCEPTED:

The Respondent

The Iowa Real Estate Appraiser Examining Board

[Redacted Signature]

Mary Jo Wilhelm

[Redacted Signature]

Gene Nelson, Chair



5-13-14  
Date

6-5-14  
Date