

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

IN THE MATTER OF:)	
)	
Victoria L. Mc Cart)	CASE NO. 06-33
CR02004)	
)	COMBINED STATEMENT OF CHARGES
)	AND CONSENT ORDER
RESPONDENT)	

A. Statement of Charges

1. The Iowa Real Estate Appraiser Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2005).
2. Respondent is a certified residential real estate appraiser in Iowa. She was issued Certificate No. CR02004 on January 20, 1998.
3. Certificate No. CR02004 is currently valid and in good standing, and is scheduled to expire on June 30, 2007.
4. The Board received a complaint alleging, among other matters, that an appraisal was not USPAP compliant. A Standard 3 review was completed and it was determined that there were USPAP violations. Two additional complaints were sent to the Board and USPAP violations were found.
5. Following the investigation, the Board charges Respondent with: (a) failure to adhere to appraisal standards in the development and communication of appraisals, (b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and (c) 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) (2005), and 193F Iowa Admin. Code 7.2(5).
6. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

7. Respondent has a right to a hearing on the charges, but waives her right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.
8. 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.
9. 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 future disciplinary action to be imposed in the event of any future violations.

10. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

11. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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 the following educational courses by December 31, 2006 and shall forward certificates of completion to the Board within 10 calendar days of completion of the courses:

- (1) a 15-hour tested USPAP course; and,
- (2) a 30-hour pre-approved classroom course on the three approaches to value; and
- (3) a 15-hour tested report writing course.

B. Probation

- (1) Respondent's certificate is placed on probationary status until the terms of this Consent Order have been fully complied with, and Respondent has been released from probation by Board order.
- (2) On or about February 1, 2007, the Board will use the Respondent's logs to select two appraisals completed after Respondent completes the required education. The Board will select two appraisals from the log and the Respondent shall select one appraisal that she feels is her most representative USPAP compliant appraisal work product.
- (3) If the Standard 3 Reviews do not reveal significant USPAP violations and Respondent has complied with all terms of this Consent Order, the Board shall release Respondent from probation
- (4) For as long as Respondent is on probationary status, she shall submit a monthly log of all appraisals she has completed, providing a written log by the 10th of each month for the preceding month.
- (5) If the review comments and/or appraisals do reveal significant USPAP violations, the

Board shall continue Respondent's probation on such terms as will address the issues revealed in desk review. The Board may accordingly order additional education or desk reviews, or other rehabilitative measures. No such order will be issued without affording Respondent reasonable notice and an opportunity to request hearing on such additional probationary terms.

- (6) This settlement shall not preclude the Board from filing additional changes if one or more of the appraisals submitted for review demonstrate probable cause to take such an action on an appraisal that was issued to the public. Respondent agrees Board review of the Respondent's reports 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 probation, Respondent agrees she 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 probation.
- (8) The dates set forth in paragraph (A.Education) provide deadlines within which education must be completed. Respondent is free to escalate the time frames by completing the education earlier than the deadline.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Victoria L. Mc Cart

6/21/06
Date

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

Chair/Iowa Appraiser Board

6/28/06
Date