BEFORE THE INDIANA REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD
CAUSE NO.: **READ 09-8**

IN THE MATTER OF THE
LICENSE OF MARK ZICKMUND
LICENSE NO: TR40400444 (Expired)

FILED
OCT 30 2009
Indiana Professional Licensing Agency

COMPLAINT

This complaint is brought against the Real Estate Appraiser Trainee License of Mark Zickmund ("Respondent") by the State of Indiana, by counsel, Deputy Attorney General Jason J. Gross, on behalf of the Office of the Attorney General ("Petitioner"), and pursuant to Indiana Code § 25-1-7-7, Ind. Code § 25-1-6-3, Ind. Code § 25-34.1-2-5 *et seq.*, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.*, and Ind. Code § 25-1-11-1 *et seq.* in support, petitioner alleges and states:

FACTS

1. Respondent's address on file with the Real Estate Appraiser Licensure and Certification Board ("Board") is 6520 East 82nd Street, Suite 215, Indianapolis, Indiana 46250. Respondent is a Licensed Appraiser Trainee holding license number TR40400444 (Active).

2. On or about December 9, 2004, Respondent prepared and certified a Uniform Residential Appraisal Report on the real property located at 54820 Ehman Road, Mishawaka, Indiana 46545 ("Subject Property").

3. On March 14, 2008, Petitioner sent Respondent a subpoena for the Subject Property work file in regards to a complaint submitted to the Petitioner.

4. Respondent has never sent the copy of the Subject Property Appraisal nor has Respondent ever contacted the Petitioner in any form.

COUNT I

5. Paragraphs 1-4 are repeated and incorporated herein.

6. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(4)(B) in that Respondent has continued to practice although Respondent has failed to keep abreast of current professional theory or practice by violating 2006 USPAP Ethics Rule record keeping provision as adopted by 876 IAC 3-6-2, when Respondent failed to keep the workfile for a period of at least five (5) years after preparation, as evidenced by Respondent's refusal to comply with Petitioner's subpoena.

COUNT II

7. Paragraphs 1-6 are repeated and incorporated herein.

8. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(4)(B) in that Respondent has continued to practice although Respondent has failed to keep abreast of current professional theory or practice by violating 2006 USPAP Ethics Rule record keeping provision as adopted by 876 IAC 3-6-2, when Respondent failed to make the Subject Property workfile available when required by a state enforcement agency or due process of law.

WHEREFORE, Petitioner requests an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and

3. Provides any other relief the Board deems just and proper.

Respectfully submitted,
GREGORY F. ZOELLER
Attorney General of Indiana
Atty. No.: 1958-98

By: _____

Jason J. Gross
Atty. No.: 23587-49
Deputy Attorney General
Indiana Government Center South
302 W. Washington Street, 5th Floor
Indianapolis, Indiana 46204
(317) 232-6308

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 2nd day of November, 2009:

Mark Zickmund
6520 East 82nd Street, Suite 215
Indianapolis, Indiana 46250

Jason J. Gross