

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

IN THE MATTER OF:

MAX BELL

CERTIFICATE NO. [REDACTED]

CASE NO. 95-17

DIA # 96DOCRE002

FINAL DECISION AND ORDER

I. FINDINGS OF FACT:

1. Notice of hearing for this matter was issued on April 8, 1996. Pursuant to that notice, an administrative hearing was commenced on May 31, 1996. Present at the hearing were Board members Lil M. Perry, Chair Appraiser; L. Craig Harris, Appraiser; David R. Hicks, Vice-Chair Appraiser; Terry D. Culver, Appraiser; Nancy M. Larson, Appraiser; and Thomas J. Kregel, Public Member. The Respondent, Max Bell, appeared but was not represented by counsel. The State was represented by Pamela Griebel, Assistant Attorney General. The Honorable Donald W. Bohlken, Administrative Law Judge, presided. The hearing was closed to the public pursuant to the request of the licensee under Iowa Code section 272C.6(1).

2. The allegations submitted to the Board are set forth in three counts in the complaint attached to the Notice of Hearing which is part of the record of this case:

Count I: "The Respondent is charged with violation of the Uniform Standards of Professional Appraisal Practice (USPAP) in connection with the development of three real estate appraisals pursuant to Iowa Code Sections 543D.17(1)(d) and 543D.18(1) (1995) and Iowa Administrative Code 193F-7.1(5)."

Count II: "The Respondent is charged with failing to exercise reasonable diligence in the preparation and communication of three real estate appraisals in violation of Iowa Code Section 543D.17(1)(e)(1995)."

Count III: "The Respondent is charged with negligence and incompetence in the preparation and communication of three real estate appraisals in violation of Iowa Code Section 543D.17(1)(f)(1995)."

3. Other facts and circumstances are alleged in the complaint which is hereby incorporated by reference as if fully set forth herein.

4. During his opening statement on the record at hearing, Respondent Max Bell indicated he was willing to voluntarily surrender his certificate. In response, Ms. Griebel indicated the state would prefer to have a hearing so that a record would be made with respect to the Respondent's

alleged misconduct. The Board then went into executive session to consider the matter.

5. After ending the executive session, the Board voted to present the following counteroffer to Respondent Bell:

- A. Respondent Bell would agree to a permanent revocation of his certificate.
- B. Respondent Bell would agree to not contest the allegations made in the complaint in this matter.
- C. The Board would neither fine Respondent Bell nor pursue further disciplinary action against him with respect to the matters alleged in the complaint.

6. Respondent Bell accepted this counteroffer on the record. The Board then voted on the record to close the matter in accordance with this agreement.

II. CONCLUSIONS OF LAW:

1. Jurisdiction for this disciplinary proceeding is provided by Iowa Code sections 17A.12, 17A.18, 272C.3, and 543D.17.

2. The Board's legal authority to settle this matter by agreed settlement is provided by Iowa Code section 17A.12(5).


III. DECISION AND ORDER:

In accordance with the settlement reached between the Real Estate Appraiser Examining Board and the Respondent Max Bell at the public hearing on May 31, 1996, it is hereby ordered, adjudged and decreed that:

- A. Respondent Max Bell's certificate as a certified general real estate appraiser, number 478261202, is hereby permanently revoked.
- B. Respondent Max Bell does not contest the allegations made in the complaint in this matter.
- C. The Board shall neither fine Respondent Bell nor pursue further disciplinary action against him with respect to the matters alleged in the complaint.

IT IS SO ORDERED:

Signed this the 12TH day of June, 1996


Lil M. Peery
Chair Appraiser
Real Estate Appraiser Examining Board
1918 S.E. Hulsizer
Ankeny, Iowa 50021-3941