

FILED 4/20/15 (Date)

IA RE Appr Exam
Board/Commission Board
Toni A. Bright
Signature, Executive Officer

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:)	Case No. 13-29
)	
Julie Owen)	RELEASE OF CONSENT
CR01617)	ORDER
Respondent)	

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with the terms of her consent order and should be released. The Board voted unanimously to release Respondent from on April 20, 2015.

IT IS THEREFORE ORDERED that the Respondent is released.

Toni A. Bright
Toni A Bright, Executive Officer
Iowa Real Estate Appraiser Examining Board
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Des Moines, IA 50309
Email: toni.bright@iowa.gov

Department of Commerce
Professional Licensing Bureau
FILED 6/5/14 (Date)
IAR E O app Ex Board
Board / Commission
Joni Albright
Signature, Executive Officer

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

IN THE MATTER OF:)	
)	
)	CASE NO. 13-29
Julie Owen)	
CR01617)	COMBINED STATEMENT OF
)	CHARGES AND CONSENT ORDER
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 (2013).
2. Respondent is a certified residential real estate appraiser in Iowa. She was issued Certificate No. CR01617 on January 26, 1993.
3. Certificate No. CR01617 is currently valid and in good standing, and is scheduled to expire on June 30, 2015.
4. The Board received a complaint alleging that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP"). The Board submitted the appraisal to peer review. The peer reviewer identified a number of USPAP violations and also concluded Respondent failed to exercise reasonable diligence in the development and reporting of the appraisal. The Board requested two additional appraisals from Respondent's log and submitted these appraisals to peer review. The Standard Three reviews of all three appraisals identified USPAP violations and a consistent pattern of lack of reasonable diligence.
5. The Board charges Respondent with failure to comply with USPAP, negligence, and failure to exercise reasonable diligence in the development and reporting of appraisals in violation of Iowa Code sections 543D.17(1)(d), (e), and (f), and 543D.18(1), and 193F IAC 7.2 and 7.3(2)(c), (6)(a), and (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. This is Respondent's second disciplinary proceeding.

B. Settlement Agreement and Consent Order

7. 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. Respondent acknowledges Respondent had the opportunity to consult with legal counsel before signing this Consent Order.

8. 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.

9. 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.

10. 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 (2013).

11. 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) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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 tested, Appraisal Qualifications Board approved qualifying courses no later than October 1, 2014 and shall provide documentation of successful completion no later than October 15, 2014. The education may be taken online and may be counted toward the continuing education required for renewal. Respondent is cautioned, however, that the USPAP course described below will not satisfy the mandatory 7-hour update USPAP course required for renewal.

1. 15-hour USPAP course,
2. 15-hour Residential report writing and case studies.

B. Mentor. Respondent shall select a mentor of her choosing and shall identify her mentor to the Board within 30 days of the date this Consent Order is signed by all parties. Respondent shall at a minimum meet with the mentor and review the Standard Three reviews described in paragraph 4 prior to taking the education described in Paragraph A. Respondent and her selected mentor shall provide a written statement to the Board no later than August 1, 2014, outlining steps they have taken in the mentor relationship to enhance Respondent's understanding of USPAP and proper appraisal methodology.

C. Logs and Follow-up Reviews.

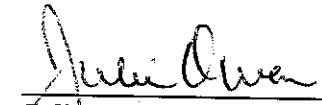
1. Until released from this Consent Order, Respondent shall provide the Board monthly logs on the 10th day of each month for the prior month.
2. Approximately 90 days after Respondent has completed the education, the Board shall select two appraisals for review from Respondent's logs which were completed after the education was completed.
3. The Board will retain a certified appraiser to complete Standard Three reviews on the appraisals selected for review. The Respondent shall provide the Board, within 10 days of request, five copies of the appraisals and associated work files, and the sum of \$400 to be paid by the Board to the retained appraiser.
4. 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. The reviewer may request additional information, if needed, such as documentation of paired sales analysis, documentation of support for adjustments, a narrative discussion of how the neighborhood was selected, how the market conditions data is consistent with the neighborhood, and the like. Respondent shall cooperate with the requests of the reviewer. The costs associated with desk review are the responsibility of the Respondent, but are capped at the amounts noted in paragraph 3.
5. 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.
6. At the next meeting following the Board's receipt of the two review appraisals, the Board shall enter an order indicating Respondent's full compliance with this Consent Order, or, if the desk review comments and appraisals reveal significant USPAP violations, the Board shall defer final ruling 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.
7. Respondent shall not supervise an associate appraiser or otherwise co-sign another appraiser's work as a supervisor until Respondent has complied all terms of the Consent Order.
8. This Order 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.

CASE NO. 13-29

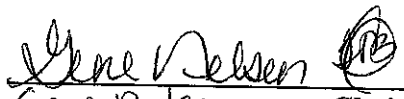
AGREED AND ACCEPTED:

The Respondent

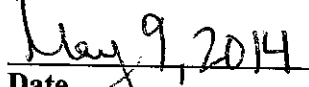
The Iowa Real Estate Appraiser Examining Board



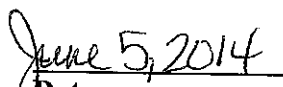
Julie Owen



Gene Nelson, Chair



Date



Date