# BEFORE THE BOARD OF REAL ESTATE APPRAISERS

## STATE OF IDAHO

RECEIVED
DEC 14 1994
OCCUPATIONAL LICENSES

| | | |
|---|---|---|
| In the Matter of | ) | Case No. REA-02-94-006 |
| | ) | |
| Lee Moerles, | ) | **CONSENT ORDER** |
| License No. LRA-157, | ) | |
| | ) | |
| Respondent. | ) | |
| | ) | |

ORIGINAL

COMES NOW the Idaho State Board of Real Estate Appraisers (hereinafter "Board") and Lee Moerles (hereinafter "Respondent"), and enter into this Consent Order in lieu of a formal administrative hearing pursuant to § 54-4106 of the Idaho Code.

I.

For the purposes of the entry of this Order, the following facts are hereby adopted by the Board:

1. That Respondent is a licensee of the Idaho State Board of Real Estate Appraisers and holds license number LRA-157 to appraise residential real estate 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, and the duly promulgated rules of the Board of Real Estate Appraisers.

2. That pursuant to an agreement with Norwest Mortgage, Respondent prepared an appraisal report of the property located at 3049 West Ravenhurst, Meridian, Idaho as a proposed construction appraisal based upon plans, specifications and a description of materials supplied by the builder of the property.

3. That subsequent to issuing the appraisal report based upon the plans, specifications and description of materials of the proposed construction, Respondent

received a change order including revised floor plan increasing the square footage of the house.

4. That Respondent issued a second appraisal report after completion of the proposed construction for the property located at 3049 W. Ravenhurst, Meridian, Idaho and estimated the market value of the property as of November 8, 1993, at $147,000.00.

5. That Respondent failed to retain a copy of the first appraisal report issued on the property located at 3049 W. Ravenhurst, Meridian, Idaho, in violation of Idaho Code § 54-4109.

6. That Respondent failed to inspect the interior of the property located at 3049 Ravenhurst, Meridian, Idaho after receiving a change order from the builder of the property and misrepresented in his appraisal report that he had made an interior inspection of the property in violation of USPAP Standard 1 and Idaho Code § 54-4107.

II.

I, Lee Moerles, by affixing my signature hereto, acknowledge that:

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

III.

1. Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and Order upon this stipulation whereby real estate appraiser license number LRA-157, issued to Respondent Lee Moerles, is hereby suspended for a period of thirty (30) days; provided however, said suspension is stayed and Respondent shall be placed on probation for a period of one (1) year commencing on the effective date of this Consent Order, subject to the condition that Respondent shall obey all federal, state and local laws, and all rules governing the practice of appraising real estate in the state of Idaho.

2. A violation of the terms of this Consent Order by Respondent will result in the termination of the stay and an order of suspension will issue. The Board therefore retains jurisdiction over this proceeding until all matters are finally set forth in this Consent Order.

3. Any action initiated by the Board based upon alleged violations of this Consent Order shall comply with the Administrative Procedure Act, title 67, chapter 9, Idaho Code, and the Idaho State Real Estate Appraisers Act and the rules of the Board.

I have read the above stipulation fully and 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 State Board of Real Estate Appraisers will issue an Order on this stipulation whereby my license to appraise residential real estate will be placed on probation, subject to the above delineated terms and conditions. I agree to the above stipulation for settlement.

DATED this 1st day of December, 1994.

Lee Moerles
Respondent

I concur in this stipulation and order.

DATED this 13th day of Dec., 1994.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
Nicole S. McKay
Deputy Attorney General

Pursuant to Idaho Code § _____, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 30 day of JANUARY, 1995 **IT IS SO ORDERED.**

IDAHO STATE BOARD OF REAL ESTATE APPRAISERS

By _____
Ed Muehlbach
Board Chair

**STATE OF IDAHO**
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720-1000

LARRY ECHOHAWK
ATTORNEY GENERAL

SELF-GOVERNING AGENCIES
TELEPHONE
(208) 334-2400
TELECOPIER
(208) 334-2530

November 15, 1994

Lee H. Moerles
2374 Welford
Boise, Idaho 83704

Re: In the Matter of Lee Moerles
Before the Board of Real Estate Appraisers
Case No.

Dear Mr. Moerles:

This letter is written pursuant to Idaho Code § 67-5254(1) and serves as notice that the Idaho State Real Estate Appraisers Board intends to commence an administrative action to seek discipline against your license to appraise residential real estate in the state of Idaho. This proposed disciplinary action concerns your appraisal of the property located at 3049 W. Ravenhurst, Meridian, Idaho.

At this stage, you have two options:

1. Set this matter for a hearing to determine the facts; or

2. Stipulate to the violations in a proposed stipulation to be presented to the Board for their approval.

If you choose the first option, the Board will hear or appoint a hearing officer to hear the evidence, make findings of fact and conclusions of law and recommend the appropriate discipline, if any. The Board would make the final determination.

If you choose the second option, we will stipulate to the facts, the violations and a proposed disciplinary settlement and present the Stipulation and Order to the Board for their approval.

Where the parties disagree to the facts, a formal hearing before a hearing officer is essential. Where the only issue is the appropriate remedy or discipline, then a stipulation to the facts is a viable alternative.

If you are interested in pursuing the stipulation to the violation and discipline, please sign the enclosed Consent Order and return it to me no later than December 5, 1994. I will then present it to the Board at their next meeting for their approval. If I do not hear from you or receive the signed stipulation by that date, I will assume you contest the facts and will set the case for a hearing before the Board or an appointed hearing officer.

If you have any questions regarding the foregoing or the enclosed Consent Order, please do not hesitate to contact me.

Yours very truly,

NICOLE S. MCKAY
Deputy Attorney General

NSM/yj
Enclosure

\L4318ima