BEFORE THE IDAHO REAL ESTATE APPRAISER BOARD

In the Matter of the License of:	)	
	)	Case No. REA-L3-01-96-033
TERRY W. ANDERSON,	)	
License No. LRA-135,	)	**CONSENT ORDER**
	)	
Respondent.	)	
	)	

ORIGINAL

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WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action is acknowledged by Licensed Real Estate Appraiser Terry W. Anderson (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of real estate appraising in the State of Idaho in accordance with title 54, chapter 41, Idaho Code, the Idaho Real Estate Appraisers Act.

2. Respondent is a licensee of the Idaho Real Estate Appraiser Board and holds license number LRA-135 to practice real estate appraising in the State of Idaho. Respondent's license is and has been in full force and effect at all times pertinent herein. Respondent's license is subject to the provisions of title 54, chapter 41, Idaho Code.

3. On or about March 1, 1996, Respondent performed an appraisal for the real property located at 4260 E. Burchell, Hayden Lake, Idaho (hereinafter the "subject property").

4. Respondent's appraisal of the subject property fails to conform to the standards required by title 54, chapter 41, Idaho Code, for the following reasons:

a. Respondent failed to be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-1(a);

b. Respondent committed a substantial error of omission or commission that significantly affected the appraisal, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-1(b);

c. Respondent rendered appraisal services in a careless or negligent manner, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-1(c);

d. Respondent failed to value the site by an appropriate appraisal method or technique, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-4(a);

e. Respondent failed to collect, verify, analyze, and reconcile such comparable cost data as are available to estimate the cost new of improvements, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-4(b)(i);

f. Respondent failed to collect, verify, analyze, and reconcile such comparable data as are available to estimate the difference between cost new and the present worth of the improvements (accrued depreciation), in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-4(b)(ii);

g. Respondent failed to collect, verify, analyze, and reconcile such comparable sales data, adequately identified and described, as are available to indicate a value conclusion, in violation of Idaho Code § 54-4107(1)(d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-4(b)(iii);

h. Respondent failed to consider and analyze any current Agreement of Sale, option, or listing of the property being appraised, in violation of Idaho Code § 54-

4107(1) (d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-5(a); and

i. Respondent failed to consider and analyze any prior sales of the property being appraised that occurred within one year, in violation of Idaho Code § 54-4107(1) (d) and (e), IDAPA 24.18.01.700, and USPAP Standard 1-5(b)(i).

5. Pursuant to Idaho Code §§ 54-4106(2)(h) and 54-4107, the Board has the authority to revoke a license to practice real estate appraisal in the State of Idaho for violation of laws relating to public health and safety which were committed in the court of practicing real estate appraisal.

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraisal and would constitute grounds for disciplinary action against Respondent's license to practice real estate appraisal in the State of Idaho.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations as set forth above and agrees to the discipline against his license as set forth in Section C below.

B.

I, Terry W. Anderson, by affixing my signature hereto, acknowledge that:

1. I have read and understand the allegations pending before the Board, as stated above in Section A. I further understand that these allegations constitute cause for disciplinary action upon my license to appraise real estate in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses who would testify against me; the right to present evidence in my favor or to call witnesses in my behalf, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraising in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations against me.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

1. Based upon the foregoing stipulation, it is agreed that the Board may issue the following order:

a. Respondent shall attend fifteen (15) hours of continuing education within six (6) months of the entry of the Board's Order. Respondent may choose to attend either Basic Valuation Procedures, or Standards of Practice, taught by a Board-approved provider. Respondent shall, as soon as possible after completion of the 15 hours of instruction, provide the Board with proof of attendance. This 15-hour continuing education requirement is in addition to any other hours of continuing education Respondent is required to take to maintain his license.

b. Respondent shall pay a fine of Two Hundred Fifty and No/100 Dollars ($250.00) for investigative costs to the Board within twenty (20) days of entry of this Consent Order.

2. The violation of any of the terms of this stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Attorney General's Office at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept or reject this settlement agreement, and if rejected by the Board, a formal complaint may be filed against the Respondent. Respondent hereby agrees to waive any right he may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this settlement agreement is rejected.

3. If the settlement agreement is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against him at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

I have read the above stipulation fully and have discussed it with my counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I also understand that by its terms the Idaho Real Estate Appraiser Board will issue an Order on this stipulation whereby I will be ordered to obtain 15 hours of continuing education and pay a fine in the amount of $250. I agree to the above stipulation for settlement.

DATED this 22ND day of July, 1998.

Terry W. Anderson, Respondent

I concur in the stipulation and order.

DATED this 24 day of July, 1998.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kirsten Wallace
Kirsten L. Wallace
Deputy Attorney General

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Idaho Real Estate Appraiser Board in this matter and shall be effective on the 29th day of July, 1998. **IT IS SO ORDERED.**

IDAHO REAL ESTATE APPRAISER BOARD

By E. Morse
Ed Morse, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14 day of August, 1998, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail postage prepaid, addressed to:

Mr. Terry W. Anderson
Anderson Appraisals
N. 4301 Ramsey Road, Suite B-23
Coeur d'Alene, ID 83814

Kirsten Wallace

KIRSTEN L. WALLACE
Deputy Attorney General

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

August 14, 1998

Mr. Terry W. Anderson
Anderson Appraisals
N. 4301 Ramsey Road, Suite B-23
Coeur d'Alene, ID 83814

Re: Board of Real Estate Appraisers Investigation

Dear Mr. Anderson:

Enclosed please find a copy of the Consent Order in Case No. REA-L3-01-96-033. It was executed on July 29, 1998, by Ed Morse, the Board Chair. According to the terms of the Order, you would have 20 days from July 29, 1998, to submit the fine of $250 for investigative costs to the Board, which would require you to mail the check on August 18, 1998. However, due to an extended vacation, I have been unable to inform you of the Board's acceptance of this Consent Order until this late date. Therefore, please consider the date of service, August 14, 1998, to begin the running of the 20-day period with which to comply with the fine requirement. You may either mail the check to me, payable to the Board, or you may mail the check directly to the Bureau of Occupational Licenses.

This constitutes a final disposition of this matter. Although I cannot give you any legal advice, I would be happy to answer any questions you may have.

Yours very truly,

Kirsten Wallace

KIRSTEN L. WALLACE
Deputy Attorney General

KLW:cjf
Enclosure
cc: John Kersey (w/ original encl.)
Reapprsr/L8226LWB

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