

FILED 9/15/09 (Date)
Appraiser Board / Commission Board
Signature, Executive Officer

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

IN THE MATTER OF:)

Connie S. Clark-Louderback)
CR02216)
Knoxville, IA)

RESPONDENT)

CASE NO. 09-01

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.

2. Respondent is a certified residential real estate appraiser in Iowa. Respondent was issued Certificate No. CR02216 on July 1, 2002.

3. Certificate No. CR02216 is currently valid and in good standing, and is scheduled to expire on June 30, 2010.

4. The Board received a complaint from the Iowa Department of Justice in January 2009, alleging that Respondent improperly inflated the value of a residential property in Ottumwa, Iowa. The Board requested Respondent's response and a log of appraisals, from which the Board selected two additional appraisals for review. The Standard Three reviews of the appraisals and work files revealed concerns about Respondent's adherence to USPAP standards, particularly the Ethics Rule. The Board secured two retrospective appraisals on two of the properties appraised by Respondent. The combination of the reviews and retrospective appraisals supports charging Respondent with a violation of the USPAP Ethics Rule, along with related statutory violations.

5. The Board charges Respondent with:

a. failing to adhere to appraisal standards, including but not limited to the ethics and competence rules of the Uniform Standards of Professional Appraisal Practice, in the development, preparation, and communication of multiple appraisals; failure to exercise reasonable diligence in the development, preparation, and communication of multiple appraisals; negligence or incompetence in the development, preparation, and communication of multiple appraisals; and improper advocacy, in violation of Iowa Code sections 272C.10(3), 543D.17(1)(d), (e), and (f), and 543D.18(1), (2), and 193F IAC 7.2; and,

b. practices harmful or detrimental to the public and demonstrating, through lack of education, negligence, carelessness or omissions, or intentional acts, a lack of qualifications to assure the public a high standard of professional care in violation of Iowa Code sections 272C.3(2)(b), and 272C.10(3), and 193F Iowa Administrative Code 7.3(5)(d).

6. The parties have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing. The Respondent denies the allegations, but agrees to comply with the Consent Order to resolve disputed matters.

B. Settlement Agreement and Consent Order

7. Respondent has a right to a hearing on the charges, but waives the 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. 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.

9. 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 (2009).

10. 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) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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. Civil Penalty. Respondent shall pay a civil penalty of \$1,000 to the Board within 30 days of the date this Order is signed by both parties.

B. Reprimand. Respondent is reprimanded for violating the USPAP Ethics rule in connection with her appraisal practice.

C. Probation. Respondent's certificate is placed on probationary status immediately upon the full execution of this Order.

1. **Logs.** While on probationary status, Respondent shall submit monthly logs to the Board with 10 days of the end of each calendar month. The logs shall include the following minimum information: (a) date of inspection and date report signed; (b) property address, (c) client for whom appraisal was completed, and (d) Respondent's estimated value.

2. **Education.** Respondent shall complete the following educational courses by December 31, 2009, and shall forward certificates of completion to the Board within 10 calendar days of completion. None of the education required in the Consent Order may be applied to the continuing education required for renewal:

- (1) a 15-hour classroom tested USPAP course;
- (2) a 15-hour classroom course on residential report writing and case studies that is a qualifying course for certification; and,
- (3) a 30-hour classroom course on residential sales comparison and income approach that is a qualifying course for certification.

3. **Post-Education review.** After Respondent has completed the education described above, the Board shall select two or more appraisals for review from Respondent's logs. Respondent shall promptly submit the appraisal reports and work files. Following review of these appraisals, the Board will release Respondent from probation and close the case if the reviews do not reveal significant USPAP violations. If the post-education appraisals reveal significant USPAP violations, the Board shall not release Respondent from probation and may enter such additional orders as are appropriate, but may not do so absent Respondent's consent without providing Respondent with an opportunity for hearing.

D. Future Compliance. Respondent shall in the future comply with all Board laws and rules, and all applicable appraisal standards.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Connie Clark-Louderback

Sept. 07, 09
Date

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

Michael Lara, Chair

9/15/09
Date