

FILED 9/8/21 (DATE)

REAP

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

Board / Commission

B March

Signature, Executive Officer

<p><b>IN THE MATTER OF:</b></p> <p><b>Robert Crane,</b> <b>CG01375</b></p> <p><b>RESPONDENT.</b></p>	<p><b>Case No. 21-08</b></p> <p><b>NOTICE OF HEARING AND STATEMENT OF CHARGES IN A DISCIPLINARY CASE</b></p>
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The Iowa Real Estate Appraiser Examining Board (“Board”) issues this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 543D.17. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01375 on February 10, 1992.

**A. TIME, PLACE, AND NATURE OF HEARING AND HEARING PROCEDURES**

1. **Hearing.** A disciplinary contested case hearing will be held before the Board on the **17th day of November, 2021, at 1:00 o’clock, p.m.**, at 200 E. Grand, Ste. 350, Des Moines, IA 50309.
2. **Answer.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in Iowa Admin. Code r. 193F-20.9.
3. **Prehearing Conference.** A prehearing conference will be held by telephone on the **10th day of November, 2021, at 9:00 o’clock, a.m.**, before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (“ALJ”). You are responsible for notifying the Board office of the telephone number at which you or your counsel may be reached. Board rules on prehearing conferences may be found at Iowa Admin. Code r. 193F-20.21.
4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and Iowa Admin. Code r. 193F-20.10(1). The Board may request that an ALJ make initial rulings on prehearing matters and be present to assist and advise the Board at hearing, as described in Iowa Admin. Code r. 193F-20.21(4).
5. **Hearing Procedures.** Board rules on hearing procedures may be found at Iowa Admin. Code ch. 193F-20. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. Consult Iowa Admin. Code r. 193F-20.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of Respondent.
6. **Default.** If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and Iowa Admin. Code r. 193F-20.27.

7. **Prosecution.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to:

Brad Horn  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa, 50319.

Mr. Horn may also be reached by phone at (515) 414-6187 or email at [brad.horn@ag.iowa.gov](mailto:brad.horn@ag.iowa.gov).

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to Respondent's identified counsel should Respondent engage counsel.

9. **Settlement.** The procedural rules governing the Board's settlement process are found at Iowa Admin. Code r. 193F-20.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Brad Horn.

10. **Communications.** You may not contact Board members by phone, letter, facsimile, email, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to: Assistant Attorney General, Brad Horn, or Brandy March, the Board's Executive Officer, at (515) 725-9025.

## **B. STATEMENT OF CHARGES AND CIRCUMSTANCES**

1. The Board found probable cause to file these charges on August 31, 2021.
2. The Board received a complaint about Respondent's appraisal practices. The Board subsequently requested two additional appraisal reports from Respondent and submitted them for Standard Three USPAP review by a peer reviewer. All three appraisal reports revealed significant issues related to report writing, understanding and application of proper methodology, adherence to USPAP standards of practice, and Respondent's competency.
3. Following an informal hearing in this matter in which Respondent participated with the Board's Discipline Committee, on August 31, 2021, the Board voted to find probable cause and charge Respondent with violating the laws, rules, and practice standards administered by the Board.
4. The Board charges Respondent with the following:
  - a) Failure to adhere to USPAP in violation of Iowa Code sections 543D.17(1)(d) and 543D.18(1) and Iowa Admin. Code rr. 193F-7.2, 7.3(2)(d) and 7.3(7)(a);
  - b) Failure to exercise reasonable diligence in the development and communication of multiple appraisals in violation of Iowa Code section 543D.17(e) and Iowa Admin. Code r. 193F-7.3(6)(a);

- c) Demonstrating negligence or incompetence in the development, preparation and communication of multiple appraisals in violation of Iowa Code sections 543D.17(f) and Iowa Admin. Code rr. 193F-7.3(2)(c) and (6)(a); and
- d) Engaging in unethical, harmful, or detrimental conduct in violation of the public trust and USPAP's ETHICS RULE in violation of Iowa Code §§ 272C.10(3), 543D.17(1)(b) and (d), and 543D.18(1) and Iowa Admin. Code r. 193F-7.3(4)(c).

**This Notice of Hearing and Statement of Charges is Filed and Issued**

**On the 8th day of September, 2021**

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Brandy March, Executive Officer  
Iowa Real Estate Appraiser Examining Board  
200 E. Grand, Ste. 350  
Des Moines, IA 50309  
Phone: (515)725-9025  
[brandy.march@iowa.gov](mailto:brandy.march@iowa.gov)

FILED 11-19-2021 (DATE)

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

Board / Commission

B March  
Signature, Executive Officer

IN THE MATTER OF:

Case No. 21-08

ROBERT CRANE,  
LICENSE # CG01375

COMBINED STATEMENT OF  
CHARGES, SETTLEMENT  
AGREEMENT, AND ORDER  
ACCEPTING VOLUNTARY  
SURRENDER

RESPONDENT

**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.

2. Respondent is a certified general real estate appraiser in Iowa who was issued Certificate No. CG01375 on February 10, 1992.

3. Certificate No. CG01375 is currently valid and scheduled to expire on June 30, 2022.

4. In March 2021, the Board obtained information raising questions about Respondent's compliance with USPAP in the development and reporting of one appraisal assignment (hereinafter "Initial Report"). The Board subsequently requested a copy from Respondent of the Initial Report by which the compliance issue was originally brought to the Board's attention, and thereafter two additional appraisal reports in order to assess Respondent's work product as a whole. The Board submitted all the appraisal reports for Standard Three/Four USPAP review by a peer reviewer. All appraisal reports revealed issues related to report writing, understanding, application of proper methodology, adherence to USPAP standards of practice, and Respondent's competency.

5. The Respondent participated in an informal hearing in this matter with the Board's Discipline Committee on August 31, 2021, and the Board subsequently charged the Respondent with the following:

- a. Failure to adhere to USPAP in the development and communication of multiple appraisals in violation of Iowa Code sections 543D.17(1)(d) and 543D.18(1) and Iowa Administrative Code rules 193F-7.2, 193F-7.3(2)(d) and 193F-7.3(7)(a).
- b. Failure to exercise reasonable diligence in the development and communication of multiple appraisals in violation of Iowa Code section 543D.17(1)(e) and Iowa Administrative Code rule 193F-7.3(6)(a).
- c. Demonstrating negligence or incompetence in the development, preparation, and communication of multiple appraisals in violation of Iowa Code sections 272C.10(2) and 543D.17(1)(f) and Iowa Administrative Code rules 193F-7.3(2)(a)-(d) and (6)(a).



- d. Engaging in unethical, harmful, or detrimental conduct in violation of the public trust and USPAP's ETHICS RULE in violation of Iowa Code sections 272C.10(3), 543D.17(1)(b) and (d), and 543D.18(1) and Iowa Administrative Code Rule 193F-7.3(4)(c).

6. The Board and Respondent have agreed to fully resolve these charges through the following Combined Statement of Charges, Settlement Agreement, and Order Accepting Voluntary Surrender (hereinafter "Settlement Agreement") rather than proceed to a contested hearing.

7. In signing this Settlement Agreement, Respondent admits the underlying facts and conduct alleged by the Board in this case, and admits to a violation of the underlying statutory provisions and rules charged by the Board in this Statement of Charges.

### **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 to seek judicial review and agrees to voluntarily surrender his license.

2. 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."

3. This Settlement Agreement constitutes discipline against Respondent pursuant to Iowa Administrative Code rule 193F-8.16. The Board accepts the voluntary surrender of Respondent's certificate to resolve a pending disciplinary contested case 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.19.

4. Respondent acknowledges that Respondent had the opportunity to consult with counsel before agreeing to this Settlement Agreement.

5. Respondent agrees the State's counsel may present this Settlement Agreement to the Board and may have ex parte communication with the Board while presenting it.

6. 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.

7. This Settlement Agreement is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22, and will be posted to the Board's public-facing online disciplinary index and reported to and posted on the Appraisal Subcommittee (ASC) National Registry.

8. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further penalties, sanctions, or disciplinary action pursuant to Iowa Code section 272C.3(2)(a).

9. 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 take effect upon the date of last signature, below, and govern the issues of or related to this matter.

10. This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate the laws, rules, or standards of practice administered by the Board in the future.

11. Nothing in this Settlement Agreement or Respondent's voluntary surrender of his appraisal certificate shall preclude Respondent from conducting appraisal work in this state that does not require Respondent to be a certified residential real estate appraiser, a certified general real estate appraiser or other licensure by the Board and is otherwise not prohibited by law. Respondent shall not conduct appraisal work in another state that is inconsistent with such state's law. This Agreement does not prohibit Respondent from providing services such as comparative market analysis or broker price options so long as those services do not require Respondent to be a certified residential real estate appraiser, a certified general real estate appraiser or other licensure by the Board and Respondent is otherwise authorized by law to provide such services.

12. The Superintendent of Banking is in agreement with this offer and declines to initiate a review of Case # 21-08 before the Board. Iowa Admin. Code rule 193F—1.2(4); *see also* Iowa Code section 543D.23(1). ("In supervising the board, the superintendent shall independently evaluate the substantive merits of actions recommended or proposed by the board which may be anticompetitive. . ."). The Superintendent waives any right to initiate further review and thereby adopts the Board's decision in its entirety. The Board's decision of this Settlement Agreement shall be **FINAL** as of **the date of last signature below**.

**IT IS THEREFORE ORDERED:**

1. Respondent shall **VOLUNTARILY SURRENDER** his certified general real-estate appraiser Certificate No. CG01375 effective as of the date of the last signature below. Respondent shall return his wall certificate and renewal card to the Board office within ten days of the execution of this Settlement Agreement. For the avoidance of doubt, such surrender shall constitute discipline against Respondent, and shall be treated for all intents and purposes as a **REVOCAION**.



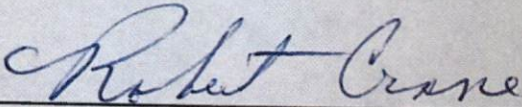
2. Respondent agrees that he shall not make any application to reinstate his certificate from the date of this Settlement Agreement or at any point thereafter. Respondent's voluntary surrender shall be permanent, and Respondent waives any claim, right or interest to seek reinstatement by entering into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

3. Respondent may conduct appraisal services so long as such work is not otherwise prohibited by law. This Order also does not prohibit Respondent from providing services such as comparative market analysis or broker price options so long as those services do not require Respondent to be a certified residential real estate appraiser, a certified general real estate appraiser or have other licensure under applicable law.

4. Should Respondent ever seek to challenge the restriction outlined in paragraph two 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.

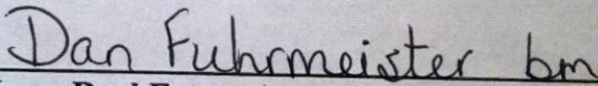
**Case No. 21-08**

**AGREED AND ACCEPTED:**



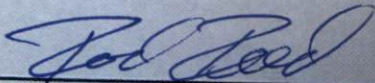
**Robert Crane, Respondent**

11/16/21  
Date



**Iowa Real Estate Appraiser Examining Board**

11/18/2021  
Date



**Rodney E. Reed, Finance Bureau Chief  
(Superintendent's Designee)**

11/19/2021  
Date