

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

IN THE MATTER OF:)

Bill Bryson)
CR02232)

RESPONDENT)

CASE NO. 06-25

**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 (2005).
2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR02232 on March 15, 2001.
3. Certificate No. CR02232 is currently valid and in good standing, and is scheduled to expire on June 30, 2008.
4. The Board received a complaint in March 2006, alleging that an appraisal report completed by Respondent failed to comply with applicable appraisal standards. The Board submitted the appraisal to a Standard Three USPAP review that revealed significant violations of USPAP standards. The Board requested a log and selected two additional appraisals for review. The Standard Three reviews of the additional appraisals also revealed USPAP violations, particularly of reporting standards.
5. 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, 2005), and 193F Iowa Admin. Code 7.2 and (5).
6. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

7. 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.

8. 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.

9. 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.

10. 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).

11. 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.

12. 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. Education. Respondent shall complete the following educational courses by October 1, 2007, and shall forward certificates of completion to the Board within 10 calendar days of completion:

1. 15-hour tested USPAP course;
2. 30-hour pre-approved classroom course on the three approaches to value; and,
3. a pre-approved classroom course on report writing of at least 7 hours.

B. Probation and Desk Review. Respondent's certificate is placed on probationary status until the terms of this Consent Order have been fully complied with, and Respondent has been released from probation by Board order.

1. Monthly Logs and Desk Review. Respondent shall provide monthly logs

by the 10th day of each month for all appraisals performed in the prior month. The Board shall periodically select appraisal reports for Respondent to submit, at his expense, to a desk reviewer identified by the Board. The desk reviewer shall perform a Standard Three review and provide a written review report to Respondent and the Board. The Respondent shall provide the desk reviewer and the Board with his complete work file on all appraisals selected for review. The Respondent shall also submit to the Board any appraisal report that is reissued as a result of comments received in the desk review process.

2. Desk Review Process. The Board shall select one or two appraisals a month for desk review for as long as Respondent's certificate is on probationary status. Respondent shall submit to the Board and the Board's identified desk reviewer the appraisal(s) selected from Respondent's log with his complete work file(s), within 5 business days of the Board's request by email or fax. The fee for each desk review shall not exceed \$175.00.

3. Applying for Release from Probation. Respondent may apply to the Board for release from probation, using the procedures required by 193 Iowa Administrative Code 7.38, following six months under probationary status as long as he has within that six month period submitted at least 6 appraisals to desk review.

4. Process for Release from Probation. If the desk review comments and appraisals do not reveal significant USPAP violations and Respondent has complied with all terms of this Consent Order, the Board shall release Respondent from probation. The Board shall determine whether to release Respondent from probation at the next Board meeting scheduled after the Board's receipt of all information required under this Consent Order. If the next regularly scheduled Board meeting is more than 45 days following the Board's receipt of all required information, the Board, upon Respondent's written request and upon verification that all terms of the Consent Order have been complied with, shall schedule a telephone meeting so that the initial decision whether to remove Respondent from probation can be made within 45 days following the Board's receipt of all required information.

5. Continuation of Probation. If the desk review comments and/or appraisals do reveal significant USPAP violations, the Board shall continue Respondent's probation on such terms as will address the issues revealed in desk review. The Board may accordingly 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 on such additional probationary terms.

6. Settlement does not Preclude New Charges. This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for desk review or other appraisals coming to the Board's attention

demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports or appraisals shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.

7. Practice Restrictions. Until released from the desk review process, Respondent agrees he shall not act as a review appraiser and shall not co-sign appraisals with any other associate or certified appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.

AGREED AND ACCEPTED:

The Respondent



Bill Bryson

5-13-07
Date

**The Iowa Real Estate Appraiser
Examining Board**



Michael Lara, Chair

5/31/07
Date