

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

IN THE MATTER OF:

**David R. Jenk
CR01306**

RESPONDENT

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CASE NO. 03-53, 04-02

CONSENT ORDER

The Iowa Real Estate Appraiser Examining Board (Board) and David R. Jenk (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2003) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2003).

2. Respondent is a certified residential real estate appraiser. He was first certified in Iowa in 1992.

3. The Board issued a Notice of Hearing charging Respondent as follows:

Respondent repeatedly failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence in the development, preparation and communication of appraisals; and, demonstrated negligence or incompetence in the development, preparation and communication of appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1) (2003), and 193F Iowa Admin. Code 7.2 and (5).

4. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Order is the final agency order in the contested case. Respondent denies the allegations in the Statement of Charges but in an effort to settle the particular dispute agrees to this Consent Order.

5. 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.

6. 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.

7. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2003).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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. Reprimand

Respondent is reprimanded for repeated violations of the Uniform Standards of Professional Appraisal Practice.

B. Probation

1. Respondent shall be on probation until further order of the Board. The probationary period shall start the first day of the first full month after the Board signs this Consent Order.

2. While on probation, Respondent, at Respondent's expense, shall submit at least four appraisals per month to a review appraiser pre-approved by the Board. The review appraiser shall prepare written reports to the Board that describe Respondent's compliance with USPAP and any other appraisal standards which are applicable to the appraisal at issue. Review appraiser shall comply with USPAP Standard Three. Respondent may select which appraisals shall be submitted to desk review each month. The appraisals selected shall not be submitted to the client until after Respondent has submitted the appraisal to desk review, has received the desk review report, and has made any changes identified by the desk reviewer.

3. For each reviewed appraisal, Respondent shall submit to the Board the appraisal in the form initially submitted to the review appraiser, the desk review report, the final appraisal as submitted to the client (noting any changes or amendments which were made as a result of the reviewer's comments), and Respondent's work file. Such

documents shall be submitted to the Board no later than 10 calendar days after the final appraisal has been issued to the client.

4. While on probation, Respondent shall submit a monthly log of his appraisals to the Board office no later than the 10th day following each calendar month.

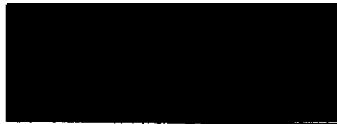
5. Respondent may apply to be released from probation after he: (a) has successfully subjected at least 24 appraisals to desk review, and (b) the Board has received all of the documents described in paragraph 3. The Board shall release Respondent from desk review if (1) he has complied with the terms of the Consent Order, and (2) the review reports do not reveal significant USPAP violations (taking into consideration the potential that the appraisals may improve as desk review progresses). If the desk review reports do reveal significant USPAP violations, the probation shall continue for at least another 2 months before Respondent may again apply to be released from probation.

6. 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 on an appraisal that was issued to the public. 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.

7. Until released from the desk review process, Respondent agrees he shall not act as a review appraiser and shall not co-sign appraisals with any other associate or certified appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.

AGREED AND ACCEPTED:

The Respondent

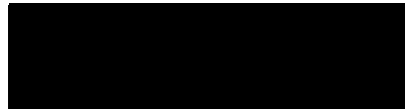


David R. Jenk

06-29-2004

Date

**The Iowa Real Estate Appraiser
Examining Board**



By: Vice Chair, Chair

Date

7/12/04