

FILED

May 29, 2013

(Date)

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

Iowa Real Estate Appraiser Examining Board / Commission

Signature, Executive Officer

IN THE MATTER OF:

CASE NO. 12-42

DIA NO. 13REA001

CHRISTOPHER HAUSER
CERTIFICATE NO. CR02698

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER

RESPONDENT

On February 12, 2013, the Iowa Real Estate Appraiser Examining Board (Board) found probable cause to file charges against Christopher Hauser (Respondent). Respondent was charged with failure to fully cooperate with a disciplinary investigation, including a failure to respond to written requests for information within 30 days of the date of mailing a request. This constitutes a practice harmful or detrimental to the public in violation of Iowa Code 272C.10(3), and professional misconduct in violation of 193F IAC 7.3(7)(c).

A telephone prehearing conference was held on April 26, 2013. The hearing proceeded on May 7, 2013 at 1:30 p.m. Assistant Attorney General Pamela Griebel represented the state of Iowa. Respondent appeared pro se by telephone. The following Board members presided at the hearing: Gene Nelsen, Appraiser; Caryl Swaim, Appraiser; Amanda Luscombe, Appraiser; Fred Greder, Appraiser; and Greg Harms, Appraiser. Administrative Law Judge Robert H. Wheeler assisted the Board in conducting the hearing. Certified court reporter, Teresa Kinkel recorded the proceedings.

The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1) and 193 IAC 7.25(2). After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The Board instructed the administrative law judge to prepare Findings of Fact, Conclusions of Law, Decision and Order for their review, in conformance with their deliberations.

THE RECORD

The record includes the State's Prehearing Conference Report, the testimony of the Toni Bright and the Respondent, and the State's Exhibit, with pages 1-86.

FINDINGS OF FACT

The Respondent, Christopher Hauser, is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR02698 on December 18, 2007. His certificate is currently valid and in good standing and is scheduled to expire on June 30, 2014.

The Board received a complaint in November of 2012 regarding an appraisal by the Respondent. Toni Bright, Executive Officer for the Board, wrote to the Respondent on November 5, 2012, requesting a written response and the following information to assist the Board in its investigation of the complaint:

- A narrative with a summary of the appraisal at issue;
- Number of appraisals done annually;
- Explanation of the process used to find comparable sales;
- Explanation of the analysis process to make adjustments to the comparables;
- Explanation of any errors or omissions found after submission of the appraisal;
- Six copies of the appraisal submitted to the client, the entire work file, and the appraisal order form;
- A flash drive or CD-ROM of the appraisal report and work file; and
- The appraisal log for the last six months.

This information was due to the Board by November 21, 2012. At the Respondent's request Ms. Bright extended the deadline to November 28, 2012. (State exhibit, p. 65; Bright testimony).

The Respondent did not provide the requested information by November 28, 2012. On December 11, 2012, Ms. Bright called the Respondent, and he promised to provide the information in person the following day. He did not. (State exhibit, p. 81; Bright testimony).

On January 17, 2013, Ms. Bright wrote to the Respondent again, asking that the same requested information be provided by January 28, 2013. This letter was delivered to the Respondent by certified mail on January 30, 2013. The letter pointed out that this was the second mailed request and third request including the telephone call of December

11, 2012. Ms. Bright followed up with a telephone call on January 18, 2013, and the Respondent promised to provide the information on Friday of that week. He did not, and he did not respond to the letter. (State exhibit, pp. 67, 81; Bright testimony).

On February 12, 2013, the Board met and voted to file charges against the Respondent if he did not comply with the Board request to provide the information within 30 days of January 30, 2013. (State exhibit, p. 71; Bright testimony).

On February 14, 2013, Ms. Bright wrote again to the Respondent on behalf of the Board, noting the two previous letters and the three telephone conversations. This letter informed the Respondent of the Board's decision, and requested compliance by March 1, 2013. The Respondent did not comply, and has not complied as of the date of the hearing, May 7, 2013. (State exhibit p. 71; Bright testimony).

On March 18, 2013, the present Statement of Charges and Notice of Hearing issued.

The Respondent admitted his non-compliance and confirmed all of Ms. Bright's testimony. He stated that he initially had difficulty gathering his information for a five year old appraisal, and then suffered a back injury causing further delay. The Respondent described hiring an assistant with mental health issues who complicated things further. (Hauser testimony).

CONCLUSIONS OF LAW

In accordance with its statutory authority under Iowa Code 272C.10, the Board has adopted 193F IAC 7.3. That rule provides (in pertinent part),

The Board may initiate disciplinary action against a registered associate appraiser or a certified real property appraiser based on any one or more of the following grounds:

7.3(7) Professional misconduct

...c. Engaging in any conduct that subverts or attempts to subvert a board investigation, or failure to fully cooperate with a disciplinary investigation of the registrant or certificate holder...including a failure to...respond to a board inquiry within 30 calendar days of the date of mailing by certified mail of a written communication directed to the registrant's or certificate holder's last address on file at the board office.

The preponderance of the evidence established that the Respondent violated Iowa Code sections 272C.10 and 193F IAC 7.3(7)(c) by repeatedly failing to fully cooperate with a board investigation and failing to respond to a board inquiry. The Respondent admitted his non-compliance.

DECISION AND ORDER

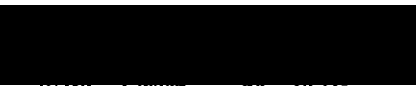
IT IS THEREFORE ORDERED that Iowa Real Estate Appraiser Certificate No. CR02698, issued to Christopher Hauser, is hereby **SUSPENDED**, indefinitely, effective immediately upon service of this Decision and Order. This suspension shall remain in effect until the Respondent fully complies with all Board requests for information in this matter.

IT IS FURTHER ORDERED, pursuant to 193F IAC 8.14, that the Respondent shall pay a civil penalty in the amount of \$1,000 within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED that the Board will commence an action for revocation of Iowa Real Estate Appraiser Certificate No. CR02698 if the Respondent fails to fully comply with the Board's information requests within thirty (30) days of receipt of this decision.

IT IS FURTHER ORDERED, pursuant to Iowa Code section 272C.6 and 193 IAC 7.41, that the Respondent shall pay \$75.00 within thirty (30) days of receipt of this decision for fees associated with conducting the disciplinary hearing.

Dated this 29th day of May, 2013.


Gene Nelsen, Chairperson
Iowa Real Estate Appraiser Examining Board

cc: Christopher Hauser
1438 - 11th Street
Des Moines, IA 50314 (Restricted Certified)

Pamela Griebel
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319

Judicial review of the board's decision may be sought in accordance with the terms of Iowa Code chapter 17A. 193 IAC 7.37.

FILED 3/18/13 (Date)
Iowa Real Estate Appraiser Board

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



Signature, Executive Officer

IN THE MATTER OF:)	
)	
Christopher Hauser)	Case No. 12-42
CR02698)	
)	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 Christopher Hauser is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR02698 on December 18, 2007. Certificate No. CR02698 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**

1. **Hearing.** A disciplinary contested case hearing will be held before the Board on the 7th day of May, 2013 at 1:30 o'clock, p.m., at 1920 SE Hulsizer Road, Ankeny, Iowa.
2. **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.
3. **Prehearing Conference.** A prehearing conference will be held by telephone on the 26th of April, 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.
4. **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 12th day of February, 2013.

12. In November 2012, the Board received a complaint against Respondent. The Board requested a copy of the appraisal report, an explanation, and an appraisal log. Despite numerous requests, including by certified mail, regular mail, and phone calls, Respondent has failed to respond.

13. Respondent is charged with failing to fully cooperate with a disciplinary investigation, including a failure to respond to written requests for information within 30 days of the date of mailing a request. This is a practice harmful or detrimental to the public under Iowa Code section 272C.10(3) as the Board cannot perform its duties when licensees fail to cooperate, and is professional misconduct under 193F IAC 7.3(7)(c).

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

on the 18th day of March, 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

FILED 11/21/13 (Date)

IA RE Appr Ex Board

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD



Signature, Executive Officer

IN THE MATTER OF:)	Case No. 12-42
)	
Christopher Hauser)	RELEASE FROM
Respondent)	SUSPENSION

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of the Findings of Fact, Conclusions of Law, Decision & Order and should be reinstated. The Board voted unanimously to reinstate the Respondent's credential on November 21, 2013.

IT IS THEREFORE ORDERED that the Respondent's certificate is reinstated.



Toni A Bright, Executive Officer
Iowa Real Estate Appraiser Examining Board
200 E. Grand Avenue
Des Moines, IA 50309
Email: toni.bright@iowa.gov

7. The Respondent does not admit all allegations, but does agree to comply with the Consent Order to resolve disputed matters.

B. Settlement Agreement and Consent Order

8. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. Respondent acknowledges he had the opportunity to consult with counsel before signing this Consent Order.

9. 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.

10. 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.

11. 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.

12. 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 (2013).

13. 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) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

14. 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

1. Respondent shall successfully complete by May 1, 2014, the following courses, which shall be AQB approved qualifying courses, which Respondent may take in person or on-line, and may apply to his continuing education requirements for renewal:

- a. A 15-hour, tested USPAP course. Respondent is cautioned that the 15-hour course will not satisfy the requirement that he complete a 7-hour USPAP update course for his 2014 renewal.
 - b. A 30-hour tested course entitled, "Residential sales comparison and income approaches."
 - c. A 15-hour tested course entitled, "Residential appraiser site valuation and cost approach."
2. Respondent shall forward to the Board a certificate of completion for each course within 10 calendar days of completion.

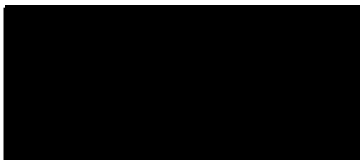
B. Logs and Desk Review

1. Within 90 days of completing all education, Respondent shall submit a log to the Board of all appraisals completed for the two month period after the completion of all education. The Board shall select two appraisals for review.
2. Section A provides the deadline within which education must be completed. Respondent is free to escalate the time frame by completing the education earlier than the deadline. Until Respondent has complied with all terms of the Consent Order he shall send the Board appraisal logs on the 10th day of each month for the prior month's appraisals.
3. The Board will retain a certified appraiser to complete Standard Three reviews on the appraisals selected for review. The Respondent shall provide the Board, within 10 days of request, five copies of the appraisals and associated work files, and the sum of \$300 per appraisal to be paid to the Board for the retained appraiser.
4. The reviewing appraiser shall complete a comprehensive Standard Three review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations and any other documents reasonably needed. Along with appraisal reports and work files, Respondent shall provide the reviewing appraiser copies of all documents verifying the accuracy of factual representations in each appraisal. The reviewer may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for site values, and the like. The costs associated with desk review are the responsibility of the Respondent, but are capped at the amounts noted in paragraph 3.

5. The reviewer shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board and the Respondent.
6. At the next meeting following the Board's receipt of the two review appraisals, the Board shall enter an order indicating Respondent's full compliance with this Consent Order, or, if the desk review comments and appraisals reveal significant USPAP violations, the Board shall defer final ruling and may 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.
7. Respondent shall not supervise an associate appraiser or otherwise co-sign another appraiser's work as a supervisor until he has complied all terms of the Consent Order.
8. This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for desk review demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports or appraisals subject to desk review shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.

AGREED AND ACCEPTED:

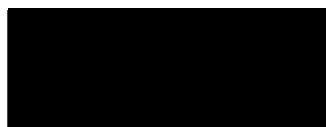
The Respondent



Christopher Hauser

12/26/13
Date

Iowa Real Estate Appraiser Examining Board



Gene Nelsen, Chair

1/23/14
Date