

FILED 12/1/10 (Date)
IABE Appr. Exam Board
Board/Commission
Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:)	
)	CASE NO. 10-44
KEVIN J. KESTERSON)	
CR02437)	CONSENT ORDER
)	
Respondent.)	
)	

The Iowa Real Estate Appraiser Examining Board (Board) and Kevin J. Kesterson (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2009) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2009).
2. Respondent was issued Iowa certificate number CR02437 on August 3, 2005. The certificate is active and will next expire on June 30, 2012.
3. The Board charged Respondent with intentionally reporting inaccurate continuing education information to the Board in his 2010 renewal application in violation of 193F IAC 7.3(1) and with renewing his certificate when not qualified to do so pursuant to 193F IAC 7.3(5)(a).
4. This is a first offense for Respondent. Respondent disputes that he intentionally submitted inaccurate information. He did take all of the courses he claimed to have taken. The courses, however, were not pre-approved by the Board as eligible for continuing education credit. Respondent immediately substituted approved courses when the Board's concerns were raised in the audit. Rather than proceed to hearing on a disputed matter, the parties agree to this Consent Order.
5. The Board concludes that Respondent did not intentionally submit inaccurate information to the Board. Respondent is cautioned to determine in advance of renewal whether courses have been approved for continuing education credit.
6. Respondent acknowledges he has a right to a hearing on the charges, but waives his 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.
7. 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.

8. 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.

9. This Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

10. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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. Civil Penalty. Respondent shall pay a civil penalty of \$250.00 by January 15, 2011.

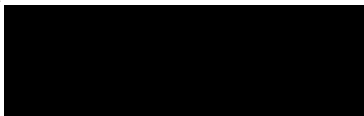
B. Education. By July 1, 2011, Respondent shall submit to the Board office a certificate of successfully completing at least 15 hours in AQB approved core criteria education for a general real estate appraiser certificate, as listed in 193F IAC 6.2(2). The course may be taken online. The course shall not be used toward future renewals, except that if the course exceeds 15 hours, the hours exceeding 15 hours may be used toward the continuing education required for renewal. The course may also be used to demonstrate satisfaction of the applicable education requirement in rule 6.2(2).

C. Manual 2012 Renewal. Respondent shall not renew electronically in 2012. He shall manually renew and shall attach all certificates of completion for all continuing education courses.

AGREED AND ACCEPTED:

The Respondent

Iowa Real Estate Appraiser Examining Board



Kevin J. Kesterson



Michael Lara, Chair

11-29-2010
Date

12/1/10
Date

FILED 7-14-11 (Date)

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD DA Kesterson E.A.
Board / Commission Board

Signature, Executive Officer

IN THE MATTER OF:

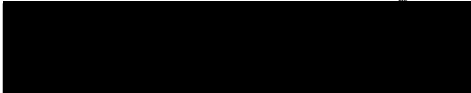
) Case No. 10-44
)

) Kevin Kesterson
) Respondent
)

) RELEASE OF PROBATION IN
) A DISCIPLINARY CASE

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his probation and should be released. The Board voted unanimously to release probation on July 14, 2011.

IT IS THEREFORE ORDERED that the Respondent's probation is released.


Toni A Bright, Executive Director
Iowa Real Estate Appraiser Examining Board
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