

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

IN THE MATTER OF:)	
William H. Ogle)	CASE NO. 01-39
)	
CERTIFICATE NO. CR01884)	STATEMENT OF CHARGES
)	
RESPONDENT)	

COMES NOW, the Complainant, Susan A. Griffel, and states:

1. She is the Executive Secretary of the Iowa Real Estate Appraiser Examining Board and files this Statement of Charges solely in her official capacity.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 543D, 272C(2001).
3. On August 28, 1995, William H. Ogle, the Respondent, was issued an Iowa Real Estate Appraiser Certificate by the Board.
4. The Certificate No. CR01884 is valid.

COUNT I

The Respondent is charged with knowingly making a false statement on his 1999 renewal application when asked if he had been subject to any disciplinary action by any state board or similar licensing body, a government agency before which he practiced, he answered "no" in violation of Iowa Code section 543D.17(1)(a)(1999 and 2001), and 193F IAC 7.1(1).

COUNT II

The Respondent is charged with violations of the Uniform Standards of Professional Appraisal Practice (USPAP) in connection with the development of a real estate appraisal pursuant to Iowa Code sections 543D.17(1)(d)(e)(g) and 543D.18(1)(2001) and Iowa Administrative Code 193F-7.1(3)(c) and 193F-7.1(5).

CIRCUMSTANCES

1. The Respondent filed his Iowa appraiser renewal in June of 1999, submitting false information when asked if he had been subject to disciplinary action by any state board or similar licensing body, a government agency before which he practiced, or any professional organization of which he was a member. The Respondent checked the "no" box on the renewal application. The respondent's Minnesota appraiser license was disciplined by Consent Order, signed and dated 4/28/99.

2. The Respondent prepared and communicated an appraisal for real property identified as 322 West 1st Street, Sioux City, IA. 51103, dated September 13, 2001.

3. The above appraisal was prepared and communicated after the Respondent was issued an Iowa Certified Residential Real Property Appraiser Certificate No. CR01884.

4. The 322 West 1st Street, Sioux City, IA report contains deficiencies including, but not limited to the following;

a. Failure to understand, and correctly employ recognized methods and techniques necessary to produce a credible appraisal.

[1-1(a)]

b. Failure to clearly and accurately set forth the appraisal in a manner that will not be misleading [2-1(a)]

c. Failure to include sufficient information to enable the person(s) who are expected to receive or rely on the report to understand it properly [2-1(b) (vii)].

d. Failure to report on the extent of the process of collecting, confirming and reporting data [1-2(a) and 2-2(b)(vi)].

e. Failure to adequately identify and report the site description [1-2(a) and 2-2(b)(I)].

f. Failure to develop an opinion of highest and best use of the real estate when value opinion is a market value [1-3 (b)]

g. Failure to adequately identify and describe improvements [1-2(a) and 2-2(I)]

- h. Failure to adequately identify and report the physical, functional and external market factors as they may affect the appraisal [1-4(g) and 2-2(viii)]
 - i. Failure to analyze comparable data to estimate depreciation applicable to subject property in cost approach [1-4(b)(iii)]
 - j. Failure to collect, verify, and reconcile comparable sales, adequately identified and described [1-4(b)(iii) and 2-2(b)(viii)]
 - k. Failure to analyze income data to estimate value when property is income producing property [1-4(c)(i-iv)]
 - l. Failure to disclose names of individuals providing significant assistance in preparing appraisal [2-2(b)(vii)]
5. Respondent violated the USPAP Ethics Rule by falsely reporting comparable sales when no credible evidence exists that sales had actually transpired.

WHEREAS, the Complainant prays that a hearing be held in this matter and that the Board take such action as it deems appropriate under the law.


Susan A. Griffel, Executive Officer
Complainant

On this 24th day of January, 2002, the Iowa Real Estate Appraisal Examining Board found probable cause to file this complaint and to order a hearing in this case.


Sharon L. Chism, Chair
Iowa Real Estate Appraiser Examining Board

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

IN THE MATTER OF:
WILLIAM H. OGLE

CERTIFICATE NO. CR01884
Respondent.

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Case No. 01-39

CONSENT ORDER

The Iowa Real Estate Appraiser Examining Board (Board) and William H. Ogle (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2001) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2001).

2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01884 on August 28, 1995.

3. On January 25, 2002, the Board issued a Notice of Hearing and Statement of Charges, alleging in two counts that Respondent:

a. knowingly made a false statement on his 1999 renewal application when he stated that he had not been disciplined, when he had been disciplined in Minnesota, in violation of Iowa Code section 543D.17(1)(a) (1999 and 2001), and 193F IAC 7.1(1).

b. violated the Uniform Standards of Professional Appraisal Practice in connection with the development of a real estate appraisal, in violation of Iowa Code sections 543D.17(1)(d), (e) and (g) and 543D.18(1) (2001) and 193F IAC 7.1(3)(c) and 7.1(5).

4. 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.

5. 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.

6. 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.

7. 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 (2001).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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. Civil Penalty

Respondent is assessed a civil penalty in the amount of \$1,000, \$250 of which is due on or before May 1, 2002. The remaining \$750 must be paid as a condition of reinstatement in the event Respondent should seek to reinstate his certificate.

C. Reinstatement

Any application to reinstate must satisfy the requirements of 193 IAC 7.38. In the event reinstatement is ordered, Respondent must perform all appraisal assignments under the supervision of a certified real estate appraiser, pre-approved by the Board, for a probationary period of at least six months. During the probationary period Respondent may not be solely responsible for or sign on a solo basis any appraisal

assignment in Iowa. He may co-sign reports under the supervision of the approved co-signor. Copies of all appraisal assignments completed during the probationary period must be supplied to the Board within 10 days of issuance to the client. Respondent may apply to the board for release from supervised probation after six months. The Board will determine at that time whether a condition of release from supervised probation should be a desk review process. The Board may, in a reinstatement order or order involving probation, impose such additional requirements as are deemed necessary to protect the public interest.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

William H. Ogle

2-25-02

Date

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

By: Sharon L. Chism, Chair

April 3, 2002

Date