

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

IN THE MATTER OF:

KENDALL L. MILLER  
CG01216

RESPONDENT.

)  
) CASE NO. 04-35  
)  
) CONSENT ORDER  
)  
)

The Iowa Real Estate Appraiser Examining Board (Board) and Kendall L. Miller (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2005) and 193F IAC 8.16.

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2005).

2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. G01216 in 1994.

3. On November 3, 2004, the Board issued a Notice of Hearing and Statement of Charges, alleging:

Respondent repeatedly failed to adhere to appraisal standards, failed to exercise reasonable diligence, and 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)(2003) and 193F Iowa Admin. Code 7.2(5).

4. Respondent denies the allegations but consents to settlement as stated herein.

5. Respondent has a right to a hearing on the charges, but waives his 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.

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 and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

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)(2005). 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.

(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 his 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.

**B. Reinstatement:**

Any application to reinstate must satisfy the requirements of 193 IAC 7.38 and 193F IAC 8.17. The Board may, in a reinstatement order, impose any requirements as it deems necessary to protect the public interest.

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser  
Examining Board**

  
**Kendall L. Miller**

  
**By: Richard Koestner, Chair**

2-10-05  
**Date**

2/11/05  
**Date**