

FILED 1/26/16 (Date)  
IA. Reg. Appr. Ex. Board  
Joni A. Bright  
Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF: ) Case No. 15-019  
)  
)  
JULIE MOZENA, )  
)  
) NOTICE OF HEARING AND  
) STATEMENT OF CHARGES IN A  
) NON-LICENSEE, CIVIL PENALTY  
) CASE  
)  
Respondent. )

The Iowa Real Estate Appraiser Examining Board ("Board") issues this Notice of Hearing pursuant to Iowa Code sections 17A.12(2) and 543D.21(5) and Iowa Administrative Code rule 193—16.5(3). The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C, and 543D. Respondent is a licensed real estate salesperson in the State of Iowa. This non-licensee, civil penalty case concerns Respondent's attempt to improperly influence the development, reporting, result, or review of a real estate appraisal in violation of Iowa Code sections 543D.18A(1) and 543D.21(4)(b), and Iowa Administrative Code rule 193F—16.2(7).

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

1. **Hearing.** A contested case hearing, which shall be conducted in the same manner as provided for disciplinary proceedings involving a licensee under Iowa Code chapter 543D, see Iowa Code § 543D.21(5) and Iowa Admin. Code r. 193F—16.5(3), shall be held before the Board on the **23<sup>rd</sup> day of March, 2016 at 1 o'clock, p.m.**, at 200 E. Grand, Ste. 350, Des Moines, IA 50309.

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 Iowa Administrative Code rule 193—7.9.

3. **Prehearing Conference.** A prehearing conference will be held by telephone on **February 23, 2016, at 2:00 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 may be reached. Board rules on prehearing conferences may be found at Iowa Administrative Code rule 193—7.21.

4. **Presiding Officer.** The full Board shall serve as presiding officer at hearing. 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 Iowa Administrative Code rule 193—7.10(4). A request that an ALJ preside at the hearing must be filed within 20 days of the date you are served with this Notice pursuant to Iowa Code section 17A.11 and 193 Iowa Administrative

Code 7.10(2).

5. **Hearing Procedures.** Board rules on hearing procedures may be found at Iowa Administrative Code chapter 193—7 and Iowa Administrative Code chapter 193—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 will be open to the public.

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 Iowa Administrative Code rule 193—7.27.

7. **Prosecution.** Civil penalty cases of this nature 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:

Luke Dawson  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa, 50319.

Mr. Dawson can also be reached by phone at (515)414-6187 or e-mail at [luke.dawson@iowa.gov](mailto:luke.dawson@iowa.gov).

8. **Respondent's Counsel.** Copies of all pleadings filed with the Board shall be provided to:

William B. Serangeli  
DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.  
699 Walnut Street, Suite 1600  
Des Moines, IA 503090-3986.

Mr. Serangeli can also be reached by phone at (515)244-2600 or email at [Wserangeli@dickinsonlaw.com](mailto:Wserangeli@dickinsonlaw.com).

9. **Communications.** You may not contact Board members by phone, letter, facsimile, email, 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, Luke Dawson, *see* Section 7 (Prosecution), above, for contact information; or, Toni Bright, the Board's executive Officer, at 515-725-9025.

## **B. LEGAL AUTHORITY AND JURISDICTION**

1. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C, and 543D.

2. **Legal Authority.** If any of the allegations against you are founded, the Board has the authority to impose a civil penalty in an amount not to exceed \$1,000.00 against you under: Iowa Code chapters 17A and 272C; Iowa Code sections 543D.18A(1) and 543D.21(4)(b) and (5); and Iowa Administrative Code rules 193—7.27, 193F—16.1, and 193F—16.2(7).

## **C. STATUTES AND RULES INVOLVED**

### **COUNT I ATTEMPT TO IMPROPERLY INFLUENCE THE DEVELOPMENT, REPORTING, RESULT, OR REVIEW OF A REAL ESTATE APPRAISAL**

Respondent is charged with, as a real estate broker or salesperson or other person with an interest in a real estate transaction or its financing, attempting to improperly influence the development, reporting, result, or review of a real estate appraisal in violation of Iowa Code sections 543D.18A(1) and 543D.21(4)(b), and Iowa Administrative Code rule 193F—16.2(7).

## **D. FACTUAL CIRCUMSTANCES**

1. Respondent is a licensed real estate salesperson in the State of Iowa.<sup>1</sup>
2. Respondent's license is currently "Active" and will next expire on December 31, 2016.
3. During 2014 through 2015, Respondent served as the real estate salesperson for a home and associated land (referred to collectively herein as the "Home") located in Ankeny, Iowa.
4. On or around August 19, 2015, while Respondent was still serving as the real estate salesperson for the Home, and while the then-assigned certified appraiser was in the process of appraising the Home, Respondent contacted said appraiser by email and asked him to "walk away" from the appraisal assignment "if you can't get the value" so "we can get someone who will."
5. In the course of the Board's investigation of the matter, Respondent did not deny she attempted to influence the appraisal result, but instead asserted she was asked to influence the result by a representative of the lender for the Home.

## **E. SETTLEMENT**

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at Iowa Administrative Code rule 193—7.42. If you are interested in pursuing settlement of this matter, please contact Assistant Attorney General, Luke

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Respondent has changed her name since the time her real estate salesperson was last updated. The name under which her real estate salesperson license is currently listed is Julie C. Marsh.

Dawson, *see* Section 7 (Prosecution), above, for contact information.

**F. FINDING OF PROBABLE CAUSE, NOTICE OF  
INTENT TO ISSUE ORDER IMPOSING CIVIL  
PENALTY, AND RESPONDENT'S REQUEST FOR  
HEARING**

The Board found probable cause to file charges on December 15, 2015. That same day, the Board issued a Notice of Board's Intent to Issue Order Imposing Civil Penalty and Respondent's Right to Hearing, attached as Exhibit A, pursuant to Iowa Code sections 543D.18A(1) and 543D.21(4)-(5) evidencing its intent to impose a civil penalty against Respondent in an amount not to exceed \$1,000.00. On January 7, 2016, Respondent requested a hearing in this matter pursuant to Iowa Code section 543D.21 and 193F Iowa Administrative Code 16.5(1).

**This Notice of Hearing and Statement of Charges is Filed and issued**

On the 26<sup>th</sup> day of January, 2016



\_\_\_\_\_  
Toni Bright, Executive Officer  
Iowa Real Estate Appraiser Examining Board  
200 E. Grand, Ste. 350  
Des Moines, IA 50309  
Phone: (515)725-9025  
[Toni.bright@iowa.gov](mailto:Toni.bright@iowa.gov)



4. The public depends on appraisers to maintain independence and to perform appraisal services in a disinterested and impartial manner, as more fully set forth in Iowa Code section 543D.18(1).

5. The Board has authority to impose a civil penalty for a violation of Iowa Code section 543D.18A(1) pursuant to Iowa Code section 543D.21(4)(b).

6. The Board will issue an order imposing a civil penalty in the amount of \$1,000 if Respondent does not timely request a hearing, as provided in Iowa Code section 543D.21(5).

7. Respondent may request a hearing within thirty (30) days of the date this Notice of Intent is mailed through restricted, certified mail, or within thirty (30) days of personal service. A request for hearing must be made in writing to the Board to the attention of Toni Bright, Executive Officer, Iowa Real Estate Appraiser Examining Board, at 200 E. Grand, Ste. 350, Des Moines, IA 50309, and will be deemed made on the date of the United States postmark or the date of personal service. Respondent should consult Board rules at 193F Iowa Admin. Code chapter 16.

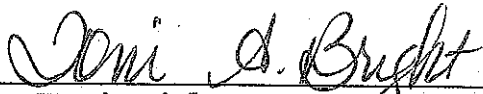
8. If a request for hearing is timely made, a separate notice of hearing shall issue. The Board will conduct a public hearing under the same contested case rules that are applicable to disciplinary cases against certified real estate appraisers. If the Board finds the evidence at hearing establishes the allegations by a preponderance of the evidence, the Board may impose a civil penalty in an amount not to exceed \$1,000.00.

9. If a civil penalty is imposed and not paid within thirty days of entry of the order, the Board shall notify the Attorney General and the Attorney General may

commence an action to recover the amount of the penalty, including reasonable attorney fees and costs. Action to collect a civil penalty may be joined with an action to enjoin Respondent from further violations of Iowa Code chapter 543D. If unpaid after thirty days the Board may also submit the debt to the offset program under Iowa Code section 8A.504.

Issued this 15<sup>th</sup> day of December, 2015.

**The Iowa Real Estate Appraiser Examining Board**



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**By: Toni Bright, Executive Officer**  
Iowa Real Estate Appraiser Examining Board  
200 E. Grand, Ste. 350  
Des Moines, IA 50309  
Phone: 515-725-9025  
Toni.bright@iowa.gov

FILED 3/2/16 (Date)  
IARE Appr. Exam Board  
Board/Commission  
Signature, Executive Officer

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

<p>IN THE MATTER OF:</p> <p>JULIE MOZENA,</p> <p>Respondent.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 15-019</p> <p>CONSENT ORDER</p>
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The Iowa Real Estate Appraiser Examining Board (Board) and Julie Mozena (Respondent) agree to resolve the pending charges, as follows:

1. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 272C, and 543D.
2. On January 26, 2016, the Board charged Respondent, a licensed real estate broker, with attempting to improperly influence the development, reporting, result, or review of a real estate appraisal in violation of Iowa Code sections 543D.18A(1) and 543D.21(4)(b), and 193F IAC 16.2(7).
3. Hearing in this matter is set for March 23, 2016. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to a contested case hearing.
4. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Consent Order. This Consent Order is the final agency action in this contested case, pursuant to Iowa Code section 17A.10, 193 IAC 7.42, and 193F IAC 16.7. Respondent acknowledges she had an opportunity to consult with legal counsel before signing this Consent Order.
5. Respondent agrees the State's counsel may present this Consent Order to the Board and may have ex parte communications with the Board while presenting it.
6. Respondent acknowledges that the Board shall consider this Consent Order in determining the nature and severity of any future sanction to be imposed in the event of any future violations of any statutory provision, administrative rule, or other law enforced or administered by the Board and applicable to Respondent.
7. This Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.
8. Failure to comply with the provisions of this Consent Order shall be grounds for



further action pursuant to Iowa Code section 543D.21(7).

9. This Consent Order is subject to approval of the Board: (a) If the Board fails to approve this Consent 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 Consent Order, it shall fully dispose of all issues in this case.

10. In signing this Consent Order, Respondent neither admits to any of the underlying facts or conduct alleged by the Board in this case, nor does she admit to a violation of any of the underlying statutory provisions or rules charged by the Board in this case.

**IT IS THEREFORE ORDERED:**

**A. Civil Penalty.** Respondent shall pay to the Board a civil penalty of \$850, which, pursuant to Iowa Code section 543D.21(3) shall be deposited in the housing trust fund created in Iowa Code section 16.181.

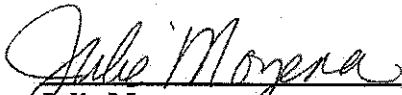
**B. Future Compliance.** Respondent is warned that if in the future she attempts to improperly influence the development, reporting, result, or review of a real estate appraisal, she may be subject to additional and possibly more severe remedies.

**Case No. 15-019**

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser Examining Board**

  
Julie Mozena

  
Gene Nelson, Chair

2/29/2016  
Date

3/2/16  
Date