

I.

Based upon the foregoing, the Commission hereby states:

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.507, RSMo Cum. Supp. 2008, for the purpose of licensing all persons engaged in the practice of real estate appraisal in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapter 339.500 to 339.549, RSMo (as amended).

2. Curt Maddox currently resides at 5812 N. Kensington Avenue, Kansas City, Missouri 64119.

3. On or about June 14, 2007, Maddox completed the application for upgrade to a residential appraiser certification.

4. On or about September 21, 2007, Maddox passed the residential real estate appraiser examination.

5. On or about March 2, 2009, Maddox provided the Commission with a copy of his experience log.

6. On or about April 2, 2009, Maddox provided the Commission with a copy of his work samples.

7. The Commission reviewed Maddox's experience log and work samples. Specifically, the Commission reviewed an appraisal of the property at 6125 Jackson Street, Kansas City, Missouri.

8. On or about May 11, 2009, the Commission requested to meet with Maddox regarding his experience log and work samples, specifically, the appraisal at 6125 Jackson Street.

9. By telephone conference call on August 4, 2009, the Commission met with Maddox about the appraisal at 6125 Jackson Street.

10. Based on the Commission's review of the 6125 Jackson appraisal and the August 4, 2009 conference call, the Commission determined that Maddox's appraisal at 6125 Jackson Street contained numerous violations of the Uniform Standards of Professional Appraisal Practice (USPAP). Specifically, the Commission determined that Maddox's appraisal at 6125 Jackson violated Standards Rules 1-1(c), 1-2(e), 1-2(h), 1-4(a), 1-4(b), 1-4(c), 1-5(a), 1-6(b) and 2-2(b)(viii).

11. The Commission determined that Maddox's appraisal violated the sections of USPAP because:

- a. The appraisal contained many mistakes and errors that affected the results of the appraisal;
- b. The appraisal failed to correctly identify the characteristics of the subject's neighborhood and economic attributes;
- c. The appraisal failed to determine the scope of work necessary to produce the appraisal;
- d. The appraisal failed to develop an income approach on an income-producing property;
- e. The appraisal contained neighborhood boundaries that were too vast;
- f. The appraisal contained a comparable property, comparable number 3, that needed a location adjustment which the appraisal failed to contain;
- g. Page one of the Uniform Residential Appraisal Report (URAR) stated the property had two bathrooms but the grid on page two of the Appraisal under subject property listed three;
- h. The appraisal failed to develop a site opinion;
- i. The appraisal failed to list a previous sale on page 2 of the URAR;
- j. The appraisal stated that both approached to value offer similar value indications when the sale comparison approach value was \$64,000.00 and the cost approach value was \$169,300.00; and
- k. The appraisal did not contain sufficient information to enable the intended users to understand the report properly.

II.

CONCLUSIONS OF LAW

12. The Commission has authority to deny or refuse any certificate or license application pursuant to § 339.532.1, RSMo 2000, which provides:

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 his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

13. The Commission has cause to deny or refuse Maddox's application for a certified residential appraiser license pursuant to § 339.532.2, RSMo 2000, which provides:

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:

...

- (2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;

...

- (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;
- (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;

...

- (14) Violation of any professional trust or confidence[.]

14. As a result of Maddox's non-compliance with numerous provisions of USPAP in the 6125 Jackson Street appraisal, the Commission has cause to deny or refuse Maddox's application for a residential appraiser certification pursuant to § 339.532.1, RSMo, and § 339.532.2 (2), (5), (6), (7), and (14), RSMo.

15. As an alternative to refusing to issue a certification, the Commission may, at its discretion, issue a certification subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a Commission within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the Commission, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

16. The Commission issues this Order in lieu of denial of Maddox's application for upgrade to a residential appraiser certification. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Based on the foregoing, Curt Maddox is granted a residential appraiser certification, which is hereby placed on **PROBATION** for a period of two (2) years from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Curt Maddox shall be entitled to present himself and serve as a certified residential appraiser subject to the following terms and conditions:

- A. During the probationary period, Maddox shall not supervise any real estate appraisal, as defined by § 339.503(1), RSMo (as amended), of property located in the state of Missouri nor sign any appraisal for property located in Missouri as an appraisal supervisor.
- B. During the probationary period, Maddox shall successfully complete an approved 15-hour continuing education course regarding the Uniform Standards of Professional Appraisal Practice (USPAP).
- C. During the probationary period, Maddox shall maintain a log of all appraisal assignments completed, including appraisal values. Maddox shall submit a true and accurate copy of his log to the MREAC every three (3) months after the effective date of this Order. Each log, except for the final log, shall be submitted within 15 days after the end of the respective six month period. Maddox shall submit the final log 30 days prior to the end of the probationary period. All logs shall comply with rule 20 CSR 2245-2.050.
- D. During the disciplinary period, Maddox shall keep the Commission informed of his current work and home telephone numbers. Maddox shall notify the Commission in writing within ten days (10) of any change in this information.
- E. During the probationary period, Maddox shall timely renew his certification granted hereby and shall timely pay all fees required for certification and comply with all other Commission requirements necessary to maintain said license in a current and active state.
- F. During the probationary period, Maddox shall accept and comply with unannounced visits from the Commission's representatives to monitor compliance with the terms and conditions of this Order.
- G. During the disciplinary period, Maddox shall appear in person for interviews with the Commission or its designee upon request.
- H. Maddox shall submit written reports to the Commission every six (6) months during the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Commission on or before December 8, 2009.
- I. Maddox shall execute any release or provide any other authorization necessary for the Commission to obtain records of her employment during the terms of the permit.
- J. Maddox shall comply with all provisions of §§ 339.500 to 339.549, RSMo; all federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri, all other states and territories of the United States, and the ordinances of political subdivisions of any state or territory. Maddox shall immediately report any violation of this provision to the Commission in writing. Maddox shall also immediately report any allegation that he has violated this provision to the Commission, in writing. Examples of allegations of such a violation include, but are not limited to, any arrest, summons, inquiry by any law enforcement official into these

topics, or inquiry into these topics by a health oversight agency. Maddox shall sign releases or other documents authorizing and requesting the holder of any closed record related to this paragraph to release such records to the Commission.

- K. Maddox is hereby informed that the Missouri Real Estate Appraisers Commission will maintain this Order as an open record of the Commission as provided in Chapters 610 and 324, RSMo. He shall truthfully answer any inquiry regarding her license status or disciplinary history.
- L. Maddox shall immediately submit documents showing compliance with the requirements of this Order to the Commission when requested.
- M. In the event the Commission determines that Maddox has violated any term or condition of this Order, the Commission may, in its discretion, after an evidentiary hearing, suspend, revoke, or otherwise lawfully discipline Williams' certification.
- N. No Order shall be entered by the Commission pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the Commission in accordance with the provisions of Chapter 536, RSMo.
- O. If, at any time during the probationary period, Maddox changes his address from the state of Missouri, or ceases to maintain his certified residential appraiser license current or active under the provisions of Chapter 339, RSMo (as amended), or fails to keep the Commission advised of all current places of residence, the time of such absence, unlicensed or inactive status, or unknown whereabouts shall not be deemed or taken to satisfy any part of the probationary period.
- P. Unless otherwise specified by the Commission, all reports, documentation, notices, or other materials required to be submitted to the Commission shall be forwarded to: Missouri Real Estate Appraisers Commission, P.O. Box 1335, Jefferson City, Missouri 65102.
- Q. Any failure by Maddox to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Commission or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapter 339, RSMo (as amended), or the regulations promulgated thereunder.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 324, 339 and 610, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 8th DAY OF SEPTEMBER, 2009.

MISSOURI REAL ESTATE APPRAISERS COMMISSION

A handwritten signature in cursive script that reads "Vanessa Beauchamp". The signature is written in black ink and is positioned above a horizontal line.

Vanessa Beauchamp, Executive Director