

FILED 11/1/19 (DATE)

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

REAP
Board / Commission
B March

Signature, Executive Officer

<p>IN THE MATTER OF:</p> <p>Richard Pals CG01005</p> <p>RESPONDENT</p>	<p>Case No. 19-23</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND ORDER ACCEPTING VOLUNTARY SURRENDER</p>
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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 (2019).
2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01005 on October 17, 1991.
3. Certificate No. CG01005 is currently valid, but in an inactive status, and scheduled to expire on June 30, 2021.
4. In September of 2019 the Board received a complaint against Respondent raising questions about Respondent’s compliance with USPAP in the development and reporting of five (5) appraisal assignments. Respondent was unwilling to submit a response to the complaint allegations and instead requested that he be allowed to surrender his license.
5. Respondent stated in connection with the surrender of his license that he will not apply for reinstatement of his license in the future.
6. Pursuant to Iowa Administrative Code rule 193F—8.16 “the board may accept the voluntary surrender of a license to resolve a pending disciplinary contested case or pending disciplinary investigation. The board shall not accept a voluntary surrender of a license to resolve a pending disciplinary investigation unless a statement of charges is filed along with the order accepting the voluntary surrender. Such voluntary surrender is considered disciplinary action and shall be published in the same manner as is applicable to any other form of disciplinary order.”
7. The Board charges Respondent with Professional Misconduct for “[e]ngaging in . . . conduct that subverts or attempts to subvert a board investigation, . . . fail[ing] to fully cooperate with a disciplinary investigation of the . . . certificate holder” in violation of Iowa Administrative Code rule 193F—7.3(7)(c).
8. The Board and Respondent have agreed to fully resolve these charges through the following Settlement Agreement, rather than proceed to a contested case hearing.
9. Respondent admits the factual allegations underlying this Statement of Charges and that he violated the laws, rules, and standards related hereto, and otherwise agrees to comply with this Settlement Agreement to resolve any disputed matters.

B. Settlement Agreement and Order Accepting Voluntary Surrender

1. Respondent has a right to a hearing on the charges. However, by freely and voluntarily entering into this Settlement Agreement, Respondent waives Respondent's right to hearing and all attendant rights, including the right to appeal to the superintendent and seek judicial review.
2. Through this Settlement Agreement and by filing the above Statement of Charges, the Board accepts the voluntary surrender of Respondent's certificate to resolve a pending disciplinary contested case or pending disciplinary investigation. This Settlement Agreement constitutes discipline against Respondent pursuant to and in accordance with Iowa Administrative Code rule 193F—8.16, and, subject to Iowa Administrative Code rule 193F—17.2(4), is the final agency action in a contested case pursuant to Iowa Code section 17A.10 and Iowa Administrative Code rule 193—7.4.
3. Respondent acknowledges that Respondent had the opportunity to consult with counsel before agreeing to this Settlement Agreement.
4. Respondent agrees the State's counsel may present this Settlement Agreement to the Board and may have ex parte communications with the Board while presenting it.
5. This Settlement Agreement 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 penalty or sanctions to be imposed in the event of any future violations of the laws, rules, or standards administered by the Board.
6. This Combined Statement of Charges and Settlement Agreement is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.
7. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further penalties, sanctions, or disciplinary action pursuant to Iowa Code sections 543D.21 and 272C.3(2)(a).
8. This Settlement Agreement is subject to approval of the Board:
 - a) If the Board fails to approve this Settlement Agreement, 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 Settlement Agreement, it shall fully dispose of all issues in this case.
9. This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate the laws, rules, or standards administered by the Board in the future, including but not limited to should Respondent engage in unlicensed practice following the execution of this Settlement Agreement.

IT IS THEREFORE ORDERED:

1. Respondent **VOLUNTARILY SURRENDERS** his certified general real-estate

appraiser Certificate No. CG01005. Respondent shall return his wall certificate and renewal card to the Board office within ten (10) days of the execution of this Settlement Agreement. Such voluntary surrender shall constitute discipline against Respondent and shall be published in the same manner as is applicable to any other form of disciplinary order pursuant to and in accordance with Iowa Administrative Code rule 193F—8.16. For the avoidance of doubt, such voluntary surrender shall constitute discipline against Respondent and shall be treated for all intents and purposes as a **REVOCATION**.

2. Respondent agrees that he shall not make any application to reinstate his certificate from the date of this Settlement Agreement or at any point thereafter. Respondent's voluntary surrender shall be permanent, and Respondent waives any claim, right, or interest to seek reinstatement by entering into this Settlement Agreement.

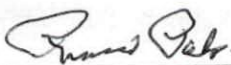
3. Should Respondent ever successfully challenge the restriction outlined in paragraph two (2), above, and thereafter seek to reinstate his certificate at any point in the future notwithstanding his agreement not to do so and waiver of any right to do so, any such reinstatement shall be governed by and conducted in accordance with the Iowa Administrative Code rule 193F—8.17 and Iowa Administrative Code rule 193F—20.38. In such a future reinstatement, considering whether to grant an application for reinstatement entered by a future Board, that future Board shall take into consideration that Respondent was unwilling to submit a response to the complaint upon request from the Board's Executive Officer; and that Respondent communicated to the Board that he would not apply for reinstatement of his license in the future, and that the Board considered this in determining whether to accept his voluntary surrender in lieu of discipline or further prosecute Respondent and pursue additional or alternative sanctions or remedies.

Case No. 19-23

AGREED AND ACCEPTED:

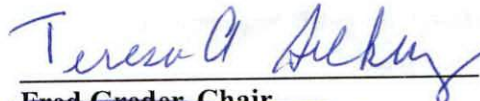
Respondent

Iowa Real Estate Appraiser Examining Board



Richard Pals

9/30/19
Date



~~Fred Greder, Chair~~
Teresa Selberg, Discipline Committee Chair.

10/31/2019
Date

Signed in place of Board Chair, who was recused, following unanimous vote by ^{majority} of the Full Board.