

FILED 11-23-16 (Date)

BEAP

Board of Commission

B March

Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:  MARK E. HANNA,  Respondent.	Case No. 16-29  NOTICE OF INTENT TO IMPOSE CIVIL PENALTY AND RESPONDENT'S RIGHT TO HEARING
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**YOU ARE HEREBY NOTIFIED** that the Iowa Real Estate Appraiser Examining Board (Board) intends to issue an order pursuant to Iowa Code sections 543D.18A(1) and 543D.21 (2015) imposing a civil penalty in an amount not to exceed \$1,000.00 based on the following:

1. Mark E. Hanna ("Respondent") is a licensed real estate salesperson in the State of Iowa. In that capacity, and as a person with an interest in a real estate transaction or its financing, Respondent had the following interactions with a certified appraiser performing an appraisal:

a. At the start of the appraisal assignment, Respondent provided the certified appraiser with comparable properties via email and in connection therewith stated "I don't think you will have much difficulty making this one come in!"

b. After the appraisal assignment was completed and the property was appraised at a value less than the agreed-upon sales price between the buyer and seller, Respondent again reached out the certified appraiser via email noting the property was appraised several months ago by a different appraiser at or above the agreed-upon sales price, stating "[t]here were plenty of comps out there to make this happen," and further stating "[t]his deal will not come together, sometimes YOU do not realize just how much Power they give you clowns."

c. In a subsequent email, Respondent again expressed frustration with the certified appraiser's valuation, asking "Why didn't this come together" and noting "[w]e have

been trying to sell this property for 6 months.”

2. Respondent attempted to improperly influence the development, reporting, or result of a real estate appraisal through a request that the appraiser report a predetermined valuation and/or acts attempting to impair the appraiser’s independence, in violation of Iowa Code section 543D.18A(1). While “[a] person does not violate . . . section [543D.18A] *solely* by asking an appraiser to consider additional, appropriate property information, or to provide further detail, substantiation, or explanation for the appraiser’s value conclusion, or to correct errors in the appraisal report, or by withholding payment of an appraisal fee based on a bona fide dispute regarding the appraiser’s compliance with the appraisal standards,” here Respondent provided additional property information to the appraiser, *and* in advance of the performance of the appraisal made statements attempting to influence the valuation/outcome, *and* after the appraisal was completed but during the period when it still could have been modified/updated made statements and provided information attempting to influence the valuation/outcome. (Emphasis added.).

3. The public depends on appraisers to maintain independence and perform appraisal services in a disinterested and impartial matter, as more fully set forth in Iowa Code section 543.18(1).

4. The Board has the authority to impose a civil penalty for a violation of Iowa Code section 543D.18A(1) pursuant to Iowa Code section 543D.21(4)(b).

5. The Board will issue an order imposing civil penalty in the amount of \$1,000 if Respondent does not timely request a hearing, as provided in Iowa Code section 543D.21(5).

6. Respondent may request a hearing within thirty (30) days of the date this Notice of Intent is mailed through restricted, certified mail, or within thirty (30) days of personal service. A request for hearing must be made in writing to the Board to the attention of:

Brandy March  
Board Administrator, Iowa Real Estate Appraiser Examining Board  
Professional Licensing Bureau  
200 E. Grand, Ste. 350  
Des Moines, IA 50309

Such request will be deemed made on the date of the United States postmark or the date of personal service. Respondent should consult Board rules at 193F Iowa Administrative Code chapter 16.

7. If a request for hearing is timely made, a separate notice of hearing shall issue. The Board will conduct a public hearing under the same contested case rules that are applicable to disciplinary cases against certified real estate appraisers. If the Board finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1,000.

8. If a civil penalty is imposed and not paid within thirty days of entry of the order, the Board shall notify the Attorney General and the Attorney General may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. An action to collect a civil penalty may be joined with an action to enjoin Respondent from further violations of Iowa Code chapter 543D. If unpaid after thirty days, the Board may also submit the debt to the offset program under Iowa Code section 8A.504.

**Issued this 23rd day of November, 2016**



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Brandy March  
Board Administrator, Iowa Real Estate Appraiser Examining Board  
Professional Licensing Bureau  
200 E. Grand, Ste. 350  
Des Moines, IA 50309

cc: Luke Dawson, Assistant Attorney General  
Drew Kouris, Attorney at Law