

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

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**IN THE MATTER OF:**

**JOHN C. KERNDT, JR.  
CR01444**

**RESPONDENT**

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**CASE NO. 02-28**

**STATEMENT OF CHARGES**

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COMES NOW, the Complainant, Susan A. Griffel, and states:

1. Susan A. Griffel is the Executive Officer of the Iowa Real Estate Appraiser Examining Board ("Board") and files this Statement of Charges on behalf of the Board solely in her official capacity.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2001, 2003).

3. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CR01444 1992

4. Certificate No. CR01444 is currently valid and in good standing, and is scheduled to expire on June 30, 2004.

5. The Board received a complaint in August 2002, concerning an appraisal report signed by Respondent with an effective date of 5/29/2002. The property was a 271 acre farmstead at 1230 Jeglum Road, Waterville, IA. Respondent was sent a cautionary letter dated August 7, 2001 about refraining from completing assignments outside the scope of his residential classification.

6. The Board selected for review, from the Respondent's log, two appraisals including 710 Fair Street, Decorah, IA., dated 7/13/03 and 718 Decorah Avenue, Decorah, IA., dated June 20, 2003.

7. The Board obtained Standard Three review reports on the three appraisals described in paragraphs 5 and 6.

9. The review reports reveal numerous violations of the Uniform Standards of Professional Appraisal Practice (USPAP). As more fully itemized in each review report, the violations include but are not limited to:

Regarding the Jeglum Road property:

- a. Appraiser failed to prominently state the report option used. 2-2, 2-2 [comment].
- b. Appraiser failed to identify and correctly interpret the appraisal problem. 1-1(a)
- c. Appraiser failed to identify the date of the report. 2-2(v).
- d. Appraiser failed to provide a definition of value. 1-2(b), 2-2
- e. Appraiser failed to consider and report the extent of the process of collecting, confirming and reporting data. 1-2(a), 2-2(vi)
- f. Appraiser failed to consider and state all assumptions and limiting conditions that affect the analysis and conclusion of the appraisal. 1-2(a), 2-2(vii)
- g. Appraiser failed to report the highest and best use. 1-3(b), 2-2(ix).
- h. Appraiser committed a substantial error of omission or commission that significantly affected the appraisal.

Regarding the 710 Fair Street, Decorah, IA. property dated 7/13/2003:

- a. Appraiser failed to prominently state the report option used. 2-2,2-2[Comment].
- b. Appraiser failed to adequately identify and report the site description. 1-2(e)(I-iv), 2-2(b)(iii).
- c. Appraiser failed to adequately identify and report improvement(s) description. 1-2(e)(I-v), 2-2(b)(iii).
- d. Appraiser failed to adequately value the site. 1-4(b)(i), 2-2(b)(iii)(vii)(ix).
- e. Appraiser failed to correctly employ recognized methods and techniques. 1-1(a), 2-2(b)(iii)(vii)(ix).

Regarding the 718 Decorah Avenue, Decorah, IA. property, dated June 20, 2003:

- a. Appraiser failed to correctly invoke and report departure. Departure rule, 2-2(b)(xi).
- b. Appraiser failed to prominently state the report option used. 2-2, 2-2[Comment].
- c. Appraiser failed to identify and correctly interpret the appraisal problem. 1-1(a)
- d. Appraiser failed to employ recognized methods and techniques. 1-1(a), 2-2(b)(iii)(vii)(ix).
- e. Appraiser failed to collect, verify, analyze and reconcile comparable sales, adequately identified and described. 1-4(a), 2-2(b)(iii)(vii)(ix).
- f. Appraiser committed a substantial error of omission or commission that significantly affected the appraisal. 1-1(b), 2-1(a)(b)(c).

10. On the 12<sup>h</sup> day of February 2004, the Board found probable cause to file the following charges and to order a hearing in this case.

**COUNT I**

11. Respondent repeatedly failed to adhere to appraisal standards, failed to exercise reasonable diligence, 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) (2001, 2003)

**WHEREFORE**, the complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.

Dated this \_\_\_ day of \_\_\_\_\_, 2004.

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Susan A. Griffel, Executive Officer

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**CONSENT ORDER**

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The Iowa Real Estate Appraiser Examining Board (Board) and John C. Kerndt, Jr. (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 filed on even date herewith a Statement of Charges alleging that:

Respondent repeatedly failed to adhere to appraisal standards in the development and communication of appraisals; failed to exercise reasonable diligence, 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) (2001, 2003).

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.

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. Education**

Respondent shall complete at least a 15 hour tested USPAP course by June 30, 2004:

**B. Probation**

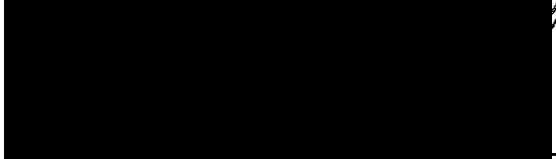
1. Respondent shall be on probation until further order of the Board. The probationary period shall start the first day of the first full month after the Board signs this Consent Order.
2. While on probation, Respondent, at Respondent's expense, shall submit two appraisals per month to a review appraiser pre-approved by the Board. The review appraiser shall prepare written reports to the Board which 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 10<sup>th</sup> day following each calendar month.
5. Respondent may apply to be released from probation after he has successfully subjected 10 appraisals to desk review and 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 4 months before Respondent may again apply to be released from probation.
6. This settlement shall not preclude the Board from filing additional changes 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.
8. Respondent to restrict his practice to those types of appraisals he may lawfully complete as a certified residential real property appraiser.

**AGREED AND ACCEPTED:**

The Respondent



John C. Kerndt, Jr.

Date

3/26/09

The Iowa Real Estate Appraiser  
Examining Board



By: Richard Bruce, Chair

Date

4/1/09