

FILED 4/20/15 (Date)
IA. RE. Appr. Exam Board.
Board of Commission
Joni S. Bright
Signature, Executive Officer

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

IN THE MATTER OF:)	
)	
William Lowe)	CASE NO. 15-02
CR01365)	
)	COMBINED STATEMENT OF
RESPONDENT)	CHARGES AND CONSENT ORDER

A. Statement of Charges

1. The Iowa Real Estate Appraiser Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2015).
2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01365 on August 31, 1994.
3. Certificate No. CR01365 is currently valid and in good standing, and is scheduled to expire on June 30, 2015.
4. The Board received a complaint alleging that Respondent appraised a commercial property, although he is only certified to perform residential appraisals, as defined in 193F Iowa Administrative Code (IAC) 5.1(1). Following investigation, the Board found probable cause to charge Respondent with performing appraisal services outside the authorized scope of a certified residential appraiser's practice, in violation of Iowa Code section 543D.17(1)(b), (d), and 193F IAC 7.3(5) (lack of qualification, practicing outside the scope of a residential certification). Respondent was disciplined in Case Numbers 10-07 and 13-17 for exactly the same violation. The appraisal at issue in this case was completed in January 2015, after Respondent was twice disciplined for the same violation.
5. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

6. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4. Respondent acknowledges he had an opportunity to consult with legal counsel before signing this Order.

7. 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.

8. 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.

9. 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 (2015).

10. 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) (2015). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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. Suspension. Respondent's certificate is **SUSPENDED** for a total of 90 days from and after the date this Order is signed by all parties. After serving the 90-day suspension, Respondent may apply to reinstate under 193 IAC 7.38. In his application to reinstate, Respondent shall affirm under penalty of perjury that he notified all clients as provided in section B below and that he shall perform all appraisal services in the future within the scope of his residential certificate. Respondent is put on notice that he will need to renew his suspended certificate or it shall lapse. If his suspended certificate lapses, Respondent shall comply with Board rules on reinstating a lapsed certificate (193F IAC 9.4) in addition to Board rules on reinstating a suspended certificate (193 IAC 7.38).

B. Notification. Respondent shall notify all clients for whom he performed appraisal services outside the scope of his residential certificate (anything other than 1-4 residential units) at any time between January 1, 2013 and the date this Order is signed. Such written notice shall include a copy of this Consent Order. Within 30 days of the date this Order is signed by all parties, Respondent shall file with the Board copies of all written notices sent to all affected clients.

C. Future Compliance. Respondent is warned that upon reinstatement of his certificate, if he is again found to have practiced outside the scope of his residential certificate, he shall be subject to more significant discipline, including revocation of his certificate.

Case No. 15-02

AGREED AND ACCEPTED:

The Respondent

The Iowa Real Estate Appraiser Examining Board



William Lowe



Gene Nelsen, Chair

04/06/2015
Date

4/20/2015
Date

FILED 7/23/15 (Date)

Iowa Real Estate Appraiser Examining Board
Board Commission

Toni A. Bright
Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:)	Case No. 15-02
)	
William Lowe)	REINSTATEMENT
CR01365)	AND
Respondent)	RELEASE FROM
)	CONSENT ORDER
)	

The Iowa Real Estate Appraiser Examining Board, upon Respondent's Application for Reinstatement of License and the Board's independent review of the file, finds that Respondent has complied with all terms of his consent order and that his certificate should be reinstated pursuant to 193 Iowa Admin. Code 7.38. The Board voted unanimously on July 23, 2015 to reinstate Respondent's certificate, release him from the consent order, and close the file. Respondent is reminded that he must still apply to activate his inactive certificate before he will be restored to full active status in the Board's records and on the National Registry.

IT IS THEREFORE ORDERED that the Respondent's certificate is reinstated, he is released from the consent order, and this file shall be closed.

Toni A. Bright

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