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BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

SEP 16 2011

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI REAL ESTATE)	
APPRAISERS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 10-1304 RA
v.)	
)	
ALFRED B. BERRY,)	
)	
Respondent.)	

JOINT STIPULATION
AND
NOTICE OF DISMISSAL
(§ 536.060, RSMo, and 1 CSR 15-3.431)

The Missouri Real Estate Appraisers Commission (MREAC), by and through its attorney, the Missouri Attorney General, and Alfred B. Berry, Sr. (Berry), by and through his attorneys, Ellis, Ellis, Hammons & Johnson, P.C., jointly move for dismissal of this matter without prejudice based on the stipulations, terms and conditions set forth herein.

1. The parties stipulate and agree that this document is the joint work product of the parties. The parties hereto stipulate and agree that this document embodies the entire agreement and understanding of the parties with respect to the subject matter contained herein. The parties hereby declare and represent that no promise, inducement, or agreement not herein expressed has been made.

2. Berry stipulates and agrees to surrender his certification as a state-certified residential real estate appraiser, certificate no. RA002013, in lieu of defending this matter further and represents that he has returned all indicia of certification to the MREAC with this signed document. Berry further stipulates and agrees that he will not reapply for either a license or a certification as a real estate appraiser for at least two (2) years. In return, the MREAC stipulates and agrees to the dismissal of this matter without prejudice.

3. Berry, together with his partners, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MREAC, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo (as amended), or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of the Joint Stipulation in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

4. Based upon the stipulations, terms and conditions of this agreement, the parties mutually agree that the case presently before the AHC in this matter will be dismissed without prejudice.

5. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

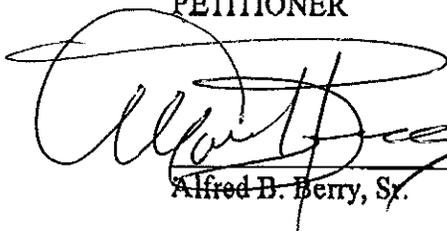
6. Each party agrees to pay all their own fees and expenses incurred as a result of this case and/or its litigation.

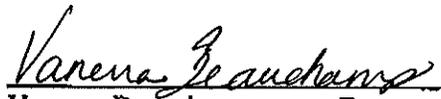
7. The parties to this Joint Stipulation understand that this Joint Stipulation will be maintained as an open and public record as provided in Chapters 324, 610, and 339, RSMo, as amended.

WHEREFORE, the MREAC voluntarily dismisses this matter against Berry without prejudice based on the stipulations, terms and conditions set forth herein.

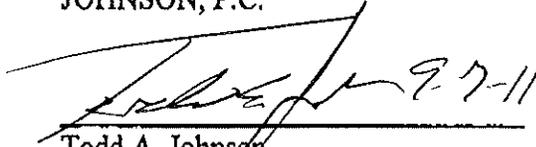
PETITIONER

Missouri Real Estate Appraisers
Commission


Alfred B. Berry, Sr. 8-30-11
Date


Vanessa Beauchamp 9-13-11
Executive Director Date

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