

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

Department of Commerce
Division of Banking

FILED 5-16-2023 (DATE)

REAP

<p>IN THE MATTER OF:</p> <p>BRENT KIMBLE, CR01116</p> <p>Respondent.</p>	<p>Case No. 20-24</p> <p>Board / Commission <i>Brent Kimble</i> Signature, Executive Officer</p> <p>SECOND AMENDMENT TO STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT</p>
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The Iowa Real Estate Appraiser Examining Board (the "Board") and Brent Kimble (the "Respondent") enter into this Second Amendment to the November 29, 2021 Combined Statement of Charges and Settlement Agreement (the "Consent Order") in Case No. 20-24, as of the date of last signature below (the "Effective Date"), as follows:

The Board and Respondent entered into a Consent Order effective November 29, 2021. The Consent Order required Respondent to complete an educational component followed by peer review of additional appraisal reports. One of the post-education appraisals revealed USPAP deficiencies. To address this concern, the Board and Respondent entered into an amendment of the Consent Order to require additional desk review, which were to be followed by one desk review each month for a 12-month period. Since the Amendment to the Consent Order, Respondent has been in full compliance with the Consent Order, has timely provided logs to the Board, and appraisal reports requested randomly from the logs have all been USPAP compliant.

In light of the above, the Consent Order is amended by adding a new Section E under "IT IS THEREFORE ORDERED." The amended Section E reads as follows:

Notwithstanding the requirements in Section D immediately above, the Board has determined that in light of Respondent's compliance with the obligations of this Order, the Board has agreed to waive further monthly compliance, close this case, and release Respondent from this Consent Order.

Case No. 20-24

AGREED AND ACCEPTED:

Respondent

Brent Kimble
Brent Kimble

5-16-2023
Date

Iowa Real Estate Appraiser Examining Board

Dan Fuhrmeister
Dan Fuhrmeister, Chair

5-16-2023
Date

<p>IN THE MATTER OF:</p> <p>BRENT KIMBLE, CR01116</p> <p>Respondent.</p>	<p>Case No. 20-24</p> <p>COMBINED STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT</p>
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A. Statement of Charges

1. The Iowa Real Estate Appraiser Examining Board (“Board”) has jurisdiction of this disciplinary matter pursuant to Iowa Code chs. 17A, 272C, and 543D.
2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01116 on December 2, 1991.
3. Certificate No. CR01116 is currently valid and scheduled to expire on June 30, 2022.
4. In August of 2020, the Board obtained information raising questions about Respondent’s compliance with USPAP in the development and reporting of one appraisal assignment (hereinafter “Initial Report”).
5. The Board requested copies from Respondent of the Initial Report.
6. The Board submitted the Initial Report for Standard Three/Four USPAP review by a peer reviewer.
7. The appraisal review revealed significant issues related to report writing, understanding and application of proper methodology, adherence to USPAP standards of practice and Respondent’s competency.
8. Thereafter, the Board requested two additional appraisal reports in order to assess Respondent’s work product as a whole. A peer reviewer reported that both additional appraisal reports revealed issues related to report writing, understanding, and application of proper methodology, adherence to USPAP standards of practice, and Respondent’s competency.
9. Respondent agreed to voluntarily appear at an informal hearing held on March 18, 2021, before the Board’s Disciplinary Committee. Following an informal hearing, the Board voted to find probable cause to charge Respondent with violating appraisal standards.
10. The Board charges Respondent with the following:
 - a) Failure to adhere to USPAP in the development and communication of multiple appraisals in violation of Iowa Code §§ 543D.17(1)(d) and 543D.18(1) and Iowa Admin. 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 § 543D.17(1)(e) and Iowa

(DATE) _____ (TIME) _____

Admin. 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 §§ 272C.10(2) and 543D.17(1)(f) and Iowa Admin. Code rules 193F-7.3(2)(a)-(d) and (6)(a).

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

12. 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 Admin. Code rule 193F-20.42, and, subject to Iowa Admin. Code rule 193F-17.2(4), is the final agency action in a contested case pursuant to Iowa Code § 17A.10 and Iowa Admin. 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 § 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. Education

1. Respondent shall successfully complete within 90 days of the execution of this Settlement Agreement:

- a. A tested class of up to 20 hours, to be determined by agreement of the Board and Respondent, addressing appraisal of unique and complex properties;
- b. A 15-hour tested Residential Site Valuation and Cost Approach course;
- c. A four-hour The Fundamentals of Appraising Luxury Homes course; and
- d. A four-hour Residential Report Writing vs. Form Filling corrective education course.

Respondent shall bear any and all costs associated with these courses and may apply courses A1a through A1c above towards his continuing education requirements for any subsequent renewal.

2. Respondent shall forward to the Board a certificate of completion or other similar documentation or confirmation demonstrating completion within 10 days of completion of each course required by paragraph 1.

3. Respondent shall cause all Associate Appraisers that he supervises to take the same classes as set forth in Section A(1) within 120 days of the execution of this Settlement Agreement and report those class completions to the Board as set forth in Section A(2). Respondent shall be responsible for paying any costs with the Associate Appraisers' compliance with the obligations of this paragraph.

B. Logs and Desk Review

1. Until Respondent has complied with all terms of Sections A and B of this Settlement Agreement, Respondent shall send the Board appraisal logs by the 10th day of each month for the prior month's appraisals.

2. Approximately 60 days after Respondent has completed all education in accordance with Section A (Education), above, the Board will select three appraisals from Respondent's log for review that were completed after the required education was completed. Of the three reports for selection, one shall be an appraisal completed on a new construction property with a value over \$500,000. The Respondent is free to utilize demonstration appraisal reports so long as at least two different appraisals are completed so that a random selection of reports may be completed. Section A (Education); above, provides the deadline within which the required education must be completed. Respondent is free, however, to escalate the time frame for completion of this Settlement Agreement by completing the education earlier than the deadline.

3. The Board will retain a certified appraiser to complete Standard Three/Four reviews on the appraisals selected for review. Respondent shall provide the Board, within 10 days of

request, one paper copy of the appraisals and associated work files, and the sum of \$1,275 to be paid by the Board to the retained review appraiser(s).

4. The reviewing appraiser(s) shall complete a comprehensive Standard Three/Four review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer(s) will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations, and any other documents as may be reasonably necessary. Along with appraisal reports and work files, Respondent shall provide the reviewing appraiser(s) copies of all documents verifying the accuracy of factual representations in each appraisal. The reviewer(s) may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for site values, and the like. The costs associated with desk review are the responsibility of Respondent but are capped at the amounts noted in paragraph 3.

5. The reviewer(s) shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board. The Board will provide the reviews to Respondent.

6. Following the Board's receipt of the three review appraisals, the Board will either:
- a) Continue ongoing monitoring of Respondent's work product pursuant to Section C; or
 - b) If the desk review comments and appraisals reveal significant USPAP violations, the Board may order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing.

C. Ongoing Desk Review

1. Following successful compliance with Section B of this Settlement Agreement, Respondent shall continue to forward monthly logs to the Board for a period of 12 months. The Board will randomly select one appraisal from each log for review. The board will retain a certified appraiser to complete Standard Three/Four reviews on the appraisal selected for review. Respondent shall provide the Board, within 10 days of request, one paper copy of the appraisals and associated work files, and the sum of \$425 for each peer review to be paid by the Board to the retained review appraiser(s).

2. The reviewing appraiser(s) shall complete a comprehensive Standard Three/Four review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer(s) will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations, and any other documents as may be reasonably necessary. Along with appraisal reports and work files, Respondent shall provide the reviewing appraiser(s) copies of all documents verifying the accuracy of factual representations in each appraisal. The reviewer(s) may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for site values, and the like. The costs associated with desk review are the responsibility of Respondent but are capped at the amounts noted in paragraph 1.

3. The reviewer(s) shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board. The Board will provide the reviews to Respondent.

4. Following the Board's receipt of the 12 review appraisals as set forth in this Section

C, the Board will either:

- a) Enter an order indicating Respondent's full compliance with this Settlement Agreement; or
- b) If the desk review comments and appraisals reveal significant USPAP violations, the Board will defer final ruling and may order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing.

5. Until Respondent successfully completes all requirements of Sections B and C of this Settlement Agreement, Respondent's authority to supervise associate appraisers shall be in a probationary status and subject to suspension if Respondent fails to fully comply with the terms of this Settlement Agreement or if the desk reviews required by Sections B or C reveal that one or more of Respondent's appraisals fails to be substantially compliant with USPAP minimum requirements.

6. This Settlement Agreement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for any desk review process contemplated hereunder demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports or appraisals subject to desk review shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case(s).

Case No. 20-24

AGREED AND ACCEPTED:

Respondent

Iowa Real Estate Appraiser Examining Board


Brent Kimble

 bm
Dan Fuhrmeister, Chair

11-29-2021
Date

11/29/2021
Date

FILED 11/30/21 (DATE)

BEAP

ON REVIEW BY THE SUPERINTENDENT OF BANKING OF IOWA
BY THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

Commission
Signature, Executive Officer

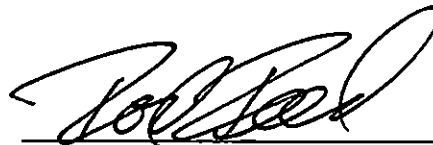
<p>IN THE MATTER OF:</p> <p>Brent Kimble CR01116</p> <p>Respondent.</p>	<p>Case No. 20-24</p> <p>ORDER DECLINING TO INITIATE REVIEW</p>
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Pursuant to Iowa Administrative Code Rule 193F—17.2(4)(a): “[a]ll board decisions in a contested case, whether by 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)(b).

Respondent has elected to enter into a Combined Statement of Charges and Settlement Agreement pursuant to IAC 193F-8.14 and the Board has accepted such agreement and issued a Combined Statement of Charges and Settlement Agreement to settle Case No. 20-24 by signing the Combined Statement of Charges and Settlement Agreement. Because “proceeding[s] against a single licensee for violating appraisal standards would not have an impact on the broader market and would accordingly not be an anticompetitive action,” the superintendent declines to initiate a review of Case No. 20-24 before the Iowa Real Estate Appraiser Examining Board (“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 Combined Statement of Charges and Settlement Agreement resolving Case No. 20-24 is **FINAL** as of **November 29, 2021**.

Dated this 30th day of November 2021.

Jeff Plagge, Superintendent of Banking



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

IN THE IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
DIVISION OF ADMINISTRATIVE HEARINGS


<p>In the Matter of:</p> <p>BRETT KIMBLE CR01116,</p> <p>Respondent.</p>	<p>No. 20-24 DIA No. 21REA2002</p> <p>MOTION TO FILE EXHIBITS UNDER SEAL</p>
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The undersigned Assistant Attorney General hereby submits the State’s Motion to File Exhibits Under Seal, and in furtherance of the Motion states:

1. Attached as Exhibit A is a list of exhibits the State intends to file in this matter.
2. The exhibits marked as “YES” in the Confidential column of Exhibit A are materials from the Iowa Real Estate Appraiser’s Board and constitute “investigative information” that is confidential pursuant to Iowa Code § 272C.6(4)(a).
3. Recent Iowa case law makes clear that investigative information of a licensing board should be shielded from public disclosure. *Calcaterra v. Iowa Bd. Of Medicine*, Slip Op. No. 20-1429 (Iowa S. Ct. Oct. 22, 2021).

In light of the above, counsel for the State respectfully requests that the ALJ issue an order permitting the State to file Exhibits 1-18 and 20-21 under seal. Counsel for the State has communicated with Respondent’s counsel regarding this motion, and Respondent’s counsel voiced no objection to the motion.

Respectfully Submitted,
THOMAS J. MILLER
Attorney General of Iowa


J. BRADLEY HORN, Esq. AT0003568
Assistant Attorney General
Hoover State Office Building, 2nd Floor
1305 E. Walnut
Des Moines, IA 50319
Tel. (515) 281-6803

FILED 6/2/21 (DATE)

REAP

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

B. March

Signature, Executive Officer

<p>IN THE MATTER OF:</p> <p>Bret Kimble, CR01116</p> <p>RESPONDENT</p>	<p>Case No. 20-24</p> <p>NOTICE OF HEARING AND STATEMENT OF CHARGES IN A DISCIPLINARY CASE</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 (2020). Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01116 on December 2, 1991.

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 **21st day of July, 2021, at 11:15 o’clock, a.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 **14th day of July, 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 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
2nd 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.

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to: J.D. Hartung of Hartung Schroeder, LLP at 303 Locust Street, Suite 300 in Des Moines, IA 50309 or via electronic mail to hartungschroeder.com.

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 March 24, 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 March 18, 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, .3(2)(d) and .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 2nd day of June, 2021



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

FILED June 21, 2021 (DATE)

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

[Handwritten Signature]
REAP
Board / Commission
Signature, Executive Officer

IN THE MATTER OF:)	CASE NO. 20-24
)	DIA NO. 21REA2002
Brett Kimble)	
CR01116)	
)	
RESPONDENT)	ORDER REGARDING
)	CONTINUANCE

On June 15, 2021, the Respondent filed a motion for continuance due to a scheduling conflict and indicated there was no resistance. A short hearing on the motion was held on June 18, 2021. The motion was granted. Iowa Admin. Code r. 193F-20.22(17A) ("The board's executive officer or an administrative law judge may enter an order granting an uncontested application for a continuance.").

At the hearing, the parties agreed on a continuance of the disciplinary matter to September 28, 2021, before the Iowa Real Estate Appraiser Examining Board (Board). The disciplinary hearing will commence at or about 10:45 a.m. at 200 East Grand Avenue, Suite 350, Des Moines, Iowa. See Notice of Hearing issued on June 2, 2021.

Additionally, a prehearing conference was scheduled for July 14, 2021, by telephone pursuant to Iowa Admin. Code r. 193F-20.21(17A,272C). That prehearing conference is now set for September 20, at 2:00 p.m. by telephone.

Accordingly, in order to expedite and efficiently proceed with this disciplinary contested case, the following order is appropriate.

ORDER

The prehearing conference will be held by telephone conference call. The parties are directed to participate by calling 1-866-561-2045 on September 20, 2021, at 2:00 p.m. CT. If the parties have technical difficulties, please call (515) 281-6468. Further, the parties should be prepared to comply with Iowa Admin. Code r. 193F-20.21(2)-(3)(17A,272C), as stated in the order entered June 8, 2021.

The disciplinary **hearing** on the merits is continued to **September 28, 2021, at 10:45 a.m.** at 200 East Grand Avenue, Suite 350, Des Moines, Iowa. See Notice of Hearing issued on June 2, 2021.

Dated this 21st day of June, 2021.



Forrest Guddall
Administrative Law Judge

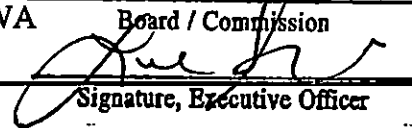
cc: J.D. Hartung, Counsel for Respondent
Brad Horn, Assistant Attorney General
Iowa Real Estate Appraiser Examining Board

Department of Commerce

Division of Banking

FILED 8.5.2021 (DATE)

BEFORE THE REAL ESTATE APPRAISER EXAMINING BOARD LEAP
OF THE STATE OF IOWA Board / Commission


Signature, Executive Officer

IN THE MATTER OF:)	CASE NO. 20-24
)	DIA NO. 21REA2002
Brett Kimble)	
CR01116)	
)	
RESPONDENT)	SECOND ORDER FOR
)	CONTINUANCE

On August 3, 2021, the Iowa Real Estate Appraiser Examining Board (Board) filed a motion for continuance due to a scheduling conflict with the primary witness for the Board and indicated there was no resistance by Respondent. The motion is granted. Iowa Admin. Code r. 193F-20.22(17A) ("The board's executive officer or an administrative law judge may enter an order granting an uncontested application for a continuance.").

In the motion, the parties agreed to availability for a hearing on the disciplinary matter to November 17, 2021. The disciplinary hearing will be held at 200 East Grand Avenue, Suite 350, Des Moines, Iowa. See Notice of Hearing issued on June 2, 2021.

Additionally, a prehearing conference was scheduled for September 20, 2021, at 2:00 p.m. by telephone pursuant to Iowa Admin. Code r. 193F-20.21(17A,272C). That prehearing conference is now set for November 10, 2021, at 1:00 p.m. by telephone.

Accordingly, in order to expedite and efficiently proceed with this disciplinary contested case, the following order is appropriate.

ORDER

The prehearing conference will be held by telephone conference call. The parties are directed to participate by calling 1-866-561-2045 on November 10, 2021, at 1:00 p.m. CT. If the parties need a different date and time scheduled, please contact the undersigned. If the parties have technical difficulties, please

call (515) 281-6468. Further, the parties should be prepared to comply with Iowa Admin. Code r. 193F-20.21(2)-(3)(17A,272C), as stated in the order entered June 8, 2021.

The disciplinary hearing on the merits is continued to **November 17, 2021**, at 200 East Grand Avenue, Suite 350, Des Moines, Iowa. See Notice of Hearing issued on June 2, 2021.

Dated this 5th day of August, 2021.



Forrest Guddall
Administrative Law Judge

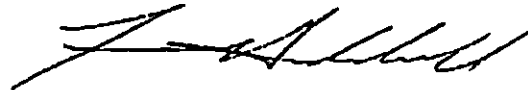
cc: J.D. Hartung, Counsel for Respondent
Brad Horn, Assistant Attorney General
Iowa Real Estate Appraiser Examining Board

Case Title: IN THE MATTER OF: BRET KIMBLE CR01116

Case Number: 21REA2002

Type: Order - Continuance

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Forrest Guddall', written in a cursive style.

Forrest Guddall, Administrative Law Judge

Department of Commerce
Division of Banking

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

FILED 11.30.2022 (DATE)

<p>IN THE MATTER OF:</p> <p>BRENT KIMBLE, LICENSE #CR01116,</p> <p>RESPONDENT.</p>	<p style="text-align: center;">REAP Board / Commission</p> <p style="text-align: center;">Case No. <u>20-24</u> Signature, Executive Officer</p> <p style="text-align: center;">AMENDMENT TO COMBINED STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT</p>
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The Iowa Real Estate Appraiser Examining Board (the “Board”) and Brent Kimble (the “Respondent”) enter into this Amendment to the November 29, 2021 Combined Statement of Charges and Settlement Agreement (the “Consent Order”) in Case No. 20-24, as of the date of last signature below (the “Effective Date”), as follows:

1. The Board and Respondent entered into a Consent Order effective November 29, 2021. The Consent Order required Respondent to take 43 hours of specific continuing education courses within 90 days; and, 60 days following the completion of such courses, submit three appraisals for Standard Three desk review by a certified appraiser retained by the Board. Following receipt of the three review appraisals, the Consent Order calls for the Board to either continue ongoing monitoring of Respondent’s work product or, if the appraisals reveal significant USPAP violations, the Board may order additional education or desk reviews, or other rehabilitative measures.

2. One of the post-education reports reviewed showed severe USPAP deficiencies. The other two reports reviewed were overall compliant but concerns were noted in both regarding adjustments and lack of explanation.

3. The Board voted on September 23, 2022, to offer an amendment to the statement of charges and settlement agreement.

4. Respondent acknowledges he has the right to hearing and he waives that right and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Amendment to Consent Order. Respondent acknowledges he had the opportunity to consult with legal counsel prior to signing this Amendment to Consent Order.

In light of the above, the Consent Order is amended by redesignating Section C of the original Consent Order to Section D and adding a new Section C under “IT IS THEREFORE ORDERED” on page four. The amended Sections C and D read as follows:

C. Additional Desk Review

1. Because Respondent’s work product evaluated pursuant to Section B above was found not to be fully USPAP compliant, the Board will continue its evaluation of Respondent’s

work product pursuant to subsection B(6)(b).

2. Respondent will be provided copies of the redacted Standard Three/Four reviews completed by the review appraiser as part of Section B. Respondent should review the reports and implement any suggestions and/or correct any areas of deficiencies found in the reviews.

3. Approximately 30 days following the Effective Date, the Board will randomly select two appraisals from Respondent's log for review. Of the two reports, both must contain the cost approach and sales comparison approach. The Respondent is free to utilize demonstration appraisal reports so long as at least three different appraisal reports are completed so that a random selection of reports may be completed.

4. The Board will retain a certified appraiser to complete Standard Three/Four reviews on the appraisal selected for review. Respondent shall provide the Board, within 10 days of request, one paper copy of the appraisals and associated work files and the sum of \$850 to be paid by the Board to the retained peer review appraiser(s).

5. The reviewing appraiser(s) shall complete a comprehensive Standard Three/Four review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer(s) will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations, and any other documents as may be reasonably necessary. Along with appraisal reports and workfiles, Respondent shall provide the reviewing appraiser(s) copies of all documents verifying the accuracy of fact representations in each appraisal. The reviewer(s) may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for site valuations, and the like. The costs associated with desk review are the responsibility of Respondent but are capped at the amounts noted in paragraph 4.

6. The reviewer(s) shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board. The Board will provide the reviews to Respondent.

7. Following the Board's receipt of the three appraisals, the Board will either:

- a) Enter an order indicating Respondent's full compliance with Sections A through C of this Settlement Agreement; or
- b) If the desk review comments and appraisals reveal significant USPAP violations, the Board shall defer final ruling and may order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing.

D. Ongoing Desk Review

1. Following successful compliance with Sections A through C of this Settlement Agreement, Respondent shall continue to forward monthly logs to the Board for a period of 12 months. The Board will randomly select one appraisal from each log for review. The Board will

retain a certified appraiser to complete Standard Three/Four reviews on the appraisal selected for review. Respondent shall provide the Board, within 10 days of request, one paper copy of the appraisals and associated work files and the sum of \$425 for each peer review to be paid by the Board to the retained peer review appraiser(s).

2. The reviewing appraiser(s) shall complete a comprehensive Standard Three/Four review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer(s) will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations, and any other documents as may be reasonably necessary. Along with appraisal reports and workfiles, Respondent shall provide the reviewing appraiser(s) copies of all documents verifying the accuracy of fact representations in each appraisal. The reviewer(s) may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for site valuations, and the like. The costs associated with desk review are the responsibility of Respondent but are capped at the amounts noted in paragraph 1.

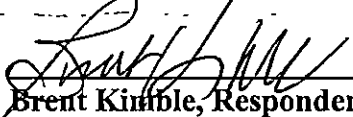
3. The reviewer(s) shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board. The Board will provide the reviews to Respondent.

4. Following the Board's receipt of the 12 review appraisals as set forth in this Section D, the Board will either:

- a) Enter an order indicating Respondent's full compliance with Section A through D of this Settlement Agreement; or
- b) If the desk review comments and appraisals reveal significant USPAP violations, the Board shall defer final ruling and may order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing.

Case No. 20-24


AGREED AND ACCEPTED:


Brent Kimble, Respondent

11-29-2022
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