

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

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<b>IN THE MATTER OF:</b>	)	
	)	<b>CASE NO. 07-07</b>
<b>Monica Torre-Ricker</b>	)	
<b>CR01739</b>	)	<b>CONSENT ORDER</b>
	)	
<b>Respondent.</b>	)	
	)	

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The Iowa Real Estate Appraiser Examining Board (Board) and Monica Torre-Ricker (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2007) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2007).

2. Respondent was issued Iowa certified residential real estate appraiser certificate number CR01739 on April 15, 1994. The certificate is currently active and will next expire on June 30, 2009.

3. The Board filed its Notice of Hearing and Statement of Charges in August 2007. Hearing is currently set for November 7, 2007.

4. The Board charged Respondent with:

(a) Repeated failure to adhere to appraisal standards in the development and communication of appraisals;

(b) Repeated failure to exercise reasonable diligence in the development, preparation and communication of appraisals;

(c) Repeated negligence or incompetence in the development, preparation and communication of appraisals;

(d) Repeated failure to properly supervise associate appraisers;

(e) Engaging in unethical and deceptive practices that are harmful or detrimental to the public interest; and,

(f) Engaging in a pattern of behavior over multiple years that demonstrate a lack of qualification to assure the residents of Iowa a high standard of professional care, in violation of Iowa Code sections 272C.3(2)(b), 272C.10(2), (3), and (8), and 543D.17(1)(d), (e), (f), and (g) (2001, 2003, 2005, 2007); and 193F Iowa Administrative Code 7.2(2), (5), and (8).

5. Respondent has a right to a hearing on the disciplinary charges, but waives her right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Order is the final agency order in the contested case.

6. 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.

7. 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.

8. This Order and the Notice of Hearing and Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2007).

9. Failure to comply with the provisions of this Order shall be grounds for 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.

10. 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; and (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

**IT IS THEREFORE ORDERED:**

**A. Reprimand.** Respondent is reprimanded for repeatedly failing to adhere to applicable appraisal standards and, in particular, for failing to properly supervise associate appraisers and practicing outside the geographical area in which she and her associate appraisers were competent to perform.

**B. Civil Penalty.** Respondent shall pay a civil penalty of \$1,000.00 to the Board office within 30 days of the date this Consent Order is signed by all parties.

**C. Permanent Practice Restriction.** Respondent is permanently prohibited from supervising associate appraisers or otherwise signing or certifying appraisal assignments in a supervisory capacity or as a co-signor. No further action will be taken

by the Board against Respondent in regard to similar complaints of her supervisory appraisals of the Wennerstroms.

**D. Suspension.** Respondent's certificate as a certified residential real estate appraiser shall be suspended for a period of six (6) months.

1. The Board shall stay three (3) months of the suspension in light of the amount of time elapsed from the date of the last known violation (March 2004), Respondent's voluntary decision to cease performing as a supervisory appraiser in 2004, the fact that this is Respondent's first disciplinary action before the Board, and the quality of Respondent's more recent solo work product. Should Respondent violate this order, however, the Board, after notice and opportunity for hearing, may impose the remaining three months suspension in addition to any further remedy the violation may warrant.

2. The suspension shall start December 15, 2007 and shall terminate March 15, 2008. Respondent is not required to file an application pursuant to 193 Iowa Administrative Code 7.38 and 193F Iowa Administrative Code 8.17

3. Respondent shall notify her clients of the suspension as provided in 193 Iowa Admin. Code 7.30(3) and shall provide the Board proof of such notification no later than December 15, 2007.

**E. Probation.** Upon the termination of Respondent's suspension, Respondent's certificate shall be on probationary status for a period of one year until March 15, 2009.

1. During the probationary period Respondent shall provide the Board office monthly logs of her appraisal practice (in chronological order), including the following information:

- a. Date of inspection and date report signed
- b. Property address
- c. Client for whom appraisal completed
- d. Respondent's estimated value

2. The monthly log is due by the 10th day of each subsequent month (e.g. appraisals completed in March shall be reported by April 10).

3. Within ten (10) days of the Board's written request by mail, fax or email, Respondent shall supply the Board office with any requested appraisal reports with associated work files.

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4. The Board shall release Respondent from probationary status at the conclusion of one year unless (a) the Board receives a credible complaint concerning Respondent's appraisal practice from and after the date of this Consent Order, (b) Respondent violates this Consent Order, or (c) one or more of the appraisals reviewed during the probationary period reveal significant USPAP concerns. If such grounds exist, Respondent shall be notified and shall be given an opportunity to explain her work product. Any Board decision to delay the termination of the probationary period shall be subject to notice and opportunity for hearing, unless entered by the agreement of the parties.

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser Examining Board**

  
Monica Torre-Ricker

  
Michael Lara, Chair

11/6/07  
Date

11/7/07  
Date