

FILED 10/29/13 (Date)

I.A. RE Appr. Ex. Board

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

Signature, Executive Officer

| | | |
|-------------------|---|---------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| William Lowe |) | CASE NO. 13-17 |
| CR01365 |) | |
| |) | COMBINED STATEMENT OF |
| RESPONDENT |) | CHARGES AND CONSENT ORDER |

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 (2013).
2. Respondent is a certified residential real estate appraiser in Iowa. He was issued Certificate No. CR01365 on August 31, 1994.
3. Certificate No. CR01365 is currently valid and in good standing, and is scheduled to expire on June 30, 2015.
4. The Board received a complaint alleging that Respondent appraised a commercial property, although he is only certified to perform residential appraisals, as defined in 193F Iowa Administrative Code (IAC) 5.1(1). Following investigation, the Board found probable cause to charge Respondent with performing appraisal services outside the authorized scope of a certified residential appraiser's practice, in violation of Iowa Code section 543D.17(1)(b), (d), and 193F IAC 7.3(5) (lack of qualification, practicing outside the scope of a residential certification). Respondent was disciplined in Case No. 10-07 for exactly the same violation.
5. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

6. Respondent has a right to a hearing on the charges, but waives Respondent's 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.
7. 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.

8. 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.

9. 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 (2013).

10. 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) (2013). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

11. 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. Reprimand. Respondent is reprimanded for practicing outside the scope of his residential certification. Because this is the second disciplinary action for the same offense, Respondent is cautioned that any additional violation of this nature may result in suspension of his certificate.

B. Civil Penalty. Respondent shall pay a civil penalty of \$1,000 within 30 days of the date this consent Order is fully signed by all parties.

C. Education. Respondent shall complete at least 4 hours of a pre-approved course in appraisal ethics and provide documentation of successful completion no later than October 1, 2013. This education may be taken online but may not be counted toward the continuing education required for renewal.

AGREED AND ACCEPTED:

The Respondent



William Lowe

10/23/2013
Date

The Iowa Real Estate Appraiser Examining Board



Gene Nelsen, Chair

10/29/13
Date

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IA RE Appr. Ex. Board
Board/Commission

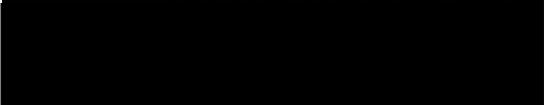
BEFORE THE IOWA REAL ESTATE APPRAISER EXAMINING BOARD

Signature, Executive Officer

| | | |
|-------------------|---|-------------------------|
| IN THE MATTER OF: |) | Case No. 13--17 |
| |) | |
| William R. Lowe |) | RELEASE OF PROBATION IN |
| Respondent |) | A DISCIPLINARY CASE |

The Iowa Real Estate Appraiser Examining Board, having reviewed the records in the above captioned files, finds that Respondent has complied with terms of his consent order and should be released. The Board voted unanimously to release probation on October 29, 2013.

IT IS THEREFORE ORDERED that the Respondent's probation is released.


Toni A Bright, Executive Director
Iowa Real Estate Appraiser Examining Board
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