

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

Department of Commerce
Division of Banking
FILED 11.30.2022 (DATE)

<p>In the Matter of:</p> <p>RANDAL STEENHOEK, CR01667,</p> <p>Respondent.</p>	<p>REAP Board / Commission Signature, Executive Officer</p> <p>Case No. 22-11</p> <p>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND ORDER ACCEPTING VOLUNTARY SURRENDER</p>
---	---

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 residential real estate appraiser in Iowa. He was issued Certificate No. CR01667 on April 30, 1993.
3. Certificate No. CR01667 is currently valid and scheduled to expire on June 30, 2023.
4. On March 23, 2022, the Board obtained information raising questions about Respondent’s compliance with USPAP in the development and reporting of appraisal assignments as well as practicing outside the scope of license. The Board conducted interviews with the Respondent and his acting supervisors. Copies of appraisal reports were obtained from the lenders.
5. Following an informal hearing in this matter in which Respondent participated with the Board’s Discipline Committee, on June 29, 2022, the Board voted to find probable cause to charge Respondent with violating appraisal standards.
6. The Board charges Respondent with the following:
 - a) Fraud in procuring a registration or certificate in violation of Iowa Administrative Code rules 193F-7.3(1)(d).
 - b) Professional incompetence in violation of Iowa Administrative Code rules 193F-7.3(2)(b) through (e).
 - c) Deceptive practices in violation of Iowa Administrative Code rules 193F-7.3(3)(a) through (e), (g) and (j).
 - d) Lack of proper qualifications in violation of Iowa Administrative Code rules 193F-7.3(5)(f).
 - e) Professional misconduct in violation of Iowa Administrative Code rules 193F-7.3(6)(a) and (b).
 - f) Unethical, harmful or detrimental conduct in violation of Iowa Administrative Code rules 193F-7.3(4).

- g) Failure to adhere to USPAP in the development and communication of multiple appraisals in violation of Iowa Code sections 543D.17(1)(d) and .18(1) and Iowa Administrative Code rules 193F-7.2, .3(2)(d) and .3(7)(a).
- h) 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).
- i) 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).

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

8. 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 seek judicial review.

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." 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. This Settlement Agreement constitutes discipline against Respondent pursuant to and in accordance with Iowa Administrative Code rule 193F-20.42, 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 communications 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 sections 543D.21 and 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 fully dispose of all issues in this case.

10. 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.

11. Pursuant to Iowa Administrative Code Rule 193F-17.2(4)(a): "[a]ll board decisions in a contested case, whether by consent or following hearing, are proposed decisions and shall be provided to the superintendent when issued." Further, "the superintendent may initiate a review of the proposed decision on the superintendent's own motion at any time within 20 days following issuance of such decision." Iowa Admin. Code r. 193F-17.2(4)(e). The Superintendent of Banking is in agreement with this offer and declines to initiate a review of Case # 21-10 & 21-13 before the Board. Iowa Admin. Code r. 193F-1.2(4); *see also* Iowa Code § 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 the Settlement Agreement shall be **FINAL** as of the date of last signature below.

IT IS THEREFORE ORDERED:

1. Respondent shall **VOLUNTARILY SURRENDER** his certified residential real-estate appraiser Certificate No. CR01667 effective as of the date of last signature below. Respondent shall return his wall certificate and renewal card to the Board office within ten (10) days of the execution of this Settlement Agreement. 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.

Case No. 22-11

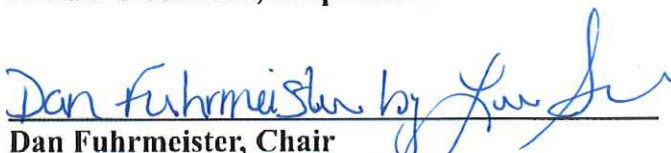
AGREED AND ACCEPTED:



Randal Stenhoek, Respondent

11-15-2022


Date



Dan Fuhrmeister, Chair
Iowa Real Estate Appraiser Examining Board

11.30.2022

Date



Lori SchraderBachar, PLB Bureau Chief
(Superintendent's Designee)

11.30.2022

Date