

COPY

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

IN THE MATTER OF:)	
)	
Kenneth L. Black)	Case NO. 01-06
)	
Certificate Number CG01364)	CONSENT ORDER
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Kenneth L. Black, (Respondent) enter into this Consent Order pursuant to Iowa Code sections 17A.10(2001) and 193F IAC 8.7:

1. The Board has jurisdiction of this matter pursuant to Iowa Code Chapters 17A, 543D, and 272C (2001).

2. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Order. Once entered, this Consent Order shall have the full force and effect of a disciplinary order entered following contested case hearing.

3. 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.

4. This Consent 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 disciplinary action to be imposed in the event of any future violations.

5. The Consent Order is a public record and available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2001).

6. Failure to comply with the provisions of this Consent Order shall be considered prima facie evidence of a violation of Iowa Code section 543D.17(1) (2001), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

7. This Agreement is subject to approval of the Board. If the Board fails to approve this 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. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

8. The Respondent shall complete the following educational courses, none of which may be counted toward the continuing education requirement for certification of renewal in June 2002:

(a) At least fourteen (14) hours of coursework in the sales comparison approach and a minimum of seven (7) hours of report writing and;

(b) fifteen (15) tested hours of USPAP, successfully passing the exam.

9. The course work shall be completed by May 1, 2002. Documentation of education shall be submitted to the Board office within ten days after the completion of each course.

10. The Board may request an appraisal log after completion of the education and may select appraisals for review for compliance with USPAP.

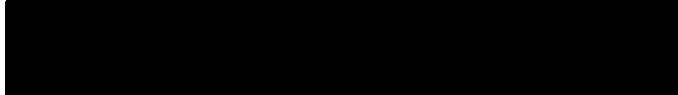
11. Respondent shall indefinitely restrict his appraisal practice to the appraisal of single-family homes. If in the future Respondent wishes to be released from this restriction he must make written application to the Board. The Board shall only consider the application if Respondent can demonstrate successful completion of a minimum of thirty (30) hours of coursework in topics including the financial analysis of income producing property, analysis of operating statements, developing direct and yield capitalization rates and coursework in report writing for income producing property. Courses must be pre-approved by the Board. If the Board approves the application to release the practice restriction, the Board may impose conditions, including pre-release desk review for a period of time.

12. Respondent shall in the future adhere to all statutes and administrative rules in the practice of real property appraising.

AGREED AND ACCEPTED:


Kenneth L. Black
Respondent

2-15-02
Date


Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining
Board

2/22/02
Date

COPY

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

IN THE MATTER OF:)	
Kenneth L. Black)	CASE NO. 01-06
)	
CERTIFICATE NO. CG01364)	STATEMENT OF CHARGES
)	
RESPONDENT)	

COMES NOW, the Complainant, Susan A. Griffel, and states:

1. She is the Executive Secretary of the Iowa Real Estate Appraiser Examining Board and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C (2001).
3. On January 31, 1992, Kenneth L. Black, the Respondent, was issued an Iowa Real Estate Appraiser Certificate by the Board.
4. The Certificate No. CG01364 is valid.

COUNT I

The Respondent is charged with violations 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)(e)(f) and 543D.18(1)(2001) and Iowa Administrative Code 193F-7.1(5).

CIRCUMSTANCES

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1. The Respondent prepared and communicated three appraisals for real property identified as 427 East Main Street, Ottumwa, IA. dated February 2, 2001, 320 ~~Church~~ Street, Ottumwa, IA. dated March 26, 2001 and 262 South Ward Street, Ottumwa, IA. dated May 24, 2001.
2. The above reports were prepared and communicated after the Respondent was issued a Real Property Appraiser Certificate No. CG01364.
3. The 427 East Main Street, Ottumwa, IA, dated February 02, 2001, report contains deficiencies including but not limited to the following:
 - a. Failure to correctly employ recognized methods and techniques necessary to produce a credible appraisal [1-1(a)]
 - b. Failure to identify the scope of work necessary to complete the assignment [1-2(f)]
 - c. Failure to develop an opinion of highest and best use of the real estate [1-3(b)]
 - d. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading [2-1(a)]
 - e. Failure to prominently state the type of report format used [2-2]
 - f. Failure to report on the extent of the process of collecting, confirming and reporting data [1-2(a) and 2-2(b)(vi)].
 - g. Failure to collect, verify, and reconcile comparable sales, adequately identified and described [1-4(b)(iii) and 2-2(b)(viii)]
 - h. Failure to include sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly [2-1(b) (vii)].
 - i. Failure to analyze comparable data to estimate depreciation applicable to subject property in cost approach [1-4(b)(iii)]
 - j. Failure to adequately identify and report the site description [1-2(a) and 2-2(b)(I)].

k. Failure to state and explain any permitted departures from specific requirements of STANDARD 1 and the reason for excluding any of the usual valuation approaches [2-2(xi)]

l. Failure to analyze income data to estimate value when property is income producing property [1-4(c)(i-iv)]

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Keat A KLB
4. The 320 ~~Church~~ Street, Ottumwa, IA. dated March 26, 2001 report contains deficiencies including but not limited to the following:

a. Failure to understand and correctly employ recognized methods and techniques necessary to produce a credible appraisal [1-1(a)]

b. Failure to identify the scope of work necessary to complete the assignment [1-2(f)]

c. Failure to develop an opinion of highest and best use of the real estate [1-3(b)]

d. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading [2-1(a)]

e. Failure to prominently state the type of report format used [2-2]

f. Failure to report on the extent of the process of collecting, confirming and reporting data [1-2(a) and 2-2(b)(vi)].

g. Failure to collect, verify, and reconcile comparable sales, adequately identified and described [1-4(b)(iii) and 2-2(b)(viii)]

h. Failure to include sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly [2-1(b) (vii)].

i. Failure to adequately identify and report the site description [1-2(a) and 2-2(b)(i)].

5. The 262 South Ward Street, Ottumwa, IA. dated May 24, 2001 report contains deficiencies including but not limited to the following:

a. Failure to understand, and correctly employ recognized methods and techniques necessary to produce a credible appraisal [1-1(a)]

d. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading [2-1(a)]

- e. Failure to prominently state the type of report format used [2-2]
- f. Failure to report on the extent of the process of collecting, confirming and reporting data [1-2(a) and 2-2(b)(vi)].
- g. Failure to collect, verify, and reconcile comparable sales, adequately identified and described [1-4(b)(iii) and 2-2(b)(viii)]
- h. Failure to include sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly [2-1(b) (vii)].
- i. Failure to analyze current Agreement of Sale, option or listing of the property, if such information is available to the appraiser in the normal course of business [1-5(a)]

WHEREAS, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

Susan A. Griffel, Executive Officer
Complainant

On this 20th day of December 2001, the Iowa Real Estate Appraisal Examining Board found probable cause to file this complaint and to order a hearing in this case.

Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board