

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

IN THE MATTER OF:)	
)	
Howard J. Mc Dermott)	CASE NO. 01-14
)	
Certificate Number CR01473)	CONSENT AGREEMENT
)	
RESPONDENT)	

The Iowa Real Estate Appraiser Examining Board (Board) and Howard J. Mc Dermott, (Respondent) enter into this Consent Agreement pursuant to Iowa Code sections 17A.10(2001) and 193F IAC 8.7:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543D, and 272C (2001).

2. Respondent's June 2001 renewal application failed to reflect the continuing education credits required to renew a license. In lieu of prosecuting a first offense of any of the offenses described in Iowa Code 543D.17 the Board and Respondent have agreed to enter into a consent agreement pursuant to 193F-IAC section 8.7.

3. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Consent Agreement. Once entered, this Consent Agreement shall have the full force and effect of a disciplinary order entered following contested case hearing.

4. Respondent agrees the State's counsel may present this Consent Agreement to the Board and may have ex-parte communications with the Board while presenting it.

5. This Consent Agreement 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.

6. The Consent Agreement is a public record and Available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (1999).

7. Failure to comply with the provisions of this Consent Agreement shall be considered prima facie evidence of a violation of Iowa Code section 543D.17(1) (2001), and shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2001). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

8. This Agreement is subject to approval of the Board. If the Board fails to approve this Agreement, 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. If the Board approves this Agreement, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

- (a) Respondent shall pay a civil penalty of \$100 within thirty days of receipt of this executed document.
- (b) Respondent is issued a citation and warning for not submitting adequate proof of continuing education completed in compliance with Board rules between July 1, 1999 and June 30, 2001.
- (c) Respondent shall fully comply with all continuing education requirements in the future.
- (d) Respondent shall complete 4 classroom hours of electives by December 31, 2001. Documentation of completion of the education shall be submitted to the Board office on or before December 31, 2001.
- (e) The continuing education taken to comply with this Consent Agreement cannot be used for renewal in 2003.

AGREED AND ACCEPTED:


Howard J. Mc Dermott
Respondent
Board


Sharon Chism, Chair
Iowa Real Estate Appraiser Examining

Date

7/30/01

Date

August 6, 2001