

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

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IN THE MATTER OF:	)	
	)	
DONALD M. ULM	)	CASE NO. 98-18
	)	
Certificate Number CR01835	)	CONSENT ORDER
	)	
RESPONDENT	)	

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The Iowa Real Estate Appraiser Examining Board (Board) and Donald M. Ulm (Respondent) enter into this Settlement Agreement and Consent Order (Order) pursuant to Iowa Code sections 17A.10(1999) and 193F IAC 8.6:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (1999).
2. The Board's Statement of Charges against the Respondent will be filed with the Consent Order.
3. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following contested case hearing.
4. 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.
5. 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.
6. 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 (1999).
7. Failure to comply with the provisions of this Order shall be considered prima facie evidence of a violation of Iowa Code section 543D.17(1) (1999), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (1999). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
8. This Agreement is subject to approval of the Board. If the Board fails to approve this Agreement, 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. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

9. The Respondent shall complete the following educational courses, all of which may be counted toward the continuing education requirement for certification of renewal:

- (a) Fifteen (15) tested hours of USPAP
- (b) A minimum of thirty (30) tested hours covering the income approach, sales comparison approach, and the cost approach.

10. The Respondent shall, within sixty days from the date this Consent Order is signed, submit an educational plan to the Board for course approval.

11. The course work shall be completed by June 30, 2001. Documentation of education shall be submitted within ten days of completion.

12. Respondent shall develop a desk review consultation agreement with an Iowa certified general real estate appraiser in good standing and pre-approved by the Board on the following terms and conditions:

- (a) After the date this order is accepted by Respondent and the Board, Respondent shall submit all appraisals for prerelease desk review until this condition is removed upon Respondent's petition to the Board. Required desk review does not apply to single family residential appraisals.
- (b) An executed copy of the desk review consultation agreement shall be submitted to and approved by the Board prior to implementing the desk review order. The terms of this document shall be incorporated within or attached to the desk review consultation agreement to ensure the reviewer's familiarity with the required terms of the desk review process.
- (c) The review appraiser shall perform a desk review of each appraisal before the final appraisal is signed, certified and submitted to the client. The review shall be for facial compliance with the Uniform Standards of Professional Appraisal Practice. The reviewer is not expected to perform field work or warrant the accuracy of Respondent's work product. The reviewer should review field notes, working files and such other documents as reasonably needed to assess the Respondent's use of acceptable appraisal methodology.
- (d) The reviewer shall prepare written comments on each appraisal reviewed. The reviewer's recommended revisions or corrections, if any, shall be incorporated into each appraisal prior to the release to the client. A copy of the reviewer's written comments shall be submitted to the Board directly from the reviewer at the same time they are submitted to Respondent. The comments do not need to be received by the Board prior to the release of the appraisal. The

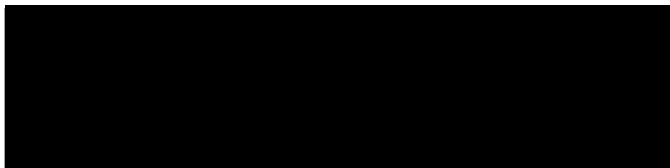
Respondent shall provide the Board copies of the appraisal as initially submitted to the reviewer and as finally released to the client within 15 days of a Board request for such documents. The Respondent shall highlight any changes between the initial draft and the final appraisal before sending these documents to the Board.

- (e) Consistent with USPAP, appraisals subject to desk review must disclose any significant professional input by the desk reviewer.
- (f) Once five (5) appraisals have been reviewed, the Respondent may petition the Board in writing for release from prerelease review. The Board shall release Respondent from the desk review requirement if the review comments and appraisals do not reveal significant deviations from minimum appraisal standards. If significant deviations from minimum appraisal standards are found, the review process shall continue until further order of the Board. Respondent may petition the Board in writing for release from desk review after an additional three (3) appraisals are reviewed. The Board's review of appraisals, desk review comments and related documents in connection with this order shall not constitute "personal investigation" under 1998 Iowa Acts, ch.1202.

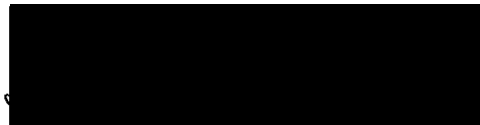
13. This complaint shall not preclude the Board from filing disciplinary charges if one or more of the appraisals subject to desk review demonstrate probable cause to take such action, although due consideration will be given to the educational component of the desk review process and the risk of potential harm to the public.

14. If the Respondent decides not to perform appraisals other than single family appraisals, the Respondent shall notify the Board and this section of the Order shall not be required. However, Respondent's authorization to perform commercial real estate appraisals in Iowa in the future shall be contingent on Respondent's compliance with the terms set forth herein, and any violation of this provision may provide grounds for disciplinary action.

**AGREED AND ACCEPTED:**



Donald M. Ulm  
Respondent



Gary Johnson, Chair  
Iowa Real Estate Appraiser Examining Board

August 8 1999  
Date

8-24-99  
Date