

CHAPTER 7  
DISCIPLINARY ACTIONS AGAINST  
CERTIFICATES, LICENSES  
AND ASSOCIATES

**193F—7.1(543D) Grounds for disciplinary actions against certificates, licenses and associates.**

The grounds for revocation and suspension of certificates, licenses and associate registrations and other disciplinary action against appraisers are set out in Iowa Code section 543D.17 in both specific and general terms. The general terms of that provision of the Code include the following particular grounds for such disciplinary action:

**7.1(1)** Fraud or deceit in obtaining a certificate, license or associate registration, within the meaning of Iowa Code section 543D.17(1) “*a*,” includes the knowing submission to the board of any false or forged evidence in, or in support of, an application for a certificate, license or associate registration and cheating on an examination, as defined in 193F—subrule 3.5(2).

**7.1(2)** Dishonesty, fraud or gross negligence in the development of an appraisal within the meaning of Iowa Code section 543D.17(1) “*f*,” includes making misleading, deceptive or untrue representations in preparing or in communicating an appraisal.

**7.1(3)** Violations of the Code or rules promulgated under the Code within the meaning of Iowa Code section 543D.17(1) “*f*,” include knowingly:

- a.* Preparing an appraisal in this state prior to obtaining a certificate or license;
- b.* Using or attempting to use a certificate, license or associate registration that has been suspended or revoked;
- c.* Making any false or misleading statement in support of an application for a certificate or license filed by another;
- d.* Failing to respond to board communication within 30 days of receipt.

**7.1(4)** Conduct reflecting adversely upon the appraiser’s fitness to engage in the appraisal practice, within the meaning of Iowa Code section 543D.17, includes:

- a.* Adjudication as mentally incompetent;
- b.* Fiscal dishonesty of any kind;
- c.* Knowingly presenting as one’s own a certificate, license or associate registration issued to another;
- d.* Knowing concealment of information regarding violations of the Code or rules thereunder by other certificate holders, licensees or associates;
- e.* Conviction, including a conviction based upon a plea of guilty or nolo contendere of a crime substantially related to the qualifications, functions and duties of an individual developing real estate appraisals and the communicating of real estate appraisals.

**7.1(5)** Failure to comply with the USPAP applicable at the time of the development and communication of a real estate appraisal.

**7.1(6)** A certificate holder, licensee and the associate shall report to the board every adverse judgment in a professional or occupational malpractice action to which the certificate holder, licensee or associate is a party, and every settlement of a claim against the certificate holder, licensee or associate alleging malpractice.

**7.1(7)** A certificate holder, licensee or associate who fails to comply with 7.1(4) “*d*” and 7.1(6) commits a violation of this chapter for which disciplinary action may be imposed.

**193F—7.2(543D) Use of titles.**

**7.2(1)** No person shall assume or use the title or designation “certified general real property appraiser,” “certified residential real property appraiser,” “state licensed real property appraiser,” or “associate real estate appraiser” or any other title, designation, words or letters, abbreviations, sign card or device tending to indicate that such person is certified, licensed or registered unless such person is registered under Iowa Code section 543D.7.

**7.2(2)** No partnership, corporation, firm or group engaged in the appraisal of real estate shall assume or use the title or designation “certified general real property appraiser,” “certified residential

real property appraiser,” “state licensed real property appraiser,” or “associate real estate appraiser” or any abbreviation thereof that may indicate the partnership, corporation, firm or group is certified or licensed as real estate appraisers.

**193F—7.3(543D) Violation of use of title.** Whenever, in the judgment of the board, any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute a violation of Iowa Code section 543D.15, the board may make application to the appropriate court for an order enjoining such acts or practices; and upon a showing by the board that such person has engaged, or is about to engage, in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by the court without bond.

**193F—7.4(543D) Penalty.** Any person who violates any provisions of Iowa Code section 543D.15 shall be guilty of a serious misdemeanor.

Whenever the board has reason to believe that any person is liable to punishment under this section, it may certify the facts to the attorney of the county where the person maintains a business office, who may, in the attorney general’s or county attorney’s discretion, cause appropriate charges to be filed.

**193F—7.5(543D) Competent evidence.** The display or uttering by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device, bearing a person’s name in conjunction with the words “certified general, certified residential, state licensed real property appraiser or associate,” or any abbreviation thereof shall be competent evidence in any action brought before Iowa Code section 543D.15 that the person whose name is displayed caused or procured the display or uttering of such card, sign, advertisement, or other printed, engraved, or written instrument or device, and that such person is claiming to be a certified general or certified residential or state licensed real property appraiser or associate registered under Iowa Code section 543D.7. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

**193F—7.6(252J) Certificates of noncompliance.** The board shall suspend or revoke a certificate of registration upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code Supplement chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

**7.6(1)** The notice required by Iowa Code Supplement section 252J.8 shall be served upon the registrant by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the registrant may accept service personally or through authorized counsel.

**7.6(2)** The effective date of revocation or suspension of a certificate of registration, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the registrant.

**7.6(3)** The board’s executive secretary is authorized to prepare and serve the notice required by section 252J.8 and is directed to notify the registrant that the certificate of registration will be suspended, unless the registration is already suspended on other grounds. In the event a registration is on suspension, the executive secretary shall notify the registrant of the board’s intention to revoke the certificate of registration.

**7.6(4)** Registrants shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

**7.6(5)** All board fees for license renewal or reinstatement must be paid by registrants before a certificate of registration will be renewed or reinstated after the board has suspended or revoked a license pursuant to chapter 252J.

**7.6(6)** In the event a registrant files a timely district court action following service of a board notice pursuant to sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of revocation or suspension, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**7.6(7)** The board shall notify the registrant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the suspension or revocation of a certificate of registration, and shall similarly notify the registrant when the registration is reinstated following the board's receipt of a withdrawal of the certificate of noncompliance.

These rules are intended to implement Iowa Code chapter 543D and Iowa Code Supplement chapter 252J.

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