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BEFORE THE IDAHO STATE BOARD OF REAL ESTATE APPRAISERS

In the Matter of	)	Case No. REA-P3-03-95-009
	)	
GEORGE E. HANEY,	)	**CONSENT ORDER**
License No. LRA-86,	)	
	)	
Respondent.	)	
	)	

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Information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter BOARD) which constitutes sufficient grounds for the initiation of an administrative action against George E. Haney (hereinafter RESPONDENT); and,

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

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

I.

1. The Board may regulate the appraisal of real estate in the state of Idaho in accordance with title 54, chapter 41, Idaho Code, the Idaho Real Estate Appraisers.

2. Respondent is a licensee of the Idaho State Board of Real Estate Appraisers and holds license number LRA-86 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.

3. Respondent rendered an undated written analysis, opinion, and conclusion as to the value, quality, and utility of the real estate located at 215 Main Street, Gooding, Idaho (hereinafter "subject property"). See Exhibit 1.

4. Although not intended by Respondent, Respondent's written analysis, opinion, and conclusion of the value, quality and utility of the subject property constitutes an appraisal as defined by Idaho Code § 54-4104(1) of the Real Estate Appraiser's Act.

5. Appraisals in the State of Idaho must comply with the minimum standards set forth in Standard 2 of the Uniform Standards of Professional Appraisal Practices (hereinafter "U.S.P.A.P.").

6. Respondent's appraisal of the subject property failed to meet the requirements of U.S.P.A.P. Standard 2.

7. The real estate located at 215 Main Street, Gooding, Idaho is commercial property.

8. Respondent's appraisal of commercial property without benefit of a state certified general real estate appraiser license constitutes a violation of Idaho Code § 54-4103.

II.

I, ~~Gregory~~ George E. Haney, 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 license number LRA-86, issued to Respondent George E. Haney, is hereby suspended for a period of thirty (30) days: provided, however, that said suspension is stayed and Respondent is placed on probation for a period of one (1) year on the following conditions:

a. Respondent shall obtain fifteen (15) hours of continuing education through the Uniform Standards of Professional Appraisal Practice Course within six (6) months of the effective date of this Order.

b. Completion of the Uniform Standards of Professional Appraisal Practice Course shall not satisfy the requirements of IDAPA 24.18.01.401.02, which provides that each licensee must obtain the equivalent of fifteen (15) classroom hours of instruction in courses or seminars for each year during the three (3) years preceding the renewal certification term.

c. Respondent shall not violate any federal, state or local laws or rules governing the practice of appraising real estate in the State of Idaho.

2. The violation of any of the terms of this stipulation 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 resolved as set forth in this stipulation. Upon successful completion of probation, Respondent's license will be fully restored.

IV.

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 the 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. 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 upon probation, subject to the above delineated terms and conditions. I agree to the above stipulation for settlement.

DATED this 11 day of July, 1996.

GEORGE E. HANEY
Respondent

I concur in this stipulation and order.

DATED this 12th day of July, 1996.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kevin Satterlee for
Nicole S. McKay Nicole S. McKay
Deputy Attorney General

Pursuant to Idaho Code §54-4106 the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 15th day of July, 1996. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF REAL ESTATE APPRAISERS

By Ruby Stroschein
Ruby Stroschein
Chairman