

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

IN THE MATTER OF:)	
)	
Dale E. Oakland)	CASE NO. 08-14
CR02713)	
Dale Oakland Appraisals)	COMBINED STATEMENT OF CHARGES
103 West Fremont Street)	AND CONSENT ORDER
PO Box 33)	
Brownsdale, MN 55918)	
)	
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.

2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR02713 on November 2, 2005.

3. Certificate No. CR0713 is currently valid and in good standing, and is scheduled to expire on June 30, 2009.

4. The Board received a complaint in May 2008, alleging that an appraisal report completed by Respondent failed to comply with applicable appraisal standards. The Board submitted the appraisal to a Standard Three USPAP review that revealed significant violations of USPAP standards. The Board requested a log and selected two additional appraisals for review. The Standard Three reviews of the additional appraisals also revealed USPAP violations.

5. Following investigation, the Board charges Respondent with:

a. repeatedly failing to adhere to appraisal standards in the development, preparation, and communication of multiple appraisals; failing to exercise reasonable diligence in the development, preparation, and communication of multiple appraisals; and negligence or incompetence in the development, preparation, and communication of multiple appraisals, in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1), (2), and 193F Iowa Administrative Code sections 7.2, 7.3(2)(a), (b), (c), (d), (e), 7.3(5)(d), 7.3(6)(a), 7.3(7)(a), and 7.3(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).

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 his 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. 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.

9. 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 (2007).

10. 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) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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 pre-approved, classroom courses no later than April 30, 2009, providing verification of compliance by May 15, 2009. All courses must be taken in a classroom environment and may be applied to the continuing education Respondent is required to complete as a condition of certificate renewal on or prior to June 30, 2009. Respondent is cautioned, however, that the 15-hour tested USPAP course is not a substitute for the 7-hour USPAP update course required for renewal in active status pursuant to 193F Iowa Administrative Code 11.2(1)(c).

- (1) a 15-hour tested USPAP course;
- (2) a 15-hour course on residential site evaluation and cost approach;
- (3) a 15-hour course on residential sales comparison and income approach;
and,
- (4) a pre-approved classroom course on report writing of at least 7 hours.

B. Probation, Supervision, and Desk Review

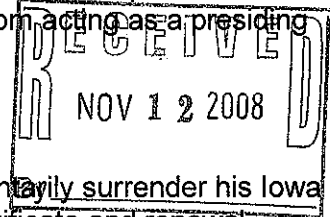
- (1) Respondent's certificate is placed on probationary status until the terms of this Consent Order have been fully complied with, and Respondent has been released from probation by Board order.
- (2) On or before November 15, 2008, Respondent shall either cease his appraisal practice or enter into a supervisory agreement with a certified appraiser. The supervising appraiser's name must be submitted to the Board and approved before the agreement will be accepted.
- (3) Respondent shall submit a copy of the supervisory agreement to the Board no later than December 1, 2008. The agreement may be in letter-form, but Respondent must attach a copy of the Consent Order to assure his supervisor is familiar with the terms of this Order.
- (4) Until such time as Respondent has verified that he has completed all education required by this Consent Order, Respondent shall only perform appraisal services under the direct supervision of his approved supervisor. Respondent shall not submit any appraisal report to a client unless the appraisal assignment was directly supervised by his supervisor and the report is co-signed by his supervisory appraiser.
- (5) During the time period in which Respondent is supervised by his approved supervisor, Respondent shall submit weekly logs to the Board reflecting the date, address, and client of all appraisal assignments. Respondent may email the log to the Board each Monday reflecting the prior week's appraisals.
- (6) After Respondent has verified completion of all education required by this Consent Order, he may resume unsupervised appraisal services, but he shall not supervise trainees or otherwise co-sign appraisal reports. Respondent shall not supervise the work product of an associate or unlicensed appraiser until expressly authorized by Board order.
- (7) Respondent shall continue submitting weekly logs to the Board office. The Board will periodically select appraisals for review by a Board selected desk reviewer. Respondent shall be responsible for paying up to \$150 per desk review, up to a total of six (6) reviewed appraisal reports. All desk review reports will be submitted to Respondent for educational purposes. If the desk reviewer's comments reveal significant USPAP violations that render misleading the previously issued appraisal report, Respondent shall correct and reissue the appraisal report to the client. In the event a report is reissued, Respondent shall disclose the professional assistance of the desk reviewer in the reissued report.
- (8) Respondent shall supply the Board, within 5 days of the Board's e-mailed request, copies of Board identified appraisal reports with complete work files and such additional information as may be needed to verify the factual accuracy of the reports.
- (9) Respondent may apply for release from probation after a minimum of six appraisal reports have been desk reviewed. If the desk review comments do not reveal significant USPAP violations and Respondent has fully complied with this

Consent Order, the Board shall release Respondent from probation. If the desk 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. The Board intends the reviews to be educational and shall accordingly give most weight to the latter reviews.

- (10) Within 20 days after Respondent's receipt of 6 desk review reports, he shall apply for release from desk review, cease his appraisal practice, or request the Board to extend the number of desk reviews to be performed under this Consent Order. It is the Board's intent that the desk review process be educational. If, however, Respondent's reports continue to reflect significant USPAP violations after 6 reviews, the Board may extend the desk review process or, depending on the nature of the continued violations, require Respondent to resume a supervisory relationship. The Board retains the discretion to order alternative relief as may be warranted in the circumstances.
- (11) This settlement shall not preclude the Board from filing additional changes if the Board receives a complaint or if any of the appraisals developed under this consent Order demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports, appraisals, and work files in the board's monitoring of Respondent's probation shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.

C. Voluntary Surrender, as an Alternative

As an alternative to Paragraphs A and B, Respondent may voluntarily surrender his Iowa residential real estate appraiser certificate by submitting the certificate and renewal cards to the Board office on or before November 15, 2008. In the event Respondent elects to reapply for the reinstatement of his Iowa certificate in the future, he may do so, but shall agree to the terms set forth in Paragraphs A and B as a pre-condition for reinstatement.



AGREED AND ACCEPTED:

The Respondent

[Redacted signature]

Dale E. Oakland

Date

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted signature]

Michael Lara, Chair

Date

12/17/08