

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

IN THE MATTER OF: )

Gail A. Widmann )  
CR02168 )

RESPONDENT )

CASE NO. 09-13

CONSENT ORDER

Department of Commerce  
Professional Licensing Bureau

FILED 11-17-09 (Date)  
IA Real Est Appr Ex Board  
Board / Commission

Signature, Executive Officer

The Iowa Real Estate Appraiser Examining Board and Gail A. Widmann (Respondent) agree to resolve the Board's pending charges, as follows:

1. The Iowa Real Estate Appraiser Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543D (2009).
2. Respondent is a certified residential real estate appraiser in Iowa. She was issued Certificate No. CR02168 on February 11, 2000.
3. Certificate No. CR02168 is currently valid and in good standing, and is scheduled to expire on June 30, 2010.
4. In February 2009, the Board received a complaint alleging that an appraisal report completed by Respondent failed to accurately reflect the value of subject property. The Board submitted the appraisal to a Standard Three USPAP review. While the alleged devaluation was not supported in the review, the review did reveal significant violations of USPAP standards. The Board requested a log and selected two additional appraisals for review. The Standard Three reviews of the additional appraisals also revealed USPAP violations, especially related to appraisal methodology and reporting standards.
5. On September 24, 2009, the Board charged 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) (2009), and 193F Iowa Admin. Code 7.2, 7.3(2)(c), (d), 7.3(6)(a), and 7.3(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.
7. The Respondent does not admit all allegations, but does agree to comply with the Consent Order to resolve disputed matters.

8. Respondent has a right to a hearing on the charges, but waives her 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 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 (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:**

### **A. Education**

Respondent shall complete the following educational courses by June 30, 2010, and shall forward certificates of completion to the Board within 10 calendar days of completion. All education may be counted toward the continuing education required for certificate renewal, but Respondent is cautioned that the 15-hour tested USPAP course is not a substitute for the required 7-hour USPAP update course. The report writing course listed below will satisfy the report writing class requirement for the 2010 renewal if completed prior to July 1, 2010. All classes must be completed in a classroom environment, and the classes listed in (2) – (4) below must be the approved courses for qualifying education certification.

(1) a 15-hour tested USPAP course;

2. a 30-hour education course on residential sales comparison and income approach;

(3) a 15-hour education course on appraiser site valuation and cost approach; and,

(4) a 15-hour education course on residential report writing and case studies.

### **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. The dates set forth above provide the deadlines within which education must be completed. Respondent is free to escalate the time frames by completing the education earlier than the deadlines.
3. For as long as Respondent is on probationary status, she shall submit a monthly log of all appraisals she has completed, providing a written log by the 10<sup>th</sup> of each month for the preceding month.
4. After receiving copies of the course completion certificates of all the required education, the Board shall select two reports from the Respondent's log. Only those appraisals performed after Respondent has completed the education requirements contemplated by this Consent Order shall be eligible for the reviews to be performed under this section. The Board will communicate the request to the Respondent, who shall provide the name of a reviewing appraiser. The Respondent shall also provide the Board five copies of the appraisals and associated work files.
5. The reviewing appraiser shall be selected by the Respondent with the condition that the reviewing appraiser not have been an appraiser the Respondent has worked with or been supervised by in the past, and must be pre-approved by the Board. 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. Information requested may include documentation of paired sales analysis, documentation of support for site values, and the like. All costs associated with desk review are the responsibility of the Respondent.
6. 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.
7. Upon Respondent's request to be released from probation, the Board shall release probation if the desk review comments and appraisals do not reveal significant USPAP violations and Respondent has complied with this Consent Order.
8. If the desk review comments and/or appraisals 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.

9. If Respondent has not applied for release from probation after desk reviews, the Board may request that Respondent meet with the Board's Disciplinary Committee for a status conference and plan for the future. Any violation of the terms of the Consent Order may result in additional charges against the Respondent.
10. This settlement 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.
11. Until released from probation, Respondent agrees she shall not act as a review appraiser and shall not co-sign appraisals with an associate appraiser. Respondent shall not supervise the work product of an associate appraiser or unlicensed appraiser until released from desk review.

**AGREED AND ACCEPTED:**

**The Respondent    The Iowa Real Estate Appraiser Examining Board**

**Gail A. Widmann    Michael Lara, Chair**

10/29/09                      11/17/09

Date                      Date

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

**IN THE MATTER OF:** )  
 )  
 ) **CASE NO. 09-13**  
**Gail A. Widmann** )  
**CR02168** ) **AGREED AMENDMENT TO**  
 ) **CONSENT ORDER**  
**RESPONDENT** )

The Iowa Real Estate Appraiser Examining Board and Gail A. Widmann (Respondent) agree to amend the Combined Statement of Charges and Consent Order as follows:

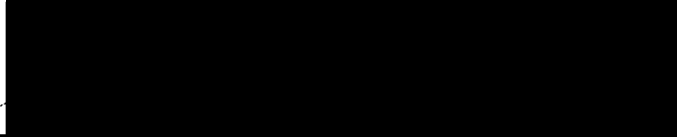
1. Respondent is required to complete education by June 30, 2010. She reports she is unable to do so and would prefer to allow her certificate to lapse on June 30, 2010.
2. Respondent's certificate shall lapse at midnight on June 30, 2010. In addition to the administrative requirements and continuing education required to reinstate, Respondent shall provide certificates of completion for all education described in the Consent Order as a condition precedent to any future reinstatement. If reinstated in the future, she shall complete the remaining terms of the Consent Order on such terms and conditions as the Board may then order.
3. Respondent understands this Amendment, once fully signed, is a public record and shall be reported to the National Registry as a voluntary surrender.

**AGREED AND ACCEPTED:**

**The Respondent**

**The Iowa Real Estate Appraiser Examining Board**





**Gail A. Widmann**

**Michael Lara, Chair**

6/7/2010  
Date

6/16/10  
Date