

Department of Commerce
Professional Licensing Bureau
FILED 3/31/10 (Date)
Iowa Real Estate Appr. Ex. Board.
Board / Commission

Signature, Executive Officer

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

**IN THE MATTER OF:
Orville T. Vincent
CR02528**

Case No. 10-05

Respondent.

**Voluntary Surrender to Conclude
Disciplinary Case**

The Iowa Real Estate Appraiser Examining Board ("Board") and Orville T. Vincent ("Respondent") have agreed to the issuance of the following order to resolve the pending disciplinary proceeding, as follows:

1. The Board issued a Notice of Hearing on February 15, 2010 charging Respondent with failure to comply with a disciplinary order in violation of Iowa Code section 272C.3(2)(a) (2009) and 193F IAC 7.3(10).
2. Respondent initially consented to a disciplinary order in Case No. 08-04. Following Respondent's failure to comply with the consent order, he was charged in Case No. 09-30 for failure to comply with an order of the Board imposing discipline.
3. On July 24, 2009, the Board issued its Findings of Fact, Conclusions of Law, Decision and Order requiring Respondent to complete the following education by December 1, 2009: a 15-hour tested AQB qualifying course entitled, "Residential Site Valuation and Cost Approach," a 30-hour tested AQB qualifying course entitled, "Residential Sales Comparison and Income Approach," and a 7-hour report writing course. None of these courses are allowed to apply to the continuing education required for certification renewal. Respondent has failed to complete these courses as ordered.
4. Within 2 months of July 24, 2009, the Order provides the Board will select 2 appraisals for review by a pre-approved desk reviewer. Respondent has failed to identify a desk reviewer for approval.
5. By December 1, 2009, the Order provides that the Board will select 4 additional appraisals for review by a pre-approved desk reviewer. Lacking a desk reviewer and failing to complete education, Respondent has failed to complete the Board's Order.
6. Hearing is currently set for March 31, 2010.
7. Respondent reports that he has not been practicing real estate appraising in the state of Iowa and that he wishes to voluntarily surrender his Iowa certificate rather than proceed to hearing.

8. 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.

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 Voluntary Surrender 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 that Respondent's Iowa residential real estate appraiser certificate is deemed voluntarily surrendered effective the date this Order is signed by all parties. Respondent agrees he shall not in the future apply to reinstatement his certificate.

AGREED AND ACCEPTED:

The Respondent

The Iowa Real Estate Appraiser Examining Board



Orville T. Vincent



Michael Lara, Chair

3-17-2010
Date

3/31/10
Date