

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

IN THE MATTER OF:)

Rodney A. Plagman)
CG01639)
Appraisal & Consulting Service)
110 Scott Street)
Storm Lake, Iowa 50588)

CASE NO. 07-11

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 (2003 - 2007).
2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01639 on March 10, 1993.
3. Certificate No. CG01639 is currently valid and in good standing, and is scheduled to expire on June 30, 2009.
4. In December 2006, the Board received from the Iowa Attorney General's office a listing of all Iowa appraisals performed for Ameriquest over a four year period. The Attorney General had acquired the list in connection with its investigation of and subsequent settlement with Ameriquest on matters including appraisal practices.
5. The Board selected three reports at random and subjected them to Standard Three reviews. The reviewer identified multiple, serious USPAP violations in each appraisal.
6. Respondent was also requested to submit to the Board two more recent samples of his own solo work product. The Board subjected these appraisals to Standard Three reviews. The Standard Three reviews of the additional appraisals also revealed USPAP violations, particularly of reporting standards.
7. 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) (2003 - 2007), and 193F Iowa Admin. Code 7.2(2) and (5).
8. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.
9. The Respondent does not admit all allegations, but does agree to comply with the Consent Order to resolve disputed matters.

B. Settlement Agreement and Consent Order

10. 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.

11. 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.

12. 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.

13. 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 (2005).

14. 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) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

15. 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 January 1, 2008, and shall forward certificates of completion to the Board within 10 calendar days of completion:

- (1) a 15-hour tested USPAP course;
- (2) a 30-hour course on residential sales comparison and income approach;
- (3) a 15-hour course on appraiser site valuation and cost approach; and,
- (3) a pre-approved classroom course on narrative report writing of at least 7 hours.

B. Probation 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 1, 2007, Respondent shall enter into a desk review consultation agreement with a desk review appraiser pre-approved by the Board.
- (3) Respondent shall submit a copy of the consultation agreement to the Board no later than November 15, 2007. The agreement may be in letter-form, but shall attach a copy of the Consent Order to assure the desk reviewer is familiar with the terms of this Order.
- (4) By February 15, 2008, Respondent shall submit a total of six appraisal reports to his pre-approved desk reviewer. Respondent may select which appraisal reports he will subject to desk review. The Board suggests that Respondent submit two reports shortly following the completion of education and four additional reports after making any adjustments suggested by the desk reviewer.
- (5) By March 1, 2008, Respondent shall submit to the Board, a copy of the appraisal reports as he submitted them to desk review, a copy of the desk reviewer's review reports, work files on all submitted appraisals, and a copy of any reissued appraisal report.
- (6) For as long as Respondent is on probationary status, he shall submit a monthly log of all appraisals he has completed, providing a written log by the 10th of each month for the preceding month.
- (7) The reviewing appraiser shall perform a Standard Three desk review of each appraisal report submitted by Respondent. 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 draft appraisal.
- (8) The reviewer shall prepare written comments on each appraisal's compliance with USPAP, and shall provide copies of the written comments both to the Board and to Respondent. 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.
- (9) If the desk review comments and appraisals do not reveal significant USPAP violations and Respondent has complied with all terms of this Consent Order, the Board shall release Respondent from probation. The Board intends the reviews to be educational and shall accordingly give most weight to the latter reviews.
- (10) 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.

- (11) Respondent may not change desk reviewers without prior written approval by the Board.
- (12) This settlement shall not preclude the Board from filing additional changes if one or more of the appraisals submitted for desk review demonstrate probable cause to take such an action on an appraisal that was issued to the public. 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.
- (13) Until released from the desk review process, Respondent agrees he shall not act as a review appraiser and shall not co-sign appraisals with any other associate or certified appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.
- (14) The dates set forth above provide the deadlines within which education and desk review must be completed. Respondent is free to escalate the time frames by completing the education and desk review earlier than the deadlines. However, at least four of the desk reviews must be completed after Respondent completes all required education.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Rodney A. Plagman

10/23/2007

Date

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

Michael Lara, Chair

11/7/07

Date

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

IN THE MATTER OF:

Case No. 07-11


**RODNEY A. PLAGMAN
CG01639
Appraisal & Consulting Service
110 Scott Street
Storm Lake, Iowa 50588**

**ORDER RELEASING RESPONDENT FROM
PROBATION AND CLOSING CASE**

RESPONDENT

Now on this 29th day of April, 2009, the Iowa Real Estate Appraiser Examining Board ("Board") having reviewed the Consent Order and Respondent's compliance with the terms thereof, FINDS that Rodney A. Plagman has fully and satisfactorily complied with the terms of the Consent Order, and should be released from probation.

IT IS THEREFORE ORDERED Respondent is released from probation.


Michael Lara, Board Chair

Copies to:

Assistant Attorney General Pam Griebel
Rodney Plagman

BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

IN THE MATTER OF:)	Case No. 07-11
)	
Rodney Plagman)	RELEASE OF PROBATION IN
Respondent)	A DISCIPLINARY CASE

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files along with the recommendations of the Respondent's desk reviewer, finds that Respondent has fully complied with all terms of his probation and should be released. The Board voted unanimously to release probation on April 29, 2009.

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

Toni A Bright, Executive Director
Iowa Real Estate Appraiser Examining Board
1920 SE Hulsizer Road
Ankeny, IA 50021
Email: toni.bright@iowa.gov

Signed & sent 5/12/09

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