

**ORDER  
OF THE MISSOURI REAL ESTATE APPRAISERS COMMISSION  
REGARDING ISSUANCE OF A PROBATED CERTIFICATION  
TO BRIAN M. MARTIN**

The Missouri Real Estate Appraisers Commission (the “MREAC”) hereby issues its ORDER granting a PROBATED certification to Brian M. Martin (“Martin”) as a STATE-CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER pursuant to the provisions of § 324.038, RSMo.<sup>1</sup> As set forth in § 324.038, RSMo, Martin may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the MREAC’s decision that cause exists to issue a probated certification. Such written request must be filed with the Administrative Hearing Commission within 30 days of issuance of the MREAC’s order. The written request should be addressed to the Administrative Hearing Commission, Truman State Office Building, Room 640, P.O. Box 1557, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the MREAC’s decision shall be considered waived. Should Martin file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

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<sup>1</sup> All statutory citations are to the 2008 Cumulative Supplement to the 2000 Revised Statutes of Missouri unless otherwise noted.

I.

Based upon the foregoing, the MREAC hereby states the following basis for issuing to Martin a probated certification as a state-certified residential real estate appraiser:

1. The MREAC is an agency of the State of Missouri created and established pursuant to § 339.507, RSMo, for the purpose of executing and enforcing the provisions of §§ 339.500 to 339.549, RSMo, as amended.

2. Cause exists to deny Martin's request to be certified as a state-certified residential real estate appraiser pursuant to § 339.532.1 and .2(6), (7) and (10), RSMo, which provide:

1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any state-certified real estate appraiser, state-licensed real estate appraiser, or any person who has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

.....

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

.....

(10) Violating, assisting or enabling any person to willfully disregard any of the provisions of sections 339.500 to 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to 339.549[.]

3. Section 339.535, RSMo 2000, requiring compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), provides:

State certified real estate appraisers and state licensed real estate appraisers shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation.

4. Based on the Summary Appraisal Report prepared by Martin for 3653 Eagles Hill Ridge, St. Charles, Missouri, effective July 7, 2008, and submitted to the MREAC by Martin for review as part of his certification application, cause exists to deny Martin's request to be certified as a state-certified residential real estate appraiser pursuant to § 339.532.1 and .2(6), (7) and (10), RSMo, based on the violation of § 339.535, RSMo, USPAP Standards 1 and 2, and USPAP Standard Rules 1-1(a), (b) and (c), 1-4(a) and (b), 1-6(a) and (b), 2-1(a) and (b), and 2-2(b)(iii) and (viii), 2008-2009 Edition, as follows:

- a. Adjustments are made in the Sales Comparison Approach without proper support for a partially finished basement and an in-ground pool;
- b. Martin was unable to explain the recognized method and technique for calculating adjustments;
- c. No explanation is made for Martin's failure to adjust for age in the Sales Comparison Approach;
- d. In the Cost Approach, the assessor's value is used for site value.
- e. Martin was unable to explain a proper method for deriving site value from the market when no sales are available for review;
- f. The quality and quantity of the data available and analyzed in the Cost Approach were not reconciled; and
- g. The applicability and relevance of the Sales Comparison Approach and the Cost approach were not reconciled.

5. Based on the Summary Appraisal Report prepared by Martin for 911 Victory Drive, St. Louis, Missouri 63125, effective August 8, 2008, and submitted to the MREAC by Martin for review as part of his certification application, cause exists to deny Martin's request to be certified as a state-certified residential real estate appraiser pursuant to § 339.532.1 and .2(6), (7) and (10), RSMo, based on the violation of § 339.535, RSMo, USPAP Standards 1 and 2, and USPAP Standard Rules 1-1(a), (b) and

(c), 1-4(a) and (b)(i), 1-6(a) and (b), 2-1(a) and (b), and 2-2(b)(iii) and (viii), 2008-2009

Edition, as follows:

- a. Adjustments are made in the Sales Comparison Approach without proper support for a partially finished basement;
- b. No support or analysis is provided for the statement that the subject property is in “good” condition or for the site adjustment to Comparable Sale No. 1;
- c. Martin was unable to explain the recognized method and technique for calculating adjustments;
- d. No explanation is made for Martin’s failure to adjust for age in the Sales Comparison Approach;
- e. In the Cost Approach, the assessor’s value is used for site value;
- f. Martin was unable to explain a proper method for deriving site value from the market when no sales are available for review;
- g. The quality and quantity of the data available and analyzed in the Cost Approach were not reconciled; and
- h. The applicability and relevance of the Sales Comparison Approach and the Cost approach were not reconciled.

6. Based on the information provided, the MREAC has determined to issue this Order in lieu of denial of Martin's application for certification as a state-certified residential real estate appraiser and shall issue this Order to entitle Martin to engage in the probated practice of real estate appraising only insofar as he is subject to, and complies with, each and every term and condition set forth below. Given the nature of Martin's conduct, the MREAC has determined that the following terms and conditions are necessary to ensure that the public health, safety, and welfare are protected.

## II. TERMS AND CONDITIONS

7. Based on the foregoing, the MREAC hereby grants a PROBATED certification, certificate no. 2009006658, to Brian M. Martin as a state-certified residential real estate appraiser, pursuant to the provisions of § 324.038, RSMo. Such certification is subject to the following terms and conditions:

A. Certificate no. 2009016658 is placed on PROBATION for TWO (2) YEARS (the "probationary period") from the effective date of this Order. During the probationary period, Martin shall be entitled to engage in the practice of real estate appraising under §§ 339.500 through 339.549, RSMo, as amended, provided Martin adheres to all of the terms and conditions of this Order as set forth below.

B. Martin shall submit written reports to the MREAC by no later than February 1 and August 1, during each year of the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first written report shall be submitted on or before August 1, 2009. The final written report shall be submitted to the MREAC 90 days prior to the end of the probationary period. Each written report shall be submitted no earlier than 30 days prior to the respective due date. Martin is responsible for assuring that the reports are submitted to and received by the MREAC.

C. During the probationary period, Martin shall maintain a log of all appraisal assignments as required by 20 CSR 2245-2.050. A true and accurate copy of the log shall be submitted to the MREAC by no later than February 1 and August 1 during each year of the probationary period. The first log shall be submitted on or before August 1, 2009. The last log shall be submitted to the MREAC 90 days prior to the end of the probationary period. Each log submitted shall be current to at least 30 days prior to the respective due date. Martin is responsible for assuring that the logs are submitted to and received by the MREAC. Upon MREAC request, Martin shall submit copies of his work samples for MREAC review.

D. Within six months after the effective date of this Order, Martin shall submit verification to the MREAC of successful completion of a Thirty (30)-hour approved course, including examination, on Appraisal Principles.

E. Within six months after the effective date of this Order, Martin shall submit verification to the MREAC of successful completion of a Thirty (30)-hour approved course, including examination, on the Sales Comparison Approach.

F. Martin may not apply the education required by this Order to satisfy the continuing education hours required for certification renewal.

G. During the probationary period, Martin shall not serve as a supervising appraiser to trainee real estate appraisers under 20 CSR 2245-3.005. Within ten days of the effective date of this Order, Martin shall advise each trainee real estate appraiser working under him that the supervisory relationship is terminated and comply with all other requirements of 20 CSR 2245-3.005 regarding the termination of the supervisory relationship.

H. During the probationary period, Martin shall keep the MREAC apprised at all times in writing of his current work and home addresses and telephone numbers at each place of residence and employment. Martin shall notify the MREAC in writing of any change in address or telephone number within 15 days of a change in this information.

I. Martin shall timely renew his certification and timely pay all fees required for certification renewal and comply with all other MREAC requirements necessary to maintain his certification in a current and active state.

J. During the probationary period, Martin shall comply with all provisions of §§ 339.500 through 339.549, RSMo, all rules and regulations promulgated thereunder, and all federal and state laws. “State” includes the state of Missouri and all other states and territories of the United States. Any cause to discipline Martin’s certification as a real estate appraiser under § 339.532.2, RSMo, as amended, that accrues during the probationary period shall also constitute a violation of this Order.

K. Martin shall accept and comply with reasonable unannounced visits from the MREAC’s duly authorized agents to monitor compliance with the terms and conditions stated herein.

L. Martin shall appear before the MREAC or its representative for a personal interview upon the MREAC’s written request.

M. If, at any time within the probationary period, Martin removes himself from the state of Missouri, ceases to be currently certified under the provisions of §§ 339.500 through 339.549, RSMo, or fails to keep the MREAC advised of all current places of residence and business, the time of absence,

uncertified status or unknown whereabouts shall not be deemed or taken as any part of the probationary period.

8. This Order does not bind the MREAC or restrict the remedies available to it concerning any other violation by Martin of §§ 339.500 through 339.549, RSMo, as amended, that is not specifically mentioned in this document.

9. Upon the expiration of the probationary period, Martin's certification shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the MREAC determines that he has violated any term or condition of this Order, the MREAC may, in its discretion, vacate this Order and impose such further discipline as the MREAC shall deem appropriate.

10. No additional order shall be entered by the MREAC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREAC as a contested case in accordance with the provisions of Chapter 536, RSMo, as amended. If any alleged violation of this Order occurred during the probationary period, the MREAC may choose to conduct a hearing before it either during the probationary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose disciplinary action under § 324.042, RSMo. The MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

11. If the MREAC determines that Martin has violated a term or condition of the probationary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the MREAC may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

12. This Order shall be maintained as an open and public record of the MREAC, pursuant to Chapters 324, 339 and 610, RSMo, as amended.

SO ORDERED, EFFECTIVE THIS 19<sup>th</sup> DAY OF <sup>June VB</sup> ~~APRIL~~ 2009.

  
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Vanessa Beauchamp, Executive Director  
Missouri Real Estate Appraisers Commission