

**BEFORE THE MISSOURI
REAL ESTATE APPRAISERS COMMISSION**

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|------------------------|---|-------------------|
| MISSOURI REAL ESTATE |) | |
| APPRAISERS COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 2006005066PV1 |
| |) | |
| DANIEL HULL, |) | |
| |) | |
| Respondent. |) | |

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

Pursuant to § 620.153, the Missouri Real Estate Appraisers Commission (the “MREAC”) hereby issues this **ORDER REVOKING** the state licensed real estate appraiser license of Daniel Hull.

I.

In support of the foregoing, the MREAC hereby states:

FACTUAL BASIS

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. Respondent Daniel Hull is a Missouri state licensed real estate appraiser with a probated Missouri License (License #2006031522).

3. On October 5, 2006, the MREAC issued its Order of the Missouri Real Estate Appraisers Commission Issuing a Probated License to Daniel Hull (the “Order”). In the Order, the MREAC

granted a probated certification to Hull as a state licensed real estate appraiser.

4. The terms of Hull's probation, as set forth in the Order, p. 7-9, included that

Hull:

- a. complete 30 hours of coursework/classwork in market data analysis in a class/course approved by the MREAC;
- b. maintain a log of all appraisal assignments completed, including appraised values, and submit a true and accurate copy of his log to the MREAC every six months after the effective date of his probationary order. Each log, except for the final log, shall be submitted within 15 days after the end of the respective six month period. Hull shall submit the final log 30 days prior to the end of the probationary period. All logs shall comply with rule 4 CSR 245-2.050; and
- c. comply with all applicable provisions of Chapter 339, RSMo, as amended; all applicable MREAC regulations; and all applicable federal and state laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions during the probationary period.

5. MREAC rule 20 CSR 2245-8.010, regarding continuing education, provides, in pertinent part:

(1) Each licensee who holds a certificate or license shall complete, during the two (2)-year license period prior to renewal, as a condition precedent to certification or license renewal, the required number of hours of real estate appraisal instruction approved for continuing education credit by the Missouri Real Estate Appraisers Commission as specified in section (2) of this rule. Licensees shall maintain their evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence shall be submitted upon request by the commission.

(2) Licensees are required to complete twenty-eight (28) hours of continuing education during the two (2)-year renewal cycle. The commission may require specific courses of continuing education. A licensee shall provide verification of completion of continuing education by affidavit at the time of renewal. The affidavit shall contain a truthful statement of approved courses by the commission of continuing education taken by the licensee.

....

(11) All licensees of the state of Missouri shall complete, for continuing education credit, the seven (7)-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent during each renewal cycle. The USPAP, 2008 Edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722, or at www.appraisalfoundation.org. This rule does not incorporate any subsequent amendments or additions to the USPAP.

6. On or about October 5, 2007, Hull failed to complete a 30-hour market data analysis course as required by the terms of the above-referenced probationary order, by completing only a 15-hour market data analysis course.

7. Hull failed to submit his final log of all appraisal assignments he completed during the final six months of his probationary period on or before September 5, 2008, which was 30 days prior to the end of his probationary period.

8. Hull failed to complete, for continuing education credit, the seven-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or

its equivalent during the 2006-2008 renewal cycle in violation of MREAC rule 20 CSR 2245-8.010.

9. As a result of the foregoing, Assistant Attorney General Rebecca K. McKinstry filed a complaint with the MREAC requesting that a probation violation hearing be held by the MREAC to determine whether further disciplinary action was warranted.

10. Pursuant to § 620.153, RSMo 2000, the MREAC set this matter for a probation violation hearing on February 4, 2009, at 9:00 a.m., and served notice of said hearing upon Respondent Hull in a proper and timely fashion.

11. The MREAC subsequently held the probation violation hearing on February 4, 2009, as scheduled. The MREAC was represented by Assistant Attorney General Rebecca K. McKinstry. Respondent Hull was not present at the hearing and was not represented by counsel.

II.

CONCLUSIONS OF LAW

12. Pursuant to § 620.153, RSMo, 2000, 20 CSR 2245-8.010, and page 9, paragraph 21 of the Order, the MREAC has authority to impose additional discipline against Respondent Hull for violating any disciplinary terms previously imposed or agreed to pursuant to settlement against a licensee.

13. Section 620.153, RSMo 2000, provides:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated

any disciplinary terms previously imposed or agreed to pursuant to settlement. *The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.*

14. Page 7, paragraph 21 of the Order states, in pertinent part:

Any failure by Hull to comply with any condition of discipline set forth herein constitutes a violation of this Order.

15. The MREAC finds Respondent has violated the terms and conditions of his disciplinary probation because Hull failed to complete a 30-hour market data analysis course, Hull violated the terms of his probation.

16. The MREAC finds Respondent has violated the terms and conditions of his disciplinary probation by failing to submit his final log of all appraisal assignments he completed during the final six months of his probationary period on or before September 5, 2008.

17. The MREAC finds Respondent has violated the terms and conditions of his disciplinary probation because Hull failed to complete his mandatory number of hours of continuing education as required by MREAC rule 20 CSR 2245-8.010, by not taking the required seven-hour national Uniform Standards of Professional Appraisal Practice (USPAP) update course or its equivalent during the two-year renewal cycle, he failed to comply with all applicable MREAC regulations.

18. Because Hull failed to comply with all applicable MREAC regulations, he violated the terms of his probation.

19. Accordingly, Respondent Hull's state real estate appraiser certification is subject to further disciplinary action by the MREAC pursuant to § 620.153, RSMo 2000.

20. In light of the foregoing, the MREAC has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

21. Based on the foregoing, and after having fully considered all the evidence, it is the **ORDER** of the MREAC that Respondent's state licensed real estate appraiser license (License #2006031522) is hereby **REVOKED**, as of effective date of this Order. Upon receipt of this Order, Respondent shall immediately return all evidence of licensure to the Commission.

22. The MREAC will maintain this Order as an open record as provided in Chapters 339, 610 and 620, RSMo, as amended.

SO ORDERED EFFECTIVE, THIS 10th day of February, 2009.

**MISSOURI REAL ESTATE
APPRAISERS COMMISSION**



Vanessa Beauchamp,
Executive Director
Missouri Real Estate Appraisers Commission