

FILED 2/12/10 (Date)

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

RECEIVED  
Board of Examiners Board

Signature, Executive Officer

IN THE MATTER OF: )

John Ohlsen )  
CR02647 )

RESPONDENT )

CASE NO. 09-05, 09-45

COMBINED STATEMENT OF  
CHARGES AND CONSENT ORDER

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 (2009).

2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR02647 on January 12, 2005.

3. Certificate No. CR02647 is currently valid and in good standing, and is scheduled to expire on June 30, 2011.

4. The Board has received two complaints against Respondent, one in January 2009 and one in July 2009. The Board submitted the appraisal at issue in the first complaint to a Standard Three USPAP review. The review revealed significant violations of USPAP standards. Two additional appraisals were selected from Respondent's log. The Standard Three reviews of the additional appraisals also revealed USPAP violations, especially related to appraisal methodology and reporting standards.

5. Following investigation, the Board charges Respondent with: (a) repeated failure to adhere to appraisal standards in the development and communication of appraisals; (b) failure to exercise reasonable diligence in the development, preparation and communication of appraisals; and (c) demonstrating 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) (2009), and 193F Iowa Admin. Code 7.2, 7.3(2)(c), (d), 7.3(6)(a), and 7.3(7)(a).

6. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

7. The Respondent denies the allegations, but does agree to comply with the Consent Order to resolve disputed matters.

## **B. Settlement Agreement and Consent Order**

8. 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 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.

9. 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.

10. 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.

11. 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 (2009).

12. 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) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

13. 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 educational courses by May 15, 2010, and shall forward certificates of completion to the Board within 10 calendar days of completion. All education may be counted toward the continuing education required for certificate renewal, but Respondent is cautioned that the 15-hour tested USPAP course is not a substitute for the required 7-hour USPAP update course. The report writing course listed below will satisfy the report writing class requirement for the 2011 renewal if completed prior to July 1, 2010. All classes must be completed in a classroom environment, and the classes listed in (2) – (4) below must be the AQB approved courses for qualifying education certification.

- (1) a 15-hour tested USPAP course;

- (2) a 30-hour education course on residential sales comparison and income approach;
- (3) a 15-hour education course on appraiser site valuation and cost approach; and,
- (4) a 15-hour education course on residential report writing and case studies.

**B. Desk Review**

- (1) Respondent's certificate is subject to desk review and the terms of this consent order until released by Board order.
- (2) The dates set forth above provide the deadlines within which education must be completed. Respondent is free to escalate the time frames by completing the education earlier than the deadlines.
- (3) Until released from desk review, Respondent shall submit a monthly log of all appraisals he has completed, providing a written log by the 10<sup>th</sup> of each month for the preceding month.
- (4) After receiving copies of the course completion certificates of all the required education, the Board shall select two reports from the Respondent's log. The Board will communicate the request to the Respondent, who shall provide the name of a reviewing appraiser. The Respondent shall also provide the Board five copies of the appraisals and associated work files.
- (5) The reviewing appraiser shall be selected by the Respondent with the condition that the reviewing appraiser not have been an appraiser the Respondent has worked with or been supervised by in the past, and must be pre-approved by the Board. The reviewing appraiser shall complete a comprehensive Standard Three review for each appraisal. The review shall be for facial compliance with USPAP. The reviewer will not perform inspections or warrant the accuracy of Respondent's work product, but will review work papers, calculations and any other documents reasonably needed. Along with appraisal reports and work files, Respondent shall provide the reviewing appraiser copies of all documents verifying the accuracy of factual representations in each appraisal. Information requested may include documentation of paired sales analysis, documentation of support for site values, and the like. All costs associated with desk review are the responsibility of the Respondent.
- (6) The reviewer shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments to the Board and the Respondent.
- (7) Upon Respondent's request to be released from desk review, the Board shall enter an order indicating Respondent's compliance with this Consent Order and release

from desk review if the desk review comments and appraisals do not reveal significant USPAP violations and Respondent has complied with all terms of this Consent Order.

- (8) If the desk review comments and/or appraisals reveal significant USPAP violations, the Board shall defer final ruling on Respondent's request and may 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 terms.
- (9) If Respondent has not applied for release from desk review within a reasonable time following the completion of the two desk reviews provided in this Consent Order, the Board may request that Respondent meet with the Board's Disciplinary Committee for a status conference and plan for the future. Any violation of the terms of the Consent Order may result in additional charges against the Respondent.
- (10) This settlement shall not preclude the Board from filing additional charges if one or more of the appraisals submitted for desk review demonstrate probable cause to take such an action. Respondent agrees Board review of desk review reports or appraisals subject to desk review shall not constitute "personal investigation" or otherwise disqualify a Board member from acting as a presiding officer in any subsequent contested case.
- (11) Until released from desk review, Respondent agrees he shall not act as a review appraiser and shall not co-sign appraisals with an associate appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser Examining Board**



**John Ohlsen**

01/04/2010

**Date**



**Michael Lara, Chair**

2/12/10

**Date**

FILED 6/16/10 (Date)

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD *IA RE Appr Board / Commercial Ex. Board*



Signature, Executive Officer

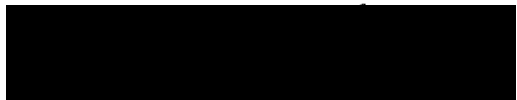
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<b>IN THE MATTER OF:</b>	)	<b>Case No. 09-05; 09-45</b>
	)	
<b>JOHN OHLSEN</b>	)	<b>RELEASE OF PROBATION IN</b>
<b>Respondent</b>	)	<b>A DISCIPLINARY CASE</b>

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The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his probation and should be released. The Board voted unanimously to release probation on June 16, 2010.

IT IS THEREFORE ORDERED that the Respondent's probation is released.

  
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