

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

---

IN THE MATTER OF:	)	
	)	CASE NO. 07-37
Mark L. Winninger	)	
CG01690	)	
Winninger Realty	)	
3356 Kimball Avenue	)	COMBINED STATEMENT OF CHARGES
Waterloo, IA 50702	)	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.
2. Respondent is a certified general real estate appraiser in Iowa. He was issued Certificate No. CG01690 on June 28, 1993.
3. Certificate No. CG01690 is currently valid and in good standing, and is scheduled to expire on June 30, 2009.
4. The Board received a complaint in June 2006, alleging that an appraisal report completed by Respondent failed to comply with applicable appraisal standards. The Board submitted the appraisal to a Standard Three USPAP review that revealed significant concerns with the methodology employed in appraising multiple single family homes in a single assignment. The matter was placed on hold for a period of time in light of overlapping civil litigation. The Board reactivated the file after the litigation was dismissed. The Board requested a log and selected two appraisals to review that would be more representative of Respondent's practice. The appraisals were submitted to Standard Three reviews. Concerns were again apparent in Respondent's development and reporting of the income approach.
5. Throughout the Board's investigation Respondent has been very cooperative and has provided extensive work files and explanations whenever requested.
6. The Board charges Respondent with failure to adhere to applicable USPAP standards in violation of Iowa Code section 543D.17(d) and 543D.18(1), and 193F IAC 7.2.
7. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing. The Respondent does not admit the allegations, but does agree to comply with the Consent Order to resolve disputed matters.

**B. Settlement Agreement and Consent Order**

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. 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.

10. 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 (2007).

11. 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) (2007). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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 April 1, 2009, and shall forward certificates of completion to the Board within 10 calendar days of completion:

- (1) a 15-hour tested USPAP course;
- (2) a 60-hour course on general appraiser income approach that is a qualifying course for certification; and,
- (3) a pre-approved classroom course on narrative report writing of at least 7 hours.

**B. Post-education review.** By June 15, 2009, the Respondent shall provide the Board a log of all appraisals completed after the education described in Paragraph B and prior to June 1, 2009. The logs shall include the following minimum information: (a) date of inspection and date report signed, (b) property address, (c) client for whom appraisal completed, and (d) Respondent's estimated value. The Board shall select one or more appraisals to review. Respondent shall promptly submit the appraisal reports and work files. Following review of these appraisals, the Board will close the case, if the reviews do not reveal significant USPAP violations. If the post-education appraisals reveal significant USPAP violations, the Board may enter such additional orders as are appropriate, but may not do so absent Respondent's consent without providing Respondent with an opportunity for hearing.

**C. Future Compliance.** Respondent shall in the future comply with all Board laws and rules, and all applicable appraisal standards.

**AGREED AND ACCEPTED:**

**The Respondent**



**Mark L. Winninger**

11/04/08  
Date

**The Iowa Real Estate Appraiser  
Examining Board**



**Michael Lara, Chair**

12/17/08  
Date