

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

IN THE MATTER OF:

**Brett F. Bro
CG02278
Bro Property & Appraisals, LLC
401 E. Vine Street
Toledo, Iowa 52342**

RESPONDENT

CASE NO. 07-10

**COMBINED STATEMENT OF CHARGES
AND CONSENT ORDER**

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 (2003 - 2007).
2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG02278 on November 20, 2001. During the period at issue in this case, Respondent acted as a supervisor for two associate appraisers; M.F. and S.E.H.
3. Certificate No. CG02278 is currently valid and in good standing, and is scheduled to expire on June 30, 2008.
4. In December 2006, the Board received from the Iowa Attorney General's office a listing of all Iowa appraisals performed for Ameriquest over a four year period. The Attorney General had acquired the list in connection with its investigation of and subsequent settlement with Ameriquest on matters including appraisal practices.
5. The Board selected four reports at random and subjected them to Standard Three reviews. Two of the reports were signed by both the Respondent and M.F. The reviewer identified multiple, serious USPAP violations in each appraisal.
6. Respondent was also requested to submit to the Board two more recent samples of his own solo work product. Standard Three reviews indicated that Respondent's work product, while continuing to suggest reporting issues, was far more USPAP-compliant.
7. The Board received a new complaint on June 29, 2007 alleging violation of appraisal standards and advocacy by inflating value. The report was signed by both the Respondent and S.E.H. The Board subjected the appraisal to a Standard Three review. The reviewer identified multiple USPAP violations in the appraisal; again, while continuing to suggest reporting issues, the report was far more USPAP-compliant than the Ameriquest reports.
8. The Board notes that throughout the investigation, Respondent has been very cooperative and has provided extensive work files and explanations whenever requested.
9. Following investigation, the Board charges Respondent with: (a) Repeated failure to adhere to appraisal standards in the development and communication of appraisals;

(b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and, (c) demonstrating negligence or incompetence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1) (2003 - 2007), and 193F Iowa Admin. Code 7.2(2) and (5).

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

11. The Respondent does not admit all allegations, but does agree to comply with the Consent Order to resolve disputed matters.

B. Settlement Agreement and Consent Order

12. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

13. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

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

15. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

16. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

17. This Order is subject to approval of the Board:

(a) If the Board fails to approve this 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 Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Reprimand. Respondent is reprimanded for failing to adhere to applicable appraisal standards in multiple appraisals and failing to properly supervise an associate appraiser.

B. Education. Respondent shall complete the following educational courses by July 1, 2008, and shall forward certificates of completion to the Board within 10 calendar days of completion:

- (1) a 15-hour tested USPAP course;
- (2) a 30-hour course on residential sales comparison and income approach; and,
- (3) a pre-approved classroom course on narrative report writing of at least 7 hours.

C. Monthly Logs. The Respondent shall provide monthly logs for appraisals completed in the prior month for as long as he is completing the education and for 4 months following completion of the education.

- (1) The logs shall include the following minimum information:
 - (a) Date of inspection and date report signed.
 - (b) Property address
 - (c) Client for whom appraisal completed
 - (d) Respondent's estimated value
- (2) The monthly log is due by the 10th day of each subsequent month (e.g. appraisals completed in January shall be reported by February 10).
- (3) The Board may select one or more appraisals from the log for review. Within ten (10) days of the Board's written request by mail, fax or email, Respondent shall supply the Board office with any requested appraisal reports with associated work files.

D. Future Compliance. Respondent shall in the future comply with all Board laws and rules, and all applicable appraisal standards. Respondent shall, in particular, comply with the provisions of 193F Iowa Administrative Code chapter 15 to assure that (1) he properly supervises associate appraisers, and (2) both he and the associate appraisers he supervises perform within a geographical area in which both are competent to perform.

AGREED AND ACCEPTED:

The Respondent



Brett F. Bro

1 / 17 / 2008

Date

**The Iowa Real Estate Appraiser
Examining Board**



Michael Lara, Chair

2.12.2008

Date

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OF THE STATE OF IOWA**

IN THE MATTER OF:

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BRETT BRO

CG02278

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Toledo, Iowa 52342

**ORDER RELEASING RESPONDENT FROM
PROBATION AND CLOSING CASE**

RESPONDENT

Now on this 14th day of October, 2008, the Iowa Real Estate Appraiser Examining Board ("Board") having reviewed the Consent Order and Respondent's compliance with the terms thereof, FINDS that Brett Bro has fully and satisfactorily complied with the terms of the Consent Order, and should be released from probation.

IT IS THEREFORE ORDERED Respondent is released from probation.

for Skulak King Executive Director
Michael Lara, Board Chair

Copies to:

Assistant Attorney General Pam Griebel
Brett Bro