

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

IN THE MATTER OF:)
)
) Case No. 12-29
Deborah A. Frese)
CR01855) NOTICE OF HEARING IN A
) DISCIPLINARY CASE
RESPONDENT)

The Iowa Real Estate Appraiser Examining Board ("Board") issues this Notice of Hearing pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 543D.17. Respondent Deborah Frese is a certified residential real estate appraiser in Iowa. She was issued Certificate No. CR01855 on February 16, 1995. Certificate No. CR01855 is currently valid and in good standing, and is scheduled to expire on June 30, 2014. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D.

A. TIME, PLACE AND NATURE OF HEARING,
AND HEARING PROCEDURES

- Hearing.** A disciplinary contested case hearing will be held before the Board on the **2nd day of April, 2013 at 2:00 o'clock, p.m.**, at 1920 SE Hulsizer Road, Ankeny, Iowa.
- Answer.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.
- Prehearing Conference.** A prehearing conference will be held by telephone on **March 22, 2013, at 1:30 o'clock, p.m.**, before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Board rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.
- Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Board

may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

5. **Hearing Procedures.** Board rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7, and 193F Iowa Administrative Code chapter 8. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. **Default.** If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

7. **Prosecution.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to: Assistant Attorney General Pamela Griebel, Iowa Department of Justice, Hoover Building, 2nd Fl., and Des Moines, Iowa, 50319. Phone: 515-281-6403; Fax: 515-281-7551; E-mail: pgriebe@ag.state.ia.us.

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to: [Unknown]

9. **Settlement.** The procedural rules governing the Board's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela Griebel.

10. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Pamela Griebel, or Toni Bright, the Board's Executive Officer, at 515-281-7468.

B. STATEMENT OF CHARGES AND CIRCUMSTANCES

11. The Board found probable cause to file charges on the 25th day of September, 2012.

12. The Board conducted a random audit of Respondent's compliance with continuing education requirements in connection with Respondent's 2012 renewal application. Respondent renewed online on June 23, 2012.

13. Respondent claimed real estate courses that had not been approved by the Board and that could not be approved by the Board because they do not qualify under Board rules, both in length and substantively.

14. Continuing education is required before a renewal applicant is qualified to renew a certificate pursuant to Iowa Code sections 272C.2(1) and 543D.16(1), and 193F IAC 9.3(2). Courses must be preapproved by the Board pursuant to Iowa Code section 543D.16(2) and 193F IAC 11.2(1).

14. In September 2012, Respondent submitted sufficient continuing education to replace the unapproved courses.

15. Respondent is charged with renewing her certificate when not qualified to do so in violation of 193F IAC 7.3(5)(a).

This Notice of Hearing and Statement of Charges is filed and issued

on the 12th day of February, 2013.



Toni Bright, Executive Officer
Iowa Real Estate Appraiser Examining Board
1920 SE Hulsizer Road
Ankeny, Iowa 50021
Phone: 515-281-7468
Fax: 515-281-7411
Toni.Bright@iowa.gov

Copies to:

Assistant Attorney General Pamela Griebel
Respondent
Department of Inspections and Appeals, assigned Administrative Law Judge

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:)
) CASE NO. 12-29
Deborah A. Frese)
CR01855)
)
Respondent.) CONSENT ORDER IMPOSING
) DISCIPLINE
)

The Iowa Real Estate Appraiser Examining Board (Board) and Deborah A. Frese (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2013) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2013).
2. Respondent was issued Iowa certificate number CR01855 on February 16, 1995. The certificate is active and will next expire on June 30, 2014.
3. Respondent renewed online on June 23, 2012. She reported real estate courses that have not been approved by the Board and that could not be approved by the Board because they do not qualify under Board rules, both in length of the course and substantively. She was randomly selected for an audit. Respondent has now submitted sufficient additional qualifying courses to be compliant with Iowa law. Respondent renewed her certificate when not qualified to do so in violation of 193F IAC 7.3(5)(a).
4. The Board issued a Notice of Hearing on February 12, 2013 setting hearing for April 2, 2013. Rather than proceed to hearing, Respondent agrees to the terms of this Consent Order. Respondent has voluntarily ceased practicing as a real estate appraiser for reasons unrelated to the pending charges. She wishes to be placed in inactive status under the terms of this Consent Order.
5. Respondent acknowledges Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including judicial review, by freely and voluntarily entering into this Order. This Order is the final agency order in the contested case.
6. 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.

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

8. This Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2013).

9. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. 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; and (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Inactive Status Respondent's certificate shall be placed on inactive status upon the full execution of this Consent Order.

A. Reinstatement. In addition to all other requirements to reinstate to active status, Respondent shall as a precondition to reinstatement: (a) pay a civil penalty of \$250.00, and (b) submit to the Board office a certificate of successfully completing a tested 15-hour USPAP course that is AQB approved. The course may be taken online, but may not be used toward continuing education required for reinstatement or future renewals. Once reinstated, Respondent may not electronically renew for the first renewal cycle following reinstatement.

AGREED AND ACCEPTED:

The Respondent

Iowa Real Estate Appraiser Examining Board



Deborah A. Frese



James Kesterson, Chair



3-11-13

Date

March 14, 2013

Date