

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

IN THE MATTER OF:)	
)	Case No. 02-27
BRIAN D. BARBER)	
)	COMBINED STATEMENT
)	OF CHARGES AND
)	VOLUNTARY SURRENDER
CERTIFICATE NO. CG02281)	OF CERTIFICATE
Respondent.)	

The Iowa Real Estate Appraiser Examining Board (Board) accepts the voluntary surrender of Brian Barber's (Respondent) certificate as a certified general real estate appraiser, pursuant to Iowa Code section 17A.10 (2003) and 193 Iowa Admin. Code 8.16, as follows:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2001 and 2003).
2. Respondent is a certified residential real estate appraiser in Iowa.
3. The Board is currently investigating alleged violations of appraisal standards in two appraisal assignments developed and reported by Respondent in March, 2002 (Alan Gilmore Farms, Dallas County, Iowa) and April, 2002 (Caltrider Farm, Adair County, Iowa).
4. The Board has probable cause to charge Respondent with failure to adhere to USPAP standards in the development and communication of said real estate appraisals, in violation of Iowa Code sections 543D.17(1)(d) and 543D.18(1), and 193F IAC 7.1, 7.2(5).
5. Respondent has offered to voluntarily surrender his certificate in lieu of proceeding to a contested case hearing. Respondent has informed the Board that he moved to Nebraska and no longer plans to practice real estate appraising in Iowa. Respondent reports that the two appraisals described above are the last appraisals he completed in the State of Iowa. The Board has agreed to accept the voluntary surrender of Respondent's appraisal certificate.
6. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily consenting to the voluntary surrender of his certificate in Iowa. This Consent Order is the final agency order in the contested case.
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. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2003). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.
8. Respondent understands that he may not be reinstated as a certified real estate appraiser in Iowa unless he is expressly reinstated by the Board upon application, as provided in 193F Iowa Admin. Code 8.16 and 8.17, and 193 Iowa Admin. Code 7.38.

9. 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 (2003).

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.

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

IT IS THEREFORE ORDERED:

A. Voluntary Surrender

Respondent shall voluntarily surrender his certificate by physically returning the certificate to the board office no later than ten (10) calendar days following the date this Order is signed by the Board. Respondent may not seek reinstatement for a period of at least one calendar year. Respondent shall comply with 193 IAC 7.30(3) regarding client notification of the voluntary surrender.

B. Reinstatement

Any application to reinstate must satisfy the requirements of 193 IAC 7.38. In the event reinstatement is ordered, Respondent shall initially perform appraisals under a pre-release desk review agreement. The precise terms of the pre-release review shall be determined by the Board at the time of reinstatement, as the facts then warrant for the protection of the public interest.

AGREED AND ACCEPTED:

The Respondent

**The Iowa Real Estate Appraiser
Examining Board**

[Redacted Signature]

[Redacted Signature]

Brian D. Barber

By: Richard J. Koestner, Chair

3/25/2003
Date

3/31/03
Date