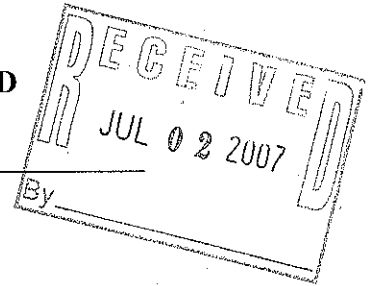


BEFORE THE REAL ESTATE APPRAISER EXAMINING BOARD
OF THE STATE OF IOWA



IN THE MATTER OF:) Case No. 07-03, 07-14
VICTORIA L. MCCART)
CR02004)
Respondent.)
CONSENT ORDER

The Iowa Real Estate Appraiser Examining Board (Board) and Victoria McCart (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2007) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2007).

2. Respondent was first issued her certification as a certified residential real estate appraiser on January 20, 1998. Her certificate is currently active and expires on June 30, 2007.

3. The Board filed its Notice of Hearing and Statement of Charges on May 31, 2007. Hearing is currently set for August 8, 2007.

4. The Board charged Respondent with:

a. repeatedly failing to adhere to appraisal standards, including but not limited to the ethics and competence rules of the Uniform Standards of Professional Appraisal Practice, in the development, preparation, and communication of multiple appraisals; failure to exercise reasonable diligence in the development, preparation, and communication of multiple appraisals; negligence or incompetence in the development, preparation, and communication of multiple appraisals; improper advocacy, in violation of Iowa Code sections 272C.10(3), 543D.17(1)(d), (e), and (f), and 543D.18(1), (2), and 193F Iowa Administrative Code sections 7.1, 7.2(2), (5), and (8); and,

b. practices harmful or detrimental to the public and repeatedly demonstrating, through lack of education, negligence, carelessness or omissions, or intentional acts, a lack of qualifications to assure the public a high standard of professional care in violation of Iowa Code sections 272C.3(2)(b), and 272C.10(3).

5. 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 Order is the final agency order in the contested case.

6. 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.

7. 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.

8. This Order, the Statement of Charges, and the Statement of Matters Asserted are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2007).

9. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. 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. Expiration. Respondent's certificate as a residential real estate appraiser expires on June 30, 2007, and Respondent has elected not to renew her certificate. Respondent will accordingly not be authorized to perform appraisal services as an Iowa certified real estate appraiser from and after July 1, 2007.

B. Reinstatement. Respondent shall surrender her real estate appraiser certification number CR02004 by physically returning the certificate to the Board office no later than July 2, 2007. Any application to reinstate must comply with 193 Iowa Administrative Code sections 7.30(3) (notification of clients) and 7.38 (reinstatement), and shall be filed no earlier than July 1, 2009. As a condition of reinstatement, Respondent must comply with all then existing education, examination, and experience requirements as if never previously certified.

AGREED AND ACCEPTED:

The Respondent


Victoria McCart

6/20/07
Date

**The Iowa Real Estate Appraiser
Examining Board**


Michael Lara, Chair

6/26/2007
Date

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

IN THE MATTER OF:
VICTORIA L. McCART
CR02004

Respondent.

) **Case No. 07-03. 07-14**
)
)
)

) **NOTICE OF HEARING AND**
) **STATEMENT OF CHARGES**
) **IN A DISCIPLINARY CASE**
)

The Iowa Real Estate Appraiser Examining Board ("Board") issues this Notice of Hearing pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa certified residential real estate appraiser certificate number CR02004 on January 20, 1998. The registration is active and will next expire on June 30, 2007. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2007).

**A. TIME, PLACE AND NATURE OF HEARING,
AND HEARING PROCEDURES**

1. **Hearing.** A disciplinary contested case hearing will be held before the Board on the 8th day of August, 2007, at 9:30 o'clock, a.m., at 1920 SE Hulsizer Road, Ankeny, Iowa.

2. **Answer.** Within 20 days of the date you are served with this Notice you must file an answer to the charges as provided in 193 Iowa Administrative Code 7.9.

3. **Prehearing Conference.** A prehearing conference will be held by telephone on the 27th day of July, 2007, at 2 o'clock, p.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals ("ALJ"). You are responsible for notifying the Board office of the telephone number at which you or your counsel can be reached. Board rules on prehearing conferences may be found at 193 Iowa Administrative Code 7.21.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing, pursuant to Iowa Code section 272C.6(1) and 193 Iowa Administrative Code 7.10(1). The Board may request that an ALJ make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing, as described in 193 Iowa Administrative Code 7.10(4).

5. **Hearing Procedures.** Board rules on hearing procedures may be found at 193 Iowa Administrative Code chapter 7, and 193F Iowa Administrative Code chapter 8. You have the right to respond to the charges, produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. Consult rule 193 Iowa Administrative Code 7.22 if you need to request an alternative time or date. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. **Default.** If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 193 Iowa Administrative Code 7.27.

7. **Prosecution.** Licensee disciplinary cases are prosecuted by an Assistant Attorney General acting on behalf of the public interest (the State). Copies of all pleadings shall be filed with the Board, with copies mailed to: Assistant Attorney General Pamela Griebel, Iowa Department of Justice, Hoover Building, 2nd Fl., and Des Moines, Iowa, 50319. Phone: 515-281-6403; Fax: 515-281-7551; E-mail: pgriebe@ag.state.ia.us.

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to: No counsel noted.

9. **Settlement.** The procedural rules governing the Board's settlement process are found at 193 Iowa Administrative Code 7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General Pamela Griebel.


10. **Communications.** You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office

and serve upon all parties in the case. You should direct any questions to Assistant Attorney General Pamela Griebel, or Sylvia King, the Board's Executive Officer, at 515-281-7356.

B. STATEMENT OF CHARGES

11. The Board found probable cause to file the following charges on April 12, 2007.
12. A separate summary of the factual matters asserted will be furnished to the Respondent with this Notice of Hearing.
13. Respondent is charged with:
 - a. repeatedly failing to adhere to appraisal standards, including but not limited to the ethics and competence rules of the Uniform Standards of Professional Appraisal Practice, in the development, preparation, and communication of multiple appraisals; failure to exercise reasonable diligence in the development, preparation, and communication of multiple appraisals; negligence or incompetence in the development, preparation, and communication of multiple appraisals; improper advocacy, in violation of Iowa Code sections 272C.10(3), 543D.17(1)(d), (e), and (f), and 543D.18(1), (2), and 193F Iowa Administrative Code sections 7.1, 7.2(2), (5), and (8); and,
 - b. practices harmful or detrimental to the public and repeatedly demonstrating, through lack of education, negligence, carelessness or omissions, or intentional acts, a lack of qualifications to assure the public a high standard of professional care in violation of Iowa Code sections 272C.3(2)(b), and 272C.10(3).

This Notice of Hearing and Statement of Charges is filed and issued on the 31st day
of May, 2007.


Sylvia King, Executive Officer
Iowa Real Estate Appraiser Examining Board
1920 SE Hulsizer Road
Ankeny, Iowa 50021
Phone: 515-281-7356
Fax: 515-281-7411
sylvia.king@iowa.gov

Copies to:

Assistant Attorney General Pamela Griebel
Respondent
Department of Inspections and Appeals, assigned Administrative Law Judge