

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

REAP

Board / Commission

B. March

Signature, Executive Officer

IN THE MATTER OF:

SHARI HEILALA,
CG03653

RESPONDENT

Case No. 21-15

COMBINED STATEMENT
OF CHARGES AND
SETTLEMENT AGREEMENT

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 (2020).

2. Respondent is a certified general real estate appraiser in Iowa. She was issued Certificate No. CG03653 on October 24, 2018.

3. Certificate No. CG03653 is currently valid and scheduled to expire on June 30, 2022.

4. On June 30, 2020, Respondent submitted a renewal application to renew Certificate No. CG03653.

5. As part of the renewal application, Respondent choose the 90-day allowance option offered to licensees in accordance with the Proclamation of Disaster Emergency, § 3-15 (April 2, 2020) and the Board Guidance issued on April 29, 2020 and as revised on July 30, 2020, in which a licensee who is up for renewal and has had a COVID related circumstance may receive an additional 90 days after the extended renewal deadline of July 31, or until October 29, 2020, to take and obtain the continuing education that otherwise would have been due at the time of the Respondent's renewal.

6. On November 3, 2020, and April 12, 2021, Board staff requested that Respondent provide proof of continuing education.

7. On April 26, 2021, Respondent provided continuing education certificates for one eight-hour course taken on June 16, 2019, two seven-hour courses taken on February 15, 2021 and one six-hour course taken on February 17, 2021. Respondent failed to show proof of continuing education taken within the extended renewal reporting period.

8. Respondent has failed to show compliance with the continuing education requirements necessary for renewal under Iowa Code § 543D.16 and Iowa Administrative Code rule 193F-11.2.

9. The Board charges Respondent with the following:

- a) Professional misconduct by not complying with Iowa Code § 543D.16 and Iowa Administrative Code rule 193F-11.2, which is a violation of a regulation or law of this state which relates to the practice of real estate appraising, in violation of Iowa Administrative Code rule 193F-7.3(7)(b).

- b) Lack of proper qualification by continuing to practice as a certified real property appraiser without satisfying the continuing education required for certificate renewal, in violation of Iowa Administrative Code rule 193F-7.3(5)(a).

10. The Board and Respondent have agreed to fully resolve these charges through the following Settlement Agreement, rather than proceed to a contested case hearing.

11. 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

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. 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.10 and Iowa Administrative Code rule 193F-20.42.

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, 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.

7. Failure to comply with the provisions of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code section 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 take effect upon the date of last signature, below, and govern the issues of or related to this matter.

9. This Settlement Agreement shall not preclude the Board from taking additional

action against Respondent should Respondent violate the laws, rules, or standards or practice administered by the Board in the future.

IT IS THEREFORE ORDERED:

A. Civil Penalty

1. Within 30 calendar days, Respondent shall pay a civil penalty in the amount of \$500 made payable to the State of Iowa and remitted to Real Estate Appraiser Examining Board, 200 East Grand Avenue, Suite 350 in Des Moines, Iowa 50309.

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AGREED AND ACCEPTED:

Respondent

Iowa Real Estate Appraiser Examining Board


Shari Heilala


Dan Fuhrmeister, Chair

6/12/21
Date

6 - 23 - 2021
Date

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:) **Case No. 21-15**
)
Shari Heilala) **RELEASE OF CONSENT**
CG03653) **ORDER**
Respondent)

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of the consent order and should be released. The Board voted unanimously to release Respondent from his consent order on July 21, 2021.

IT IS THEREFORE ORDERED that the Respondent is released.

B March
Brandy March, Executive Officer
Iowa Real Estate Appraiser Examining Board
200 E. Grand Avenue, Suite 350
Des Moines, IA 50309
Email: brandy.march@iowa.gov