

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

COPY

IN THE MATTER OF:)	
John E. Lundstrom)	CASE 00-53
)	
CERTIFICATE NO. CR01249)	STATEMENT OF CHARGES
)	
RESPONDENT)	

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

1. She is the Executive Officer of the Iowa Real Estate Appraiser Examining Board and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C(2001).
3. On January 6, 1992, John E. Lundstrom, the Respondent, was issued an Iowa Real Estate Residential Appraiser Certificate by the Board.
4. The Certificate No. CR01249 is currently in good standing.
5. On or about May 30, 2000, Lundstrom issued a letter to a homeowner that arrived at an estimated reduction in value of the home in the event a gravel pit was installed near the home.
6. The letter identifies Lundstrom as a certified appraiser and is on his appraiser letterhead. As an appraisal, the letter fails to comply in substantial respects with most of the appraisal standards set forth in Standards One and Two of the Uniform Standards of Professional Appraisal Practice (USPAP).
7. If intended as a consulting assignment, the letter fails to comply with USPAP Standards Four and Five, including disclosure requirements.
8. All certified appraiser must comply with USPAP, pursuant to Iowa Code section 543D.18(1) (2001), and 193F—IAC 7.1(5).
9. When communicating a specialized service that the appraiser does not intend to be an appraisal, certified appraisers must take appropriate steps to avoid giving the impression that such services constitute an appraisal assignment, pursuant to Iowa Code section 543D.18(3).

10. Because Lundstrom's letter reaches a valuation opinion, identifies Lundstrom as a certified appraiser, and could be perceived as an appraisal by third parties or the public, Lundstrom's letter constitutes an appraisal assignment as defined in Iowa Code sections 543D.2(1) and (2)

COUNT I

The Respondent failed to comply with Iowa Code sections 543D.17(1)(d), and 543D.18(1) and (3) (2001), 193F—IAC 7.1(5), and applicable USPAP standards when he either (1) developed and communicated a real estate appraisal without adhering to USPAP Standards One and Two, or (2) communicated a consulting service without complying with USPAP Standards Four and Five, or taking appropriate steps to assure the public would not consider the letter an appraisal.

WHEREAS, 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.

Susan A. Griffel, Executive Officer
Complainant

On this 16th day of October, 2001, the Iowa Real Estate Appraisal Examining Board found probable cause to file this complaint and to order a hearing in this case.

Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board

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

IN THE MATTER OF:)	
)	
John E. Lundstrom)	CONSENT ORDER
)	
Certificate Number CR01249)	CASE NO. 00-53
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and John E. Lundstrom (Respondent) enter into this Consent Order (Order) pursuant to Iowa Code sections 17A, 272C.3(4) (2001) and 193A Iowa Administrative Code section 8.7.

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

2. The Respondent is a Certified Residential Real Property Appraiser.

3. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order following a contested case hearing.

4. This Agreement 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.

5. This Consent Order is public record, available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 and section 272C.3(4).

6. Failure to comply with the provisions of this Agreement shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing or waiver or right to hearing.

7. This Agreement is subject to approval of the Board.

(a) If the Board fails to approve this Agreement, 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 Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. Respondent shall complete a 15 hour tested USPAP Course, successfully passing the exam and at least a 7 hour Report Writing Course. Documentation of the completion of the education shall be submitted to the Board office on or before April 15, 2002. This course may not be used for renewal in 2003.

B. The 7 hour Report Writing Course may be used for renewal in 2003.

AGREED AND ACCEPTED:



John E. Lundstrom
Respondent

11-1-01
Date



Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining
Board

NOV 5, 2001
Date