



7. The Respondent does not admit the allegations of the charges, but does agree to comply with the Consent Order to resolve disputed matters.

## **B. Settlement Agreement and Consent Order**

8. 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. Respondent agrees he had the opportunity to consult with counsel before agreeing to this Consent Order.

9. 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.

10. 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.

11. 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.

12. 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).

13. 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.

14. 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**

1. Respondent shall successfully complete by December 1, 2013, the 60-hour Income Approach course for General Appraisers, which shall be the AQB approved qualifying course. Respondent may take the course in person or on-line, and may apply the hours toward his continuing education requirements for renewal.

2. Respondent shall forward to the Board a certificate of completion within 10 calendar days of completion.

## **B. Logs and Desk Review**

1. Until Respondent has complied with all terms of the Consent Order he shall send the Board appraisal logs on the 10<sup>th</sup> day of each month for the prior month's appraisals.

2. Approximately 60 days after Respondent has completed all education, the Board shall select two appraisals from his log for review that were completed after the education was completed. The Board shall select appraisals of commercial income-producing property in which the income approach was developed and reported.

3. Section A provides the deadline within which education must be completed. Respondent is free to escalate the time frame by completing the education earlier than the deadline.

4. 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, six copies of the appraisals and associated work files, and the sum of \$800 to be paid by the Board to the retained review appraiser.

5. 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 site values, and the like. The costs associated with desk review are the responsibility of the Respondent, but are capped at the amounts noted in paragraph 4.

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

7. 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.

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

9. 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.

**AGREED AND ACCEPTED:**

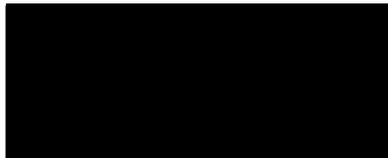
**The Respondent**



Mark W. Martens

4-18-13  
Date

**Iowa Real Estate Appraiser Examining Board**



Chair

5/7/2013  
Date

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

IN THE MATTER OF:	)	
	)	
	)	Case No. 12-32
Mark W. Martens	)	
CG01672	)	AMENDMENT TO
	)	CONSENT ORDER
RESPONDENT	)	

The Iowa Real Estate Appraiser Examining Board ("Board") and Mark. W. Martens ("Respondent") enter into this Amendment to the May 7, 2013, Consent Order:

1. The Board and Respondent entered into a Consent Order effective May 7, 2013, in which Respondent agreed to take certain education, provide monthly logs, and subject to review two appraisals of commercial income-producing property in which the income approach was developed and reported. The Consent Order arose from the Board's review of several appraisals performed by Respondent revealing USPAP violations; especially concerning were issued related to commercial appraisals in which the income approach was required.

2. Respondent has completed the education required by the Consent Order; however, to date he has not completed any appraisals of commercial income-producing property in which the income approach was developed and reported because he is primarily focusing his practice on farm and residential appraisals.

3. The Board and Respondent have agreed to amend the Consent Order to impose a permanent practice restriction. Specifically, Respondent shall be prohibited from appraising commercial property indefinitely; provided, however that such practice restriction shall not preclude Respondent from performing farm appraisals or residential appraisals consistent with applicable laws, rules, and regulations, including but not limited to licensure requirements and USPAP.

4. Respondent may apply to remove this practice restriction pursuant to 193F IAC 8. In the event the Board decides to remove this practice restriction as part of any Reinstatement proceeding, in addition to any other condition the Board may impose therein, Respondent's commercial appraisal practice shall be on probation until at least two appraisals of commercial income-producing property in which the income approach was developed and reported have been reviewed by a certified appraiser selected by the Board for USPAP compliance consistent with the procedures/process outlined in the original Consent Order.

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 Amendment to Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2015).

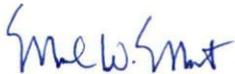
7. A violation of this Amendment to Consent Order shall be grounds for discipline under Iowa Code section 272C.3(2)(a) (2015). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

8. 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.

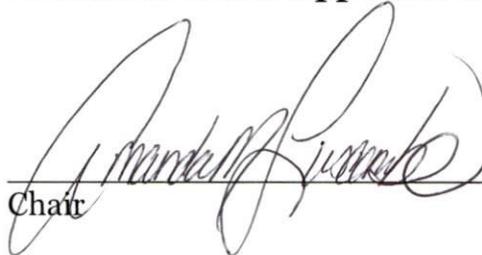
**AGREED AND ACCEPTED:**

**Respondent**

**Iowa Real Estate Appraiser Examining Board**



\_\_\_\_\_  
Mark W. Martens



\_\_\_\_\_  
Chair

11-10-16

\_\_\_\_\_  
Date

11-21-2016

\_\_\_\_\_  
Date