

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

IN THE MATTER OF:)	
)	CASE NO. 03-34
DAWN M. KING)	
)	CONSENT ORDER
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Dawn M. King (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. She was first certified in Iowa in 1998.
3. On August 25, 2003, the Board issued a Notice of Hearing and Statement of Charges, alleging in two counts that:

COUNT I Respondent failed to comply with a Board order imposing discipline by issuing appraisal reports directly to the public rather than submitting them to pre-release desk review, in violation of Iowa Code section 272C 3(2) (2001, 2003); and,

COUNT II Respondent engaged in a practice harmful or detrimental to the public in violation of Iowa Code sections 272C.10(3), 543D.17(1)(d), (e), and (f), and 543D.18(1) and (2) (2001, 2003), and 193F Iowa Admin. Code 7.2(2), (5), and (8), by:

- (a) making false, misleading, or deceptive representations in preparing and communicating appraisals;
- (b) failing to adhere to the Ethics Rule in the 2002 and 2003 versions of USPAP, and in particular, those provisions relating to honesty, impartiality, objectivity, independence, and avoiding advocacy ;
- (c) failing to exercise reasonable diligence in the development, preparation and communication of appraisals; and,

(d) demonstrating negligence or incompetence in the development, preparation and communication of appraisals.

4. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Consent 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. Voluntary Surrender

Respondent shall voluntarily surrender her certificate by physically returning the certificate to the board office no later than ten (10) calendar days following the date this Order is signed by the Board. Respondent may not seek reinstatement for a period of at least one calendar year. Respondent shall comply with 193 IAC 7.30(3) regarding client notification of the voluntary surrender.

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PAGE 01

B. Civil Penalty

Respondent is assessed a civil penalty in the amount of \$1,000. The civil penalty must be paid as a condition of reinstatement in the event Respondent should seek to reinstate her certificate.

C. Reinstatement

Any application to reinstate must satisfy the requirements of 193 IAC 7.38. In addition, Respondent may only seek to reinstate as an associate real estate appraiser, first demonstrating full compliance with 193F Iowa Admin. Code chapter 4. Respondent may not rely on any education, experience or testing she has completed prior to the date of this Order in satisfying said requirements. Respondent shall not, if reinstated to an associate level, practice as an associate real estate appraiser except under a supervisory monitoring agreement pre-approved by the Board, upon such terms as the Board then feels are required to fully protect the public interest. Respondent shall not be considered for certification as a certified residential real estate appraiser until she has fully satisfied all then applicable qualifications for such certification. The Board may, in a reinstatement order, impose such additional requirements as are deemed necessary to protect the public interest. Nothing in this Order shall require that the Board reinstate Respondent in the future. Respondent understands the Board may rely on the charges in this case as a basis to deny an application to reinstate in the future.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Dawn M. King

Date

10/7/03

The Iowa Real Estate Appraiser Examining Board

[Redacted Signature]

By: Richard Bruce

Date

Oct 8, 2003