

FILED September 18, 2018 (Date)
IRB.C
Board / Commission
Signature Executive Officer

**BEFORE THE IOWA REAL ESTATE COMMISSION
200 EAST GRAND, SUITE 350
DES MOINES, IOWA 50309**

IN RE:)	
)	CASE NUMBER: 18-182
Teresa K. Vorland)	
3108 Giles Street)	CONSENT AGREEMENT AND ORDER
West Des Moines, IA 50265)	
)	
APPLICANT)	

The Iowa Real Estate Commission (Commission) and **Teresa K. Vorland** (Applicant) enter into this Consent Agreement and Order (Agreement) pursuant to Iowa Code Sections 17A.10, 272C.3(4) and 543B.19 (2018).

1. The parties acknowledge the following:

- A. On or about August 2, 2018, the Applicant submitted an Application for Individual License (Application) electronically to the Commission for a new Iowa real estate salesperson license. On the Application, the Applicant answered question 2.4 by stating that no professional licensing authority in Iowa or any other jurisdiction has ever taken disciplinary action against her.
- B. A search of the Iowa Real Estate Appraiser Examining Board's (IREAEB) disciplinary index established that the Applicant failed to accurately and/or completely disclose her professional licensure disciplinary history as requested by question 2.4 on the application. Contrary to her response on the application, review of the Applicant's professional licensure disciplinary history established that the IREAEB in case No. 07-027 had filed disciplinary charges against the Applicant's Iowa certified residential real estate appraiser certificate (CR01851) on May 19, 2008. A true and accurate copy of said statement of charges is attached as EXHIBIT A. The Applicant voluntarily surrendered her Iowa certified residential real estate appraiser certificate on June 4, 2008 pursuant to a consent order entered as resolution to the statement of charges pending in case No. 07-027. A true and accurate copy of said order is attached as EXHIBIT B.
- C. The Applicant does not contest that she failed to accurately disclose her professional licensure disciplinary history as requested by question 2.4 on the Application.

- D. The Applicant's failure to accurately and completely disclose her professional licensure disciplinary history constitutes a false statement of material fact upon which the Commission may deny her real estate salesperson license application. See Iowa Code § 543B.15(5).
- E. Additionally, an applicant for a real estate salesperson license who has had a professional license of any kind revoked or suspended or who has had any other form of discipline imposed, in this or any other jurisdiction, may be denied a license by the Commission on the ground of the revocation, suspension, or other discipline. See Iowa Code § 543B.15(4).
- F. The Commission, when considering the denial of a license, shall consider the nature of the offense that led to previous license discipline; any documented aggravating or extenuating circumstances; the time lapsed since the revocation or conduct; the rehabilitation, treatment, or restitution performed by an applicant; and any other factors the Commission deems relevant. See Iowa Code § 543B.15(6).

2. Upon review of the factors delineated in Iowa Code section 543B.15(6), the Commission concludes that the Applicant's professional licensing history as detailed above in subparagraph 1-B does not disqualify her for an Iowa real estate salesperson license. However, because the Applicant's misconduct that led to the voluntary surrender of her certified residential real estate appraiser certificate was sufficiently related to and impacted the conduct of the real estate profession in the state of Iowa, the Commission finds that the imposition of conditions upon any license issued to the Applicant is an appropriate precaution to safeguard the safety and wellbeing of the public.

3. In recognition of the facts that the Applicant failed to accurately and completely disclose her professional licensing history as detailed above in subparagraph 1-B, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate salesperson license, the Applicant shall pay to the Commission a civil monetary penalty in the amount of five hundred dollars (\$500.00) within thirty (30) days of the Commission's approval of this Agreement. Failure to timely submit the agreed upon civil penalty shall result in the denial of the Applicant's license application. Furthermore, the Applicant shall submit an amended real estate salesperson license Application to the Commission that correctly states her professional licensing history. Said Application and disclosures referencing questions 2.4 and 2.5 are to be duly signed and acknowledged by the employing broker.

4. Furthermore, in recognition of the facts that the Applicant voluntarily surrendered a professional license as detailed above in subparagraph 1-B, the Applicant voluntarily agrees that as a condition for receiving a new Iowa real estate salesperson license, the Applicant shall serve a probationary period throughout the duration her first license term.

5. By entering into this Agreement, the Applicant acknowledges and voluntarily waives her right to adjudicate the merits of her pending Application for a new real estate salesperson license through the commencement of a contested case proceeding before the Commission, and all rights attendant to a contested case proceeding including the right to seek judicial review of the Commission's actions.

6. This Agreement shall be made a part of the record of the Applicant and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

7. The Applicant voluntarily submits this Agreement to the Commission for its consideration. This Agreement is not binding on the Iowa Real Estate Commission until it has been formally approved. If the Commission fails to approve this Agreement, it shall be of no force or effect on either party.

8. This Agreement shall be public record.

IT IS THEREFORE ORDERED THAT:

8. Upon the Commission's approval of this Agreement, the Applicant shall be issued an Iowa real estate salesperson license subject to a probationary period. During the probationary period, the following terms shall apply:

- A. The Applicant shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate in the state of Iowa.
- B. Any violation of law governing the practice of real estate in the state of Iowa committed by the Applicant during the pendency of the probationary period shall be grounds for the immediate revocation and/or denial of the renewal of the Applicant's real estate salesperson license following notice of the alleged violation and opportunity for hearing before the Commission.

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C. The Applicant shall not be eligible to receive an Iowa real estate broker license during the pendency of the probationary period. The Applicant may, however, count all time she is actively licensed as an Iowa real estate salesperson during the probationary period toward fulfilling the twenty-four months experience requirement imposed by Iowa Code § 543B.15(7) upon real estate broker applicants. Any Iowa real estate broker application submitted by the Applicant will be reviewed by the Commission on the merits at that time.

9. The probationary period imposed by this order shall end upon the expiration of the Applicant's initial salesperson license on December 31, 2020.

WHEREFORE, the terms of this Consent Agreement and Order are agreed to and accepted by the Iowa Real Estate Commission and the Applicant.

Teresa K. Vorland
TERESA K. VORLAND
Applicant

T.M. Duggan FOR IREC
TERRANCE M. DUGGAN, Chair
Iowa Real Estate Commission

September 18, 2018
Date

September 18, 2018
Date

COPY

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

IN THE MATTER OF:)	Case No. 07-27
)	
Teresa Vorland)	
Certificate No. CR01851)	
3108 Giles Street)	
West Des Moines, IA 50265)	
Respondent.)	NOTICE OF HEARING AND
)	STATEMENT OF CHARGES
)	IN A DISCIPLINARY CASE

The Iowa Real Estate Appraiser Examining Board ("Board") issues this Notice of Hearing pursuant to Iowa Code Sections 17A.12(2) and 17A.18(3) (2007). Respondent was issued Iowa certificate number CR01851 on January 18, 1995. The certificate expired on June 30, 2007, but is subject to reinstatement in accordance with Board rules. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2007).

**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 26th day of June, 2008, at 9:30 o'clock, a.m., at 1920 SE Hulsizer Road, Ankeny, Iowa.
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 193 Iowa Administrative Code 7.9. The Answer should specifically admit, deny, or otherwise respond to all allegations contained in sections B and C of this Notice of Hearing and Statement of Charges.
3. **Prehearing Conference.** A prehearing conference will be held by telephone on the 20th day of June, 2008, at 1:30 o'clock, p. 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 can be reached. Board rules

EXHIBIT A

on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(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 193 Iowa Administrative Code 7.10(4).

5. **Hearing Procedures.** Board rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7. 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 rule 193 Iowa Administrative Code 7.22 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 the 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 193 Iowa Administrative Code 7.27.

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: Pamela Griebel, Assistant Attorney General, Iowa Attorney General's Office, Hoover State Office Building, 2nd Fl., Des Moines, IA 50319, 515-281-6403, pgriebe@ag.state.ia.us.

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to: "No counsel identified"

9. **Settlement.** The procedural rules governing the Board's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela Griebel.

10. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, 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 Pamela Griebel or Sylvia King, the Board's Executive Officer, at 515-281-7356.

B. STATEMENT OF CHARGES

11. The Board found probable cause to file the following charges on May 16, 2008.

12. The Board charges Respondent with (a) repeated failure to adhere to appraisal standards in the development, preparation, and communication of appraisals, (b) failure to exercise reasonable diligence in the development, preparation, and communication of appraisals, and (c) demonstrating negligence or incompetence in the development, preparation, and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f) (2005, 2007).

C. STATEMENT OF MATTERS ASSERTED

13. The US Department of Housing and Urban Development (HUD) removed Respondent from HUD's FHA Appraiser Roster based on concerns in Respondent's appraisal practice. In addition to the appraisals submitted to the Board by HUD, the Board reviewed appraisals selected from Respondent's logs. All revealed USPAP violations, as more fully described in the complaint and peer review reports, copies of which will be supplied to Respondent in advance of hearing.

This Notice of Hearing and Statement of Charges is filed and issued on the 19th day of May, 2008.

Sylvia R. King
Executive Director, Iowa Real Estate Appraiser Examining Board
1920 SE Hulsizer Road, Ankeny, IA 50021
Phone 515.281.7356, Fax 515.281.6411
Email sylvia.king@iowa.gov

Copies to:

Assistant Attorney General Pamela Griebel
Respondent
Department of Inspections and Appeals, assigned Administrative Law Judge

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

IN THE MATTER OF:)	
)	
)	CASE NO. 07-27
Teresa Vorland)	
CR01851)	
3108 Giles Street)	
West Des Moines, IA 50265)	CONSENT ORDER
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Teresa Vorland (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2007) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2007).
2. Respondent was issued Iowa certified residential real estate appraiser certificate number CR01851 on January 18, 1995. Her certificate expired on June 30, 2007.
3. The Board filed its Notice of Hearing and Statement of Charges on May 19, 2008. Hearing is currently set for June 26, 2008.
4. The Board charged Respondent with: (a) Repeated failure to adhere to appraisal standards in the development and communication of appraisals; (b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and, (c) demonstrating negligence or incompetence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1) (2005, 2007).
5. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.
6. It is understood and agreed that this Consent Order is executed as a compromise settlement of disputed claims and that it is not intended nor construed to be an admission of fault or liability on the part of Respondent
7. Respondent has a right to a hearing on the charges, but waives her 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.

8. 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.

9. 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.

10. This Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2007).

11. 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) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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. Expiration. Respondent's certificate as a residential real estate appraiser expired on June 30, 2007. Respondent has accordingly not been authorized to perform appraisal services as an Iowa certified real estate appraiser from and after July 1, 2007.

B. Reinstatement. Respondent shall surrender her Iowa real estate appraiser certificate by physically returning the certificate and renewal cards to the Board office within 10 days of the date this Consent Order is signed by all parties. Any application to reinstate must comply with 7.38 and shall be filed no earlier than July 1, 2010. As a condition of reinstatement, Respondent must comply with all then existing education, examination, and experience requirements as if never previously certified.

AGREED AND ACCEPTED:

The Respondent

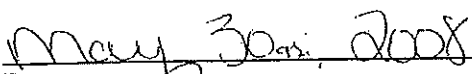
**The Iowa Real Estate Appraiser
Examining Board**



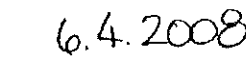
Teresa Vorland



Michael Lara, Chair



Date



Date