

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

IN THE MATTER OF:

Greg S. Seaton,
CG01961,
RESPONDENT.

Case No. 17-27

NOTICE OF HEARING AND
STATEMENT OF CHARGES IN A
DISCIPLINARY CASE

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. CG01961 on March 19, 1997. Certificate No. CG01961 is currently valid, active, and scheduled to expire on June 30, 2019. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D.

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 October, 2017, at 2:00 o’clock, p.m.**, at 200 E. Grand, Ste. 350, Des Moines, IA 50309.

2. **Answer.** Within twenty (20) days of the date you are served with this Notice you must file an answer to the charges as provided in Iowa Administrative Code rule 193—7.9.

3. **Prehearing Conference.** A prehearing conference will be held by telephone on the **20th day of October, 2017, at 10:00 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 Administrative Code rule 193—7.21.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and Iowa Administrative Code 193—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 Iowa Administrative Code chapter 193—7 and Iowa Administrative Code chapter 193—8. 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 Administrative Code rule 193—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 your discretion.

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 Administrative Code rule 193—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:

Luke Dawson
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, Iowa, 50319

Mr. Dawson may also be reached by phone at (515)414-6187 or e-mail at luke.dawson@iowa.gov.

8. **Respondent's Counsel.** Respondent is self represented.

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

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: Luke Dawson, Assistant Attorney General; 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 charges on August 30, 2017.

2. Respondent renewed his certificate online on July 1, 2017, at 12:45 a.m., after it had expired. Iowa Admin. Code r. 193F—9.1(2) ("Certificates and registrations shall expire biennially on June 30."); Iowa Admin. Code r. 193F—9.3(1) ("An application shall be deemed filed on . . . the date of electronic submission Applications to renew that are not timely received by the board shall be treated as applications to reinstate, as provided in rule 193F—9.4").

3. Pursuant to Iowa Administrative Code rule 193F—9.4(2):

A certified or associate appraiser may renew a certificate or registration after the expiration date by submitting a sufficient renewal application and biennial renewal fee, accompanied by an additional penalty of 25 percent of the biennial renewal fee, within 30 calendar days of the expiration date. The board will allow the reinstatement of a lapsed certificate or registration during the 30-day period following expiration for an appraiser who did not complete all required continuing education during the prior biennium but who will have sufficient continuing education if courses completed during the 30-day period following lapse are included; provided that such applicant must demonstrate 42 hours of qualifying continuing education rather than the 28 hours required to renew for those who completed all continuing education on a timely basis prior to the lapse. The continuing education completed between July 1 and July 30 that fulfills a shortage of continuing education in the prior biennium shall not be counted

toward the continuing education required in a subsequent renewal.

4. Respondent reported 28 total hours of continuing education on July 1, 2017, at 12:45 a.m. This is fourteen (14) hours less than the 42 hours required for a certified appraiser renewing an expired certificate within thirty (30) calendar days of the expiration. Respondent has not, to date, taken the additional fourteen (14) hours required by Iowa Admin. Code r. 193F—9.4(2).

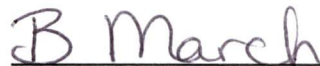
5. The Board subsequently conducted a random audit of Respondent's compliance with continuing education requirements in connection with Respondent's 2017 renewal. In addition the foregoing, the audit revealed that Respondent submitted one course of four (4) hours he reported as being complete on June 30, 2017, which was not in fact completed until July 1, 2017, at 12:20 a.m.

6. Respondent is charged with:

- a. Reporting inaccurate information to the Board on his renewal application in violation of Iowa Administrative Code rule 193F—7.3(1); and
- b. Renewing his certificate and continuing to practice when not qualified to do so in violation of Iowa Administrative Code rule 193F—7.3(5)(a) and Iowa Administrative Code rule 193F—9.4(4).

This Notice of Hearing and Statement of Charges is Filed and issued

On the 31st day of August, 2017



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

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>Greg S. Seaton, CG01961, RESPONDENT.</p>	<p>Case No. 17-27</p> <p>CONSENT ORDER</p>
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The Iowa Real Estate Appraiser Examining Board (“Board”) and Respondent, Greg Seaton, agree to resolve the pending charges as follows:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D.
2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01961 on March 19, 1997. Certificate No. CG01961 is currently valid, active, and scheduled to expire on June 30, 2019.
3. Respondent renewed his certificate online on July 1, 2017, at 12:45 a.m., after it had expired. Iowa Admin. Code r. 193F—9.1(2); Iowa Admin. Code r. 193F—9.3(1). Respondent reported 28 total hours of continuing education on July 1, 2017, at 12:45 a.m. This is fourteen (14) hours less than the 42 hours required for a certified appraiser renewing an expired certificate within thirty (30) calendar days of the expiration. Iowa Admin. Code r. 193F—9.4(2). Respondent has not, to date, taken the additional fourteen (14) hours required by Iowa Administrative Code rule 193F—9.4(2).
4. On August 31, 2017, the Board charged Respondent with, among other things, renewing his certificate and continuing to practice without taking the additional fourteen (14) hours required within thirty (30) calendar days of the expiration in violation of Iowa Administrative Code rule 193F—7.3(5)(a) and Iowa Administrative Code rule 193F—9.4(4).
5. Hearing in this matter is currently set for the **26th day of October, 2017, at 2:00 o’clock, p.m.**, at 200 E. Grand, Ste. 350, Des Moines, IA 50309. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to a contested case hearing.
6. Respondent has a right to a hearing on the charges, but waives Respondent’s right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Consent Order. This Consent Order is the final agency action in this contested case, pursuant to Iowa Code section 17A.10, Iowa Administrative Code rule 193—7.42, and Iowa Administrative Code rule 193F—16.7. Respondent acknowledges he had an opportunity to consult with legal counsel before signing this Consent Order.
7. Respondent agrees the State’s counsel may present this Consent Order to the Board and may have ex parte communications with the Board while presenting it.
8. Respondent acknowledges that the Board shall consider this Consent Order in

determining the nature and severity of any future sanction to be imposed in the event of any future violations of any statutory provision, administrative rule, or other law enforced or administered by the Board and applicable to Respondent.

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

10. Failure to comply with the provisions of this Consent Order shall be grounds for further action pursuant to Iowa Code section 543D.21(7).

11. This Consent Order is subject to approval of the Board: (a) If the Board fails to approve this Consent 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 Consent Order, it shall fully dispose of all issues in this case.

12. In signing this Consent Order, Respondent neither admits to any of the underlying facts or conduct alleged by the Board in this case, nor does he admit to a violation of any of the underlying statutory provisions or rules charged by the Board in this case.

IT IS THEREFORE ORDERED:

A. Education. Respondent shall submit to the Board office certificates demonstrating the successful completion of an additional fourteen (14) hours of qualifying continuing education by **October 22, 2017**. Such courses may be taken online, but may not be used toward a future renewal. If Respondent fails to complete these additional fourteen (14) hours by October 22, 2017, he shall be assessed a civil penalty of \$500.00, due by November 21, 2017, and his license shall be immediately **SUSPENDED** pending further order of the Board.

B. Manual Renewal. Respondent shall not renew electronically for his next renewal. Instead, he shall manually renew and shall attach all certificates of completion for all continuing education courses.

Case No. 17-27

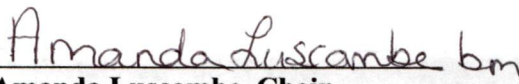
AGREED AND ACCEPTED:

Respondent

Iowa Real Estate Appraiser Examining Board



Greg S. Seaton



Amanda Luscombe, Chair

9-22-2017
Date

9/27/17
Date

IN THE MATTER OF:) Case No. 17-27
)
Greg Seaton)
CG01961) RELEASE OF CONSENT
Respondent) ORDER

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his consent order and should be released. The Board voted unanimously to release Respondent from his consent order on October 26, 2017.

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