

# PLB NEWS

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Welcome to PLB News, the quarterly newsletter of the Iowa Professional Licensing Bureau.

To keep licensees and stakeholders informed, we are pleased to provide you with information about each of the Bureau's seven professional licensing boards. Click on the name of the board in the list to the left, and you will jump to that section of the newsletter.

We welcome your feedback. Feel free to call the office or e-mail your profession's board. Contact information can be found on the last page of the newsletter.

## PLB

### Renewals

The following professions are now accepting renewals through June 30<sup>th</sup> (with a grace period, for an additional fee, until July 30<sup>th</sup>):

- Accountancy – All firms and individuals
- Architecture – All individuals with last names beginning with the letter L through Z
- Interior Design – All individuals with last names beginning with the letter L through Z
- Landscape Architecture - All individuals with last names beginning with the letter L through Z
- Real Estate Appraisers - All individuals with last names beginning with the letter L through Z

To renew, visit [www.plb.iowa.gov](http://www.plb.iowa.gov). Please be advised that if you do not renew, your license will expire.

## Accountancy Board

### It's Time to Renew Your CPA License

Online renewals are open now and if you're an Iowa licensed CPA then you are required to renew before June 30. Head to [plb.iowa.gov](http://plb.iowa.gov) and renew now while you're thinking of it.

### Governor Branstad Confirms Appointment/Reappointment to Iowa Accountancy Examining Board

In the spring Governor Branstad's office confirmed the appointment of Cheryl Critelli as a public member to the Iowa Accountancy Examining Board. Ms. Critelli is from West Des Moines and we

welcome her to the Board. Reappointed to the Board are Bob Snodgrass of Creston, Iowa and Tom Thompson of Fairfield, Iowa.



*Cheryl Critelli*

Cheryl Munyon Critelli is Associate Corporate Counsel at John Deere Financial in Johnston, Iowa. She has an extensive legal background in compliance, corporate governance, insurance, financial transactions, securities, and contracts. Cheryl has a Juris Doctorate from Drake Law School, Masters of Business Administration from Drake University, and Bachelor of Business Administration from University of Iowa.

The following are current members of the Board. CPAs: Laura Walker, Chair; Ying Sa; Dale Leibfried; Bob Snodgrass; and Tom Thompson; LPA: David Loy; and Public Members: Shelley Laracuente, Vice Chair; and Cheryl Critelli.

## Accountancy Board Discipline

Consent orders accepted by the Board may be found on the disciplinary index on the accountancy homepage.

### **13-03 & 14-19 Brian E. Geerts O08725**

On March 6, 2015, the Board held a hearing to address charges against the Respondent including practices harmful and detrimental to the public, and failure to adhere to the rules of professional conduct with respect to records retention and furnishing client records. The Respondent's CPA license was suspended for a minimum of 6 months. Prior to reinstatement the Respondent must complete twelve hours of continuing education, pay a \$2,000 civil penalty, present a written business plan to address contingencies during absences, and pay \$75 in court costs.

## Architectural Examining Board

### Renewals

Architects with last names beginning with the letter L through Z can renew until June 30<sup>th</sup>. In order to renew active status, you must have 24 continuing education hours in public protection subjects. You do not need to report CE hours if you renew as inactive or retired status. Go to <https://plb.iowa.gov/2015-spring-renewals> to renew today.

An architect who fails to renew should not be offering architectural services or using the title "Architect" in the state of Iowa beyond June 30, 2015 and may be subject to disciplinary action imposed by the board for continuing to practice on a lapsed registration.

Due to a technology glitch, the plan to go to annual renewals has been delayed. Renewals completed this year will have a two-year registration period. To learn more, visit <https://plb.iowa.gov/board/architects>.

## Iowa Architects Attend NCARB Regional Meeting



Three current board members and two past board members attended the 2015 Regional Meeting of the National Council of Architectural Registration Boards (NCARB). Pictured at left are Jerry Purdy, current board member; Dale McKinney, past Iowa board member and current NCARB President; Tandi Dausener, current board member; Emily Forquer, current board president; and Terry Allers, past Iowa board member and current Region 4 Director of NCARB.

Regarded as a critical forum to debate policies, programs and initiatives across jurisdictions as they pertain to licensing boards, the Regional

Meeting provides valuable feedback regarding proposed resolutions and programmatic adjustments.

## Board Members Reappointed

Architects Linda Alfson Schemmel and Bruce Bassler were reappointed to the Iowa Architectural Examining Board for another term.

The following are current members of the board: architects Linda Alfson Schemmel; Bruce Bassler, vice president; Tandi Dausener; Emily Forquer, president; and Jerry Purdy; and public members Kolby DeWitt, secretary; and Tyler Kamerman.

## Architecture Examining Board Discipline

The cases listed below have been summarized. You may read the entire order on the board's website at <https://plb.iowa.gov/architects/disciplinary-index>.

### Consent Orders

#### **14-04 Andrews, Robin P. (01419) Huntly, IL**

The Board charged Andrews with sealing and certifying technical submissions prepared by others without taking appropriate steps to assure the sealed drawings were prepared under the architect's direct supervision and responsible charge. The Board and Respondent agreed to fully resolve the complaint with a signed consent order. Andrews was reprimanded for sealing and certifying technical submissions prepared by another without complying with Iowa Code section 544A.28 and shall in the future comply with all applicable provisions of Iowa Code chapter 544A and associated rules.

#### **14-15 Johnson, Warren (07031) Palentive, IL**

Johnson provided erroneous information on his application, which is a violation of Iowa Code section 544A.25(2)(b). The Board may deny an application based on a misstatement of this nature. Instead, the Board will issue Respondent a registration, but subject to discipline based on his misstatement. Providing truthful information is important in the application process and more generally in the practice of architecture. The Board considers all such misstatements serious matters, but there is a mitigating factor here as the nature of the Illinois discipline would not have resulted in a denial of the application if properly disclosed. The Board and Respondent agreed to fully resolve the complaint with a signed consent order. Johnson was reprimanded for failing to disclose prior discipline in his application for registration and shall in the future comply with all applicable provisions of Iowa Code chapter 544A and associated rules.

# Engineering & Land Surveying Examining Board

## Governor Branstad Confirms Appointments to Iowa Engineering and Land Surveying Examining Board



*Laura Sievers*

In the spring Governor Branstad's office confirmed the appointment of Laura Sievers, PE and Lisa VanDenBerg, PE as professional members of the Iowa Engineering and Land Surveying Examining Board. Ms. Sievers is from Rock Rapids and Ms. VanDenBerg is from Johnston. We welcome them.

**Laura Sievers** was born and raised in Northwest Iowa. She graduated from the University of Iowa with a Civil Engineering degree. Laura has worked for a Des Moines Water Works, the Iowa DOT, and now is the Lyon County Engineer. Sievers serves on the Iowa County Engineers Association Traffic Safety Improvement Committee.



*Lisa VanDenBerg*

A professional engineer with over 20 years in transportation specializing in traffic engineering, **Lisa VanDenBerg** has experience in both the public and private sectors working with city, county, state officials, vendors, and contractors to model, analyze, design and implement solutions. She is currently employed by McClure Engineering with previous engagements at HR Green and the Missouri DOT.

VanDenBerg is a member of the Institute of Transportation Engineers, American Society of Transportation Engineers, Missouri Valley ITE, and the Iowa Central Chapter of ITE. A graduate of Iowa State University, she lives with her family in Johnston.

The following are current members of the Board. Professional members: Howard Stewart, Chair; Jerry Shellberg; Marlon Vogt; Laura Sievers; and Lisa VanDenBerg; and public members Rita Perea, Vice Chair; and Robert Fairfax.



## Interior Design Examining Board

### Board Members



*Pictured above, from left: Executive Officer Toni Bright and former board chair Sara Herman.*

The Interior Design Examining Board had two public board member positions that were vacant and two registered interior design positions were up for re-appointment. All of our board members are to be commended for their willingness to serve. All appointments are made by the Governor's office.

The Interior Design Board welcomes new board members Jay Reyhons, registered interior designer, Andy Crabb, public member, and Jennifer Brand, public member.

Serena Zwanziger, registered interior designer, was re-appointed. This will be her second term.

Sara Herman did not seek a third term reappointment. She served as the most recent Board Chair. Her

commitment, time, and service as a board member from 2009-2015 are much appreciated. We thank her for her contribution.

The following are current members of the Board: Registered Interior Designers Jay Reyhons, Julie Quebe, Serena Zwanziger, and Scott Hatfield; and public members Andy Crabb and Jennifer Brand.

## Landscape Architectural Examining Board

### April Board Meeting at ISU



*Pictured above, from left: Chair Chris Seeger, former board member Tim Adams and Executive Officer Jill Simbro.*

The LA Board met on April 13th at Iowa State University College of Design. The meeting included meeting with students in Associate Professor Carl Rogers Professional Practice course. Students learned about the licensing process and reviewed CLARB's documents regarding health safety and welfare. Following the meeting with students, Design Dean Luis Rico-Gutierrez greeted the board. During the meeting, board Chair updated the board that a committee to review the Rules was being put together. This committee will meet over the summer to review and provide recommendations for improving clarity in existing rules. At the end of the meeting the board recognized outgoing

member Tim Adams for his service on the board.

# Real Estate Appraiser Examining Board

## Maintaining a USPAP Compliant Workfile

By Karen Oberman

The *Uniform Standards of Professional Appraisal Practice 2014-2015* (USPAP) defines a workfile as the documentation necessary to support an appraiser's analyses, opinions, and conclusions. (USPAP 2014-2015, Line 146). Further, it states that a workfile must be made available by the appraiser when required by a state appraiser regulatory agency or due process of law (*Id.* RECORD KEEPING RULE Lines 339-340).

So, what exactly does a workfile contain? The RECORD KEEPING RULE requires that a workfile must be prepared for each appraisal, appraisal review or appraisal consulting assignment and must include:

- The name of the client and the identity, by name or type, of any other intended users;
- True copies of ~~any~~ all written reports, documented on any type of media (A true copy is a replica of the report transmitted to the client. A photocopy or an electronic copy of the entire report transmitted to the client satisfies the requirement of a true copy);
- Summaries of all oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification;
- All other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other data, information, and documentation; and
- A workfile in support of a Restricted Appraisal Report must be sufficient for the appraiser to produce an Appraisal Report

**Note:** The above USPAP reference is based on the "2015 Summary of Actions related to Proposed USPAP Changes" for the 2016-2017 Edition of USPAP. The proposed revisions with deletions are shown in ~~strike through~~ and additions are shown in underline.

The specific changes to the RECORD KEEPING RULE are summarized as follows:

- ✓ replacing the word "any" with the word "all" to clarify that the appraiser must retain true copies of all written reports.
- ✓ adding language to make it more clear that some data and information (in addition to documentation) may be included in the workfile by referring to its location elsewhere.

The burden of workfile retention belongs with the *appraiser(s)*, not the employer, supervisor, or appraisal office. (*Id.* RECORD KEEPING RULE Lines 329-340). If employment obligations preclude the appraiser(s) from having physical custody of the workfile, then appropriate retention and access to the workfile must be arranged. It would be in the best interest of an appraiser in this position to have a written contract arranging for access and retrieval from a current or former employer in the event there is a request for the workfile. It is inexcusable to tell a requesting body that "my old company will not let me have the file" or "my old company went out of business and the files were destroyed." An appraiser who willfully or knowingly fails to comply with the obligation of the RECORD KEEPING RULE is in violation of the ETHICS RULE.

Maintaining workfiles should be routine in the life of any appraiser or appraisal office.

An appraiser should retain all information used to report salient facts and data that they relied on within their analyses and in determining their conclusions. The development and retention of a workfile occurs contemporaneously with the report. Due diligence and obligation to the process on the front end of an assignment, could save many headaches on the back end. Conscientious retention creates the ability to easily submit documentation and demonstrate support for opinions for a workfile request.

The initial workfile requirements noted above need minimal explanation. It is simply a matter of documentation. An engagement letter would satisfy the first requirement. It, along with a true copy of any written reports and summary of an oral report fulfills the first three requirements.

The next obligation requires more effort. Exactly what is *all other data, information, and documentation necessary to support the appraiser's opinions and conclusions to show compliance with USPAP, or references to the location(s) of such other data, information, and documentation?*

Simply providing a true copy of the appraisal may not satisfy this obligation or the regulatory body seeking to review the workfile. In most appraisal related cases, the report itself is a *summary* of your research, analyses, and conclusions. While a well-written report will go a long way in helping a reader understand how you supported your conclusions, it may not be enough to help an investigator fully understand the data considered, the techniques employed, or the reasonableness of the premises considered.

Does this mean that the appraiser has to have a copy of the zoning map in every file? Yes and No. Arguably, an appraiser's entire office can be part of a workfile, including the zoning map hanging on the wall. It may not be necessary to generate and retain a zoning map in every single unique file in your office; however, it does mean the appraiser must reference, by location, the specific data source used. A simple citation in the workfile (hardcopy or electronic storage) would go a long way in easing questions down the road. Create a written checklist of factual data used in completion of the assignment and retain that document in your workfile. With the example of the zoning, when mentioning your reliance on the zoning map that hangs on your wall, cite the source of the map (municipality) and the effective date or some unique identification or code that distinguishes this map from any other. If you obtain your information online, include the website address that you relied on to obtain the information, even better – take a screenshot and save it into your electronic workfile. This little bit of extra effort is particularly helpful for workfile requests that may occur years down the road as zoning may have changed. Having the actual map documented can help to prove your reporting was accurate at the time the appraisal was prepared.

While simply documenting the website address relied on to obtain information about a property is acceptable, the appraiser should be cautious that the website or source might not be there in the future. Having a printout of the document, physically in your file, is the ideal form of retention. Moreover, it would prevent future headaches should requests for additional support come your way. Stating that the website you relied on is no longer valid, is not excusable; and would not be beneficial to supporting your opinions. It is the appraiser's responsibility to maintain documentation of the information used in their report.

Documentation for more detailed research will be proportionately more comprehensive. For particularly challenging assignments, you may have a detailed citation that would include citing the community-zoning map by municipality and possibly the phone number, name, and department of any individuals contacted for additional data collection in regards to the zoning. You may even include notes summarizing those conversations, or print off email exchanges that addressed the issue.

Identifying the source of factual data such as legal descriptions, zoning, or other salient data about the subject property may be mundane; however, it is a reasonably easy task. However, how do you document support for subjective analysis such as *opinions*, including condition of the subject property or comparable properties? It must be documented in the work file.

When physically inspecting the subject property, the appraiser should write down what they see. In a residential property, are kitchen appliances included? If yes, there is a significant variance between a built-in Sub-Zero refrigerator and a mini-refrigerator from someone's college days. What is in your property? Are the ceilings 8 feet high, 10 feet, or more? Document it in your work file. Are the walls freshly painted or a testimony of decades of cigarette smokers living there? Write it down. Take a photo, and remember, a photograph supports what is written in your documentation and should not be a substitute for accurate record keeping. By describing the condition of your property throughout the valuation process, you can achieve consistency throughout the report; including using your supported condition opinion and adjustments in the Sales Comparison Approach, the Income Approach, and the Cost Approach. Similarly, document how you determined the condition of the comparable properties. Did you review interior and exterior photographs from a multiple listing source? Did you verify condition with someone involved in the transaction (listing or selling agent, homeowner, renter)? Document this evidence in your workfile.

When developing the Cost Approach to value, if a cost manual was relied on in the development then reference that manual, as specifically as possible, within the workfile. Better yet, a brief notation within the body of the report. Noting the edition/version of the manual may alleviate confusion or controversy several years down the road if a review of the report becomes necessary. Documentation should include the specific category of property type within the manual considered when developing costs. Page numbers and brief notes supporting your decision to select an "average" versus "good" condition rating would also be beneficial to refresh your memory should you find yourself in a position of having to explain how you arrived at your conclusions. If you are using an electronic version of a manual, create a pdf of your research for retention.

If you used an age-life method to determine depreciation, how did you determine the economic life? If you have maintained a spreadsheet of specific property types, tracking their useful (economic) life, then include this in your file. Here is an example of a commercial appraiser whose primary work related to the valuation of industrial manufacturing facilities. Over the course of his career, he had maintained a database and was able to identify that these properties became vacant, were renovated to another use, or demolished after 70-80 years compared to the economic life of 60 reported in the national cost manual. He included a brief snapshot of his analysis in his report, which is ideal. Even if it is not included in the written report, your workfile should have a written reference to the location of the spreadsheet in your computer system or an electronic copy of it in your electronic workfile.

Support and documentation for subjective analysis is required. While it is not expected that an appraiser develop paired sales analysis for every adjustment, every time you produce a report, *there needs to be a basis for the opinion and judgment considered*. Moreover, the appraiser needs to be able to produce the support for that opinion if asked. Maintaining an on-going file, which supports different elements of comparison, can be a foundation for your opinions. This should be readily accessible and included as part of a workfile request.

Simply stating that you adjust garages at \$5000 per stall is neither supportive nor reasonable. There needs to be an understanding of *and* an explanation of "why" for all the adjustments made in a report. What did you base your adjustment on? Actual cost, market extracted, personal knowledge, or a



combination of these sources? Which one did you give most reliance to and why? It is acceptable to rely on personal knowledge – but there needs to be a basis for that attained knowledge. How did you become knowledgeable? What research did you perform and how did you arrive at your conclusions? This allows the reader, or reviewer, to determine if the underlying assumptions were reasonable and would result in credible conclusions. You may have some paired sales of residential properties that you have retained in your office that indicate in a specific market and value range, market participants pay between \$4,000 and \$6,500 more for the second and third stall of a garage. You may also have kept track of actual costs of new construction of garages that indicate a cost between \$4,500 and \$5,500 for the additional stalls. Like all the previous data, this needs to be cited either on a written checklist, saved direction to an electronic file, or maintained and easily replicable within your office database.

Other workfile documentation may include shorthand notes on considerations in comparable selection; public documentation of comparable data and notes pertaining to individual conversations (who, what, when) regarding those properties; and detailed rationale as to the selection of a final opinion within your range. Preferably, you imbed all of this documentation and analysis within the final written report delivered to the client.

A copy of all workfile documentation, such as the letter of engagement, the scope of work agreed upon, MLS sheets and other pertinent documentation of salient data should be sent to the requesting agency. It is common for initial inquiries from state agencies to originate from non-appraisers who are just gathering information for their Board or investigators. At this point, specific areas of concern may not be noted in the request. The appraiser should assume that if the Board asks for a workfile that the board wants to see support for everything in that report. If a reasonable work-file is submitted, it can go a long way in alleviating further inquiries.

## Board member changes



*Pictured above, from left: Executive Officer Toni Bright, former board member Lee Schoenewe, and Chair Gene Nelsen.*

The appraiser board is a very active board. Whether by phone or in person, the board meets an average of twelve times a year, plus the numerous committee meetings that each is involved. All of our board members are to be commended for their dedication to this board, the countless hours devoted, and their role in protecting the public.

**Robert Felderman** of Dubuque was appointed and began his term in May.

**Joan Scotter** was re-appointed to the board as a public member. This marks her second three-year term. Joan is an active board member that has served on various committees.

**Lee Schoenewe**, was recently recognized by the board for his service from 2011-2015 as a public

member. He did not seek reappointment. As a banker, Lee provided a unique vantage in protecting the public. Lee represented the board on a committee to draft appraisal management legislation.

Another of our board members, **Greg Harms**, recently resigned from the board. Greg had served on both the disciplinary and work product review committee during his 2013-2015 tenure.

We thank Lee and Greg for their time and commitment to the citizens of Iowa. All Board member appointments are made by the Governor's office. As of the date of publication, the new appointments have not been made.

Current board members include Gene Nelsen, Chair, Appraiser; Amanda Luscombe, Vice-Chair, Appraiser; Robert Felderman, Appraiser; Fred Greder, Appraiser; Caryl Swaim, Appraiser; and Joni Scotter, Public member.

## Real Estate Appraiser Examining Board Discipline

The cases listed below have been summarized. You may read the entire order on the board's website at [www.plb.iowa.gov/real-estate-appraisers/disciplinary-index](http://www.plb.iowa.gov/real-estate-appraisers/disciplinary-index).

### Consent Orders

#### **14-10 Pals, Richard A. (CG01005) Alexander, IA**

The Board charged Pals with failure to comply with USPAP in violation of Iowa Code §543D.17(1)(d) and 543D.18(1) and 193F IAC 7.2 and 7.3(7)(a). The Board and Respondent agreed to fully resolve the complaint with a signed consent order. Respondent is required to take a 15 hour advanced residential applications & case studies and 15 hour residential report writing & case studies, submit monthly logs, have two additional reports reviewed by the Board, and shall not supervise any associates or co-sign another appraiser's work as a supervisor until released from these terms.

#### **15-02 Lowe, William R. (CR01365) Burlington, IA**

The Board charged Lowe with performing appraisal services outside the authorized scope of a certified residential appraiser's practice in violation of Iowa Code §543D.17(1)(b), (d), and 193F IAC 7.3(5). Respondent was disciplined in case numbers 10-07 and 13-17 for exactly the same violation. The Board and Respondent agreed to fully resolve the complaint with a signed consent order. Respondent's certificate is suspended for a total of 90 days from the date of April 20, 2015. After the 90-day suspension, the Respondent may apply to reinstate under 193 IAC 7.38. Respondent shall notify all clients for whom he performed appraisal services outside the scope of his residential certificate at any time between January 1, 2013 and the date the Order was signed. The written notice shall include a copy of the Consent Order. Respondent shall file with the Board copies of all written notices sent to affected clients.

### Release from a Consent Order

#### **13- 29 Owen, Julie A. (CR01617) West Des Moines**

Owens has complied with the terms of her consent order and the Board voted unanimously to release Respondent from the consent order on April 20, 2015.

# Real Estate Commission

## Commission Update

### Licensing Totals – 10,585 Individuals Licensed

	<u>Brokers</u>		<u>Salespeople</u>		
	<u>Firms</u>	Active	Inactive	Active	Inactive
As of January 31, 2015	1,237	3,392	412	5,556	1,225

### Future Commission Meeting Dates (*Tentatively*):

- June 4
- August 6
- September 3
- October 1
- November 5
- December 3

### Fee Changes:

Effective July 1, 2015 the fee for the Criminal History Background Check will be \$51.00. The current fee is \$52.00

Effective July 1, 2015 the fee for all real estate examinations will be \$101.00. The current examination fee is \$100.00. Psychological Services, Inc. (PSI) will continue to be the exam administrator for the Iowa Real Estate Commission.

Please contact [realestatecommission@iowa.gov](mailto:realestatecommission@iowa.gov) or (515) 725-9035 with any questions.

## From the Trust Account Auditor

### Earnest Money Dispute

In the case of a dispute and in the absence of a pending civil court action, the Real Estate Commission shall not take disciplinary action against a broker who in good faith disburses trust account moneys pursuant to 193E Iowa Administrative Code §§ 13.1(8)(a) & 13.1(8)(b):

*a.* In the absence of a pending civil court action or written agreement, it shall not be grounds for disciplinary action when, upon passage of 30 days from the date of the dispute, a broker disburses the earnest money deposit to a buyer, renter, or lessee in a transaction based upon a good faith decision that a contingency has not been met, but disbursement shall be made only after the broker has given 30 days' written notice by certified mail to all parties concerned at their last-known addresses, setting forth the broker's proposed action and the grounds for the decision.

*b.* In the absence of a pending civil action or written agreement, it shall not be grounds for disciplinary action when, upon passage of six months from the date of the dispute, a broker disburses the earnest money deposit to a seller or landlord in a transaction based upon a good faith decision that the buyer, renter, or lessee has failed to perform as agreed, but disbursement shall be made only after the broker has given 30 days' written notice by certified mail to all parties concerned at their last-known addresses, setting forth the broker's proposed action and grounds for the decision.

## Outstanding Checks/Old Earnest Money (Older than three years old)

193E 13.1(14): “Trust funds that are not traceable to any individual for disbursement from the trust account are unclaimed property. Unclaimed trust funds must be entered on a separate individual ledger for accounting purposes. In accordance with Iowa Code Chapter 556, after three years, unclaimed trust funds shall be paid to: Treasurer, State of Iowa, Unclaimed Property Division, P.O. Box 10430, Des Moines, Iowa 50306. The telephone number: 515.281.7546.”

## Real Estate Commission Discipline

Signed settlement agreements may be viewed on Commission’s [website](#).

### Unlicensed Practice

See Iowa Code §§ 543B.1, 543B.7, 543B.34, 543B.34(3), 543B.44, 543B.49.

### **12-398 Tod Hollenback (Unlicensed), Dubuque, IA – Cease and Desist Order by Consent Agreement**

The Commission revealed that Tod Hollenback, an unlicensed person, violated Iowa Code §§ 543B.1 and 543B.7 when he was engaged in the business of managing real estate for a property located in Dubuque, Iowa. The Commission’s investigation revealed that the Respondent was actively engaged in performing property management services for a fee. See also Iowa Code §§ 543B.34, 543B.34(3), 543B.44, 543B.49. Hollenback agreed to cease and desist from any future violations of Iowa Code chapter 543B and to pay a civil penalty in the amount of one thousand dollars (\$1,000.00) within three hundred sixty (360) days of acceptance of the Cease and Desist Order by the Commission.

### **14-113 Mark Feller Sr. (Unlicensed), Denison, IA – Cease and Desist Order by Consent Agreement**

The Commission revealed that Mark Feller Sr., an unlicensed person, violated Iowa Code §§ 543B.1 and 543B.7 when he was engaged in acts contained in the definition of a real estate broker as set in Iowa Code § 543B.3 for a property located in Denison, Iowa. The Commission’s investigation revealed a finding that the Respondent practiced real estate without a license. See also Iowa Code §§ 543B.34, 543B.34(3), 543B.44, 543B.49. Feller agreed to cease and desist from any future violations of Iowa Code chapter 543B and to pay a civil penalty in the amount of two thousand, five hundred dollars (\$2,500.00) within three hundred sixty (360) days of acceptance of the Cease and Desist Order by the Commission.

### Trust Account Violations

See Iowa Code §§ 543B.29(1)(k), 543B.34, 193E Iowa Administrative Code chapter 13, and 193E Iowa Administrative Code §§ 18.14(1)(j), 18.14(5)(e).

### **14-186 Anna Mack (B43527000), Muscatine, IA – Informal Settlement**

Mack agreed to resolve the charge with a Settlement Agreement. She was ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000) within three hundred sixty (360) days of acceptance of the Agreement by the Commission. She was also ordered to attend the Commission approved eight (8) hour course “Trust Accounts” within twelve (12) months of acceptance of the Agreement by the Commission. Mack is also subject to an audit, conducted by the Commission auditor, within eighteen (18) months after the acceptance of the Order by the Commission. She also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

### **14-187 Lisa Heckman (B42219000), Muscatine, IA – Informal Settlement**

Heckman agreed to resolve the charge with a Settlement Agreement. She was ordered to pay a civil penalty in the amount of two thousand, five hundred dollars (\$2,500) within one hundred eighty (180) days of acceptance of the Agreement by the Commission. She was also ordered to attend the Commission approved eight (8) hour course “Trust Accounts” within twelve (12) months of acceptance of the Agreement by the Commission. She also agreed to fully comply with all pertinent orders of the Commission and the statutes and

rules regulating the practice of real estate.

**15-004 Joan I. Ballantyne (B03418000), Cherokee, IA – Informal Settlement**

Ballantyne agreed to resolve the charge with a Settlement Agreement. She was ordered to pay a civil penalty in the amount of five hundred dollars (\$500) within thirty (30) days of acceptance of the Agreement by the Commission. She was also ordered to attend the Commission approved eight (8) hour course “Trust Accounts” within twelve (12) months of acceptance of the Agreement by the Commission. Ballantyne is also subject to an audit, conducted by the Commission auditor, within twelve (12) months after the acceptance of the Order by the Commission. She also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Failing to Comply with the Terms of a Settlement Agreement and Consent Order

See Iowa Code § 272C.3(2)(a) and 193E Iowa Administrative Code §§ 18.2(1), 18.2(3), 18.14(5)(s).

**14-176 Jennifer Moen (B37784000), Cedar Rapids, IA – Informal Settlement**

Moen agreed to resolve the charge with a Settlement Agreement. Moen’s real estate broker license shall be suspended indefinitely commencing on July 1, 2015, pending submission of the civil penalty, proof of completion of the education and compliant CPA Audit report required by paragraphs 17 – 19 of the informal settlement agreement entered between her and the Commission in Docket Number 14-016. Should Moen submit the full amount of the civil penalty, a course completion certificate for the 8 hour course “Trust Accounts”, and a compliant CPA audit report to the Commission’s offices prior to 1:00 PM on June 30, 2015, the suspension shall not be imposed. Moen also agreed to fully comply with all pertinent orders of the Commission and the statutes and rules regulating the practice of real estate.

Advertising Under an Unlicensed Trade name

See 193E Iowa Administrative Code sections 10.1, 10.1(3), 18.14(1)(j), 18.14(5)(s).

**14-178 Sophina L. Dirck (B44609000), Davenport, IA - \$500 Civil Penalty**

Failing to Comply with the Mandatory Errors and Omissions Insurance Requirement

All licensees disciplined for E & O insurance violations were active at the time of the infraction. See Iowa Code 543B.29(1)(c), 543B.47(1), 543B.47(6) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

**14-219 Mirela Kapo (S60672000), Iowa City, IA - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**14-230 Wayne Marter (B41148000), Athol, ID - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**14-239 Lisa A. Reese (S58729000), Ottumwa, IA - \$1,000 Civil Penalty**

**15-008 Randall T. Wagner (S61340000), Spillville, IA - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**

**15-011 Grinnell Property Management (F05551000), Grinnell, IA - \$1,000 Civil Penalty**

**15-012 Re/Max of Fort Dodge, Inc. (F03219000), Fort Dodge, IA - \$1,000 Civil Penalty**

**15-015 Kristine Ward (B58171000), Davenport, IA - \$1,000 Civil Penalty**

**15-017 Craig W. Groeneweg (S62859000), Sioux Center, IA - \$1,000 Civil Penalty**

**15-018 Derrick H. Dochterman (S61899000), Cedar Rapids, IA - \$1,000 Civil Penalty**

**15-019 Kristi L. Waffle (B56664000), Treynor, IA - \$1,000 Civil Penalty to be paid prior to reactivation or reinstatement of license**



**15-023 Land Source LLC (F04736000), Bloomfield, IA - \$1,000 Civil Penalty**

**15-024 Anthony J. Logsdon (B39301000), Davenport, IA - \$1,000 Civil Penalty**

**15-026 TRZ, LLC (F05673000), Clive, IA - \$1,000 Civil Penalty**

**15-064 Golden Circle Real Estate Group II (F05715000), Ankeny, IA - \$1,000 Civil Penalty**

Failing to Comply with the Mandatory Errors and Omissions Insurance Requirement (2<sup>nd</sup> Offense)

See Iowa Code sections 543B.29(1)(j), 543B.47(1), 543B.47(6) and 193E Iowa Administrative Code sections 18.2(5), 18.14(5)(s), 19.6(5), 19.6(6).

**14-079 Suzanne H. Fountain (B00821000), North Liberty, IA - \$2,000 Civil Penalty**

Failing to Comply with Continuing Education Requirements and Causing to be Submitted, Whether Intentional or Otherwise, Incorrect Information on a Renewal Application

See Iowa Code sections 272C.10(1), 543B.15(5), 543B.29(1), 543B.34(1) and 193E Iowa Administrative Code chapter 16 and 193E Iowa Administrative Code §§ 18.2(5), 18.14(5)(s).

**14-219 Ann R. Erts (S60818000), West Burlington, IA - \$500 Civil Penalty**

Causing to be Submitted, Whether Intentional or Otherwise, Incorrect Information on a Renewal Application

See Iowa Code §§ 272C.10(1), 543B.15(5), 53B.29(1), 543B.34(1), 543B.34(1)(k), 193E Iowa Administrative Code chapter 16, and 193E Iowa Administrative Code § 18.14(5)(s).

**14-248 Gloria Escarza (S60818000), West Burlington, IA - \$250 Civil Penalty**

Failing to Fully Disclose Criminal History on an Application

See Iowa Code § 543B.15(5).

**14-226 Kortney Self (S63417000), Sioux City, IA - \$500 Civil Penalty**

**14-233 Benjamin R. Edwards (S63354000), Council Bluffs, IA - \$500 Civil Penalty**

**14-250 Thomas J. DeMoss (S63381000), Albia, IA - \$500 Civil Penalty**

**15-020 Christopher Lamke (S63443000), Altoona, IA - \$500 Civil Penalty**

**15-021 Daniel D. West (S63479000), Des Moines, IA - \$500 Civil Penalty**

**15-033 Joseph D. Heemstra (S63467000), Urbandale, IA - \$500 Civil Penalty**

**15-045 Tyler Baker (S63480000), Webster City, IA - \$500 Civil Penalty**

**15-054 Casey Oulman (S63589000), Iowa City, IA - \$500 Civil Penalty**

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