

STATE OF IOWA  
BEFORE THE REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:

DECISION

O. GLENN ERVIN, JR.

92 DOCRE - 2

CERTIFICATE NO. [REDACTED]

A Notice of Hearing and Complaint was filed on September 22, 1992 by the Real Estate Appraiser Examining Board (board) alleging that O. Glenn Ervin, Jr. (respondent) had violated rules and regulations of the board by failing to meet the educational requirements for certification and making false statements in support of his application for examination and knowingly making a false statement and submitting false information in that he failed to submit documentation of educational credit claimed on his examination application.

This appeal hearing was held on October 22, 1992 at 1918 SE Hulsizer, Ankeny, Iowa. The respondent appeared at the hearing. The State was represented by Grant Dugdale, Assistant Attorney General. Members of the board present at the hearing were Susan Albright, Jack Felderman, Arthur Frahm, Pat Hastings, Earlis Rohret, and Arne Waldstein.

Any appeal to the district court from disciplinary action of the board shall be taken within thirty days from the issuance of this decision. It is not necessary to request a rehearing before the board to appeal to the district court.

After hearing all the evidence and examining the exhibits, the board convened in closed session pursuant to Iowa Code section 21.5(1)(f) to deliberate its decision.

The record includes the Notice of Hearing and Complaint of September 22, 1992 and the following exhibits:

- State's exhibit 1: Application for initial examination dated November 15, 1991
- State's exhibit 2: Letter to respondent sent June 1, 1992
- State's exhibit 3: Letter to respondent sent July 29, 1992
- State's exhibit 4: Letter from respondent sent August 10, 1992

State's exhibit 5: Letter from respondent sent August 31, 1992

FINDINGS OF FACT

1. On November 15, 1991, the respondent applied to take the real estate appraisers examination for a certified residential appraiser. He listed the following educational credits and provided verification of the 15 NAMA hours:  

|         |                                  |                   |
|---------|----------------------------------|-------------------|
| 150 hrs | Boyles-Van Sant Business College | Accounting        |
| 30 hrs  | University of Omaha              | Insurance         |
| 15 hrs  | Nat. Assoc. of Master Appraisers | Uniform Standards |
2. The respondent took the examination and passed and was issued certificate number [REDACTED].
3. On June 1, 1992, a letter was sent to the respondent requesting verification of attendance and completion for each course claimed. This information was to be provided within ten working days of receipt of the letter. He received the letter on June 4, 1992.
4. Shortly after receiving the June 1, 1992 letter, the respondent talked to board member Mary Mitchell, but did not respond in writing to the board. He explained to her the problems he was encountering in verifying his educational hours.
5. On July 29, 1992, a letter was sent to the respondent reminding him to submit verification of his educational credits.
6. On August 10, 1992, the respondent answered the board's request for verification explaining that the school he attended had burned down and all their were records destroyed. He was seeking verification from the Department of Veterans Affairs.
7. On August 31, 1992, the respondent sent a letter with an attached letter from the Department of Veterans Affairs. The attached letter stated, "The only verification that we have in your file is that you were in school from September 2, 1949, through November 30, 1950."
8. The insurance course at the University of Omaha did not involve an examination.

CONCLUSIONS OF LAW

Real estate appraisers are certified under the authority of Iowa Code chapter 117B. Rules have been promulgated to regulate the profession in 193F Iowa Administrative Code (IAC).

Examinations for real estate appraisers are administered by the board or authorized representative. 193F IAC 3.1(117B).

3.4(1) In order to qualify to sit for the certified residential real property appraiser examination, the applicant must satisfy the following educational requirements:

a. Completion of 105 classroom hours of courses in subjects related to all topics listed below, with particular emphasis on the appraisal of one- to four-unit residential properties:

- (1) Influences on real estate value;
- (2) Legal consideration in appraisal;
- (3) Types of value;
- (4) Economic principles;
- (5) Real estate markets and analysis;
- (6) Valuation process;
- (7) Property description;
- (8) Highest and best use analysis;
- (9) Appraisal math and statistics;
- (10) Sales comparison approach;
- (11) Site value;
- (12) Cost approach;
- (13) Income approach:
  1. Gross rent multiplier analysis;
  2. Estimation of income and expenses;
  3. Operating expense ratios;
  4. Direct capitalization;
- (14) valuation of partial interests;
- (15) Appraisal standards and ethics;
- (16) Narrative report writing.

b. Credit toward the classroom hour requirements may be granted only when the length of the educational offering is at least 15 hours and the individual successfully completes an examination pertinent to that offering. . . .

3.4(2) The board may verify, on a test basis, educational credits claimed. Undocumented credits will be sufficient to invalidate any grade otherwise earned pursuant to 3.5(2)"c".

3.4(3) Responsibility for documenting the educational credit claimed rests with the applicant.

Any individual who subverts or attempts to subvert the examination process may have the examination scores declared invalid, be barred from appraisal licensing and certification examinations, or be subject to the imposition of other sanctions. 193F IAC 3.5(1). Conduct which subverts or attempts to subvert the examination process includes falsifying or misrepresenting educational credentials or other information required for admission to the examination. 193F IAC 3.5(2).

Certificates may be revoked or suspended and other disciplinary action taken for violation of any law or rule of the board or for actions such as procurement or attempt to procure a certificate by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification, or participating in any form of fraud or misrepresentation or by failure to meet the minimum qualifications. Iowa Code chapter 117B.17(1).

After considering all evidence and arguments, the board reached the following conclusions. The respondent failed to verify his educational credits. Under 193F IAC 3.4(2) undocumented credits can invalidate the examination grade. The respondent is responsible for providing verification of educational credits and he has failed to do so. The credits he has claimed can not be accepted without verification and so the respondent does not meet the educational requirement for certification. The board notes that even if the respondent were able to document his credits, the types of courses taken, accounting and insurance, do not fulfill the requirements listed in the rules. Even with giving him the broadest consideration, very few hours could actually be used to meet the educational requirements for a real estate appraiser. The respondent is found guilty of Count I of the complaint.

The application specifically states that contact hours may only be obtained where the minimum length of the offering is 15 hours and the individual must have successfully completed an examination pertinent to that offering. While the insurance course at the University of Omaha has enough credit hours, the respondent specifically admitted that it did not have an examination. He listed that course as a contact hour knowing that it was not qualifying as it did not include an examination. The respondent is found guilty of Counts II and III of the complaint.

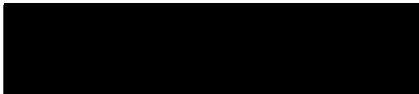
Therefore, the board issues the following order.

ORDER

The respondent's certificate number [REDACTED] is revoked. The respondent is ordered to return his certificate and renewal license. This decision does not prevent the respondent from

reapplying to take the examination when he can provide documentation of appropriate education and experience.

Signed this *3<sup>rd</sup>* day of *November* 1992

  
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Susan D. Albright, Chairperson  
Real Estate Appraiser Examining Board