

**BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION**

MISSOURI REAL ESTATE APPRAISERS COMMISSION,)	
)	
)	
)	Petitioner,
)	
v.)	No. 2007-002765 PV1
)	
DARIN D. ADAMSON,)	
)	
)	Respondent.

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

At its scheduled meeting on October 23, 2012, at approximately 9:00 a.m., at the Missouri Council of School Administrators Building, 3530 Amazonas Drive, Jefferson City, Missouri, and pursuant to notice described in the Findings of Fact, the Missouri State Real Estate Appraisers Commission (MREAC) took up the probation violation complaint alleging that Darin Adamson has failed to comply with the terms of his probation.

The Commission appeared through Assistant Attorney General Megan Fewell. Adamson was not present at the hearing and was not represented by legal counsel. Division of Professional Registration Chief Legal Counsel Earl Kraus served as the MREAC's legal advisor at the hearing, during deliberations, and in the preparation of this order.

Findings of Fact

1. The MREAC was established pursuant to § 339.507, RSMo,¹ for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.549, RSMo.

2. Darin Adamson is a natural person and was certificated by the MREAC as a state-certified residential real estate appraiser, certificate number RA003312. Adamson's certificate expired in June of 2012.

3. On or about April 11, 2010, Adamson signed a Settlement Agreement between Missouri Real Estate Appraisers Commission and Darin D. Adamson ("Settlement Agreement") placing his certificate on probation for a period of two years for his completion of appraisals in violation of the Uniform Standards of Professional Appraisal Practice ("USPAP"). The Settlement Agreement became effective May 5, 2010.

4. The relevant terms of the probationary period, beginning May 5, 2010, are stated as follows in the Settlement Agreement:

Terms and conditions of the disciplinary period. The terms and conditions of the disciplinary period are as follows:

...

B. During the probationary period, Adamson shall maintain a log of all appraisal assignments as required by 20 CSR 2245-2.050. A true and accurate copy of which shall be submitted to the MREAC every three (3) months after the disciplinary period goes into effect

¹ Unless otherwise stated, all statutory references are to the Revised Statutes of Missouri (2000), as amended.

with the written reports required under subparagraph B., above. Adamson is responsible for assuring that the logs are submitted to and received by the MREAC. Upon MREAC request, Adamson shall submit copies of his work samples for MREAC review.

...

F. During the disciplinary period, Adamson 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 Adamson's license as a real estate appraiser under § 339.532.2, RSMo, as amended, that accrues during the disciplinary period shall also constitute a violation of this Settlement Agreement.

5. The Settlement Agreement further stated, in pertinent part:

7. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the MREAC may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Adamson agrees and stipulates that the MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

6. On or about August 6, 2012, Adamson signed a United States Postal Service certified mail return receipt acknowledging the receipt of an order from the MREAC granting Adamson's request to continue, at Adamson's request, the probation violation hearing from its original setting of August 7, 2012, to the new setting of October 23, 2012, at 9:00 a.m. Adamson did not appear in person or through legal counsel at the October 23, 2012 hearing.

7. Mark Hastert, certified residential appraiser for 27 years, testified at the probation violation hearing before the MREAC as an expert residential appraiser on behalf of the MREAC regarding the requirements and standards of

residential appraising set forth in Counts I – IV, the four residential appraisals set forth in Counts I – IV, and the extent to which Adamson violated and/or failed to comply with such requirements and standards set forth in Counts I – IV.

Count I – Westside Drive appraisal report

8. On or about December 29, 2010, Adamson completed a uniform residential appraisal report for residential property located at 7901 NW Westside Dr., Weatherby Lake, Missouri (“the Westside Dr. property”). The effective date of the appraisal was December 24, 2010, and valued the property at \$770,000. This appraisal shall be referred to herein as the “Westside Dr. Appraisal Report.”

9. Adamson was required to develop and report the results of the Westside Dr. Appraisal Report in compliance with the USPAP, 2010 – 2011 Edition.

10. The Westside Dr. Appraisal Report was prepared for Cole Taylor Bank, a Missouri Bank.

11. In preparation and reporting of the Westside Dr. Appraisal Report, Adamson made significant and substantial errors of omission and/or commission, including, but not limited to:

- a. Improperly described the subject property’s neighborhood price range and predominant value;
- b. Improperly overstated the subject property’s neighborhood price range and predominant value;

- c. Failed to provide a description of the market conditions and failed to provide analysis and support for the conclusions; and
- d. Failed to provide proper analysis and discussion regarding the rate of change and the causes of the declining price range of the subject property's neighborhood sales.

12. In the preparation and reporting of the Sales Comparison Analysis in the Westside Dr. Appraisal Report, Adamson made significant and/or substantial errors of omission and/or commission, including, but not limited to:

- a. Failed to make adequate site adjustments;
- b. Failed to make adequate adjustments regarding the value-related conditions and characteristics;
- c. Failed to make adjustments for the declining market despite discussing it within the appraisal;
- d. Failed to make adequate adjustments for the bathrooms;
- e. Improperly combined the adjustments for the difference in basement and basement finished space into a single lump sum adjustment; and
- f. Failed to provide adequate and sufficient discussion regarding the adjustments for "extras."

13. The Westside Dr. Appraisal Report's value is not credible, is misleading, and was developed and reported in violation of USPAP Standards 1 and 2, which state:

Standard 1 In developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem, and correctly complete research and analyses necessary to produce a credible appraisal.

Standard 2 In reporting the results of a real property appraisal, an appraiser must communicate each analysis, opinion, and conclusion in a manner that is not misleading.

14. Adamson's errors and/or omissions in the preparation of the Sales Comparison Analysis, as found in this Count I, constitute violations of USPAP Standard 1 and Standards Rule ("SR") 1-4(a), which states:

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

(a) When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.

15. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal in violation of USPAP Standard 1 and SR 1-1(a), which states:

In developing a real property appraisal, an appraiser must:

(a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal[.]

16. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson committed substantial errors of omission and/or commission that

significantly affected the appraisal in violation of USSPAP Standard 1 and SR 1-1(b), which states:

In developing a real property appraisal, an appraiser must:

...

(b) not commit a substantial error or omission or commission that significantly affects and appraisal[.]

17. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson rendered appraisal services in a careless and/or negligent manner in violation of USPAP Standard 1 and SR I-1(c), which states:

In developing a real property appraisal, an appraiser must:

...

(c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

18. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, in violation of USPAP Standard 1 and SR 1-2(e)(i), which states:

In developing a real property appraisal, an appraiser must:

...

(e) identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, including:

(i) its location and physical, legal, and economic attributes[.]

19. Based on Adamson's errors and/or omission in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to identify and analyze the market area trends in violation of USPAP Standard 1 and SR 1-3(a), which states:

When necessary for credible assignment results in developing a market value opinion, an appraiser must:

(a) identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic supply and demand, the physical adaptability of the real estate, and market area trends[.]

20. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to clearly and accurately set forth the appraisal in a manner that would not be misleading and violated USPAP Standard 2 and SR 2-1(a), which states:

Each written or oral real property appraisal report must:

(a) clearly and accurately set forth the appraisal in a manner that will not be misleading[.]

21. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to prepare a report that contained sufficient information to enable the intended users of the appraisal to understand the report properly and violated USPAP Standard 2 and SR 2-1(b), which states:

Each written or oral real property appraisal report must:

...
(b) contain sufficient information to enable the intended users of the appraisal to understand the report properly[.]

22. Based on Adamson's errors and/or omissions in developing and reporting the results of the Westside Dr. Appraisal Report, as found in this Count I, Adamson failed to summarize information sufficient to identify the real estate involved in the appraisal and failed to summarize the information analyzed, the appraisal methods and techniques employed and the reasoning that supports the analyses, opinions and conclusions in violation of USPAP Standard Rule 2 and SR 2-2(b)(iii) and (viii), which state:

Each written real property appraisal report must be prepared under one of the following three options and prominently state which option is used: Self-Contained Appraisal Report, Summary Appraisal Report, or Restricted Use Appraisal Report.

...
(b) The content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum:

...
(iii) summarize the information sufficient to identify the real estate involved in the appraisal, including the physical and economic property characteristics relevant to the assignment;

...
(viii) summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained[.]

Count II – 49th Street Appraisal Report

23. On or about April 17, 2011, Adamson completed and signed a summary appraisal report for residential real estate located at 1523 NE 49th Street

(“the 49th Street property”). The effective date of the appraisal report was April 14, 2011. This appraisal valued the property at \$82,000. This appraisal shall be referred to herein as the “49th Street Appraisal Report.”

24. Adamson was required to develop and report the results of the 49th Street Appraisal Report in compliance with USPAP, 2010 – 2011 Edition.

25. The 49th Street Appraisal Report was prepared for Nationstar Mortgage, a Texas mortgage company.

26. In preparation of the 49th Street Appraisal Report, Adamson made significant and substantial errors of omission and/or commission, including, but not limited to:

- a. Improperly described the subject property’s neighborhood boundaries too broadly;
- b. Improperly overstated the subject property’s neighborhood price range and predominant value;
- c. Failed to provide a description of the market conditions and failed to provide analysis and support for the conclusions;
- d. Failed to provide proper analysis and discussion regarding the rate of change and the causes of the declining price range of the subject property’s neighborhood sales; and
- e. Improperly stated the subject property’s garage as being attached when it is actually built-in.

27. In the preparation of the Sales Comparison Analysis in the 49th Street Appraisal Report, Adamson made significant and/or substantial errors of omission and/or commission, including, but not limited to:
- a. Improperly chose comparable sale 2 which is located across a major boundary and backs to Interstate-35 resulting in a nuisance from traffic noise and making it a poor indicator;
 - b. Failed to use better comparables of which demonstrated both as-is and as-repaired sale prices so that the client could consider repairs that might increase the sale price thus reducing loss on sale;
 - c. Failed to make, analyze and discuss appropriate adjustments to the comparable sales used for their reported decrease in property values due to the decline in market over time;
 - d. Failed to make appropriate adjustments for the comparable sales' bath and gross living area;
 - e. Improperly reported comparable sale 1 as in "Fair-Average Condition" when the MLS report and accompanying photos do not show any significant deferred maintenance compared to the subject and report the property as "beautiful;"
 - f. Improperly stated that comparable sales 1's garage is attached when it is actually a built-in garage;

- g. Failed to make an appropriate adjustment for comparable sale 2's location in regards to 1-35;
- h. Improperly stated that comparable sale 2 has a partially finished basement when the basement is fully finished;
- i. Improperly stated that comparable sale 2's garage was attached when it was actually built-in; and
- j. Improperly rated comparable sale 3 as "average-good condition" when the MLS report indicated that the property was all updated, had a new roof and other new additions.

28. The 49th Street Appraisal Report overestimates the value, is not credible, is misleading, and was developed and reported in violation of USPAP Standards 1 and 2, as stated above.

29. Adamson's errors and/or omissions in the preparation of the Sales Comparison Analysis, as found in this Count II, constitute violations of USPSP Standard 1 and SR 1-4(a), as stated above.

30. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal in violation of USPAP Standard 1 and SR 1-1(a), as stated above.

31. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II,

Adamson committed substantial errors of omission and/or commission that significantly affected the appraisal in violation of USPAP Standard 1 and SR 1-1(b), as stated above.

32. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson rendered appraisal services in a careless and/or negligent manner in violation of USPAP Standard 1 and SR 1-1(c), as stated above.

33. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, in violation of USPAP Standard 1 and SR 1-2(e)(i), as stated above.

34. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to identify and analyze the market area trends in violation of USPAP Standard 1 and SR 1-3(a), as stated above.

35. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to clearly and accurately set forth the appraisal in a manner that would not be misleading and violated USPAP Standard 2 and SR 2-1(a), as stated above.

36. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to prepare a report that contained sufficient information to enable the intended users of the appraisal to understand the report properly and violated USPAP Standard 1 and SR 2-1(b), as stated above.

37. Based on Adamson's errors and/or omissions in developing and reporting the results of the 49th Street Appraisal Report, as found in this Count II, Adamson failed to summarize information sufficient to identify the real estate involved in the appraisal and failed to summarize the information analyzed, the appraisal methods and techniques employed and the reasoning that supports the analyses, opinions and conclusions in violation of USPAP Standard Rule 2 and SR 2-2(b)(iii) and (viii), as stated above.

Count III – 28th Street Appraisal Report

38. On or about April 28, 2011, Adamson completed and signed a summary appraisal report for residential real estate located at 1600 E. 28th St. S., Independence, Missouri 64055 ("the 28th Street property"). The effective date of the appraisal report was April 21, 2011. This appraisal valued the property at \$78,000. This appraisal shall be referred to herein as the "28th Street Appraisal Report."

39. Adamson was required to develop and report the results of the 28th Street Appraisal Report in compliance with USPAP, 2010 – 2011 Edition.

40. The 28th Street Appraisal Report was prepared for Nationstar Mortgage, a Texas mortgage company.

41. In preparation of the 28th Street Appraisal Report, Adamson made significant and substantial errors of omission and/or commission, including, but not limited to:

- a. Improperly stated that no major external inadequacies existed when the subject property abutted a busy four lane road, constituting an external inadequacy;
- b. Improperly cited the county use code when the city zoning code was appropriate;
- c. Improperly defined the subject property's neighborhood too broadly;
- d. Incorrectly stated that most of the homes within the subject property's neighborhood were "bank owned or distressed sales;" and
- e. Failed to adequately discuss and analyze the conclusion that the "values have decreased" for the properties within the subject property's neighborhood.

42. In the preparation of the Sales Comparison Analysis in the 28th Street Appraisal Report, Adamson made significant and/or substantial errors of omission and/or commission, including but not limited to:

- a. Failed to adequately discuss and analyze value related conditions and characteristics;
- b. Failed to make an adjustment for the subject property's location next to a busy four lane street despite indicating that it was a negative influence on value;
- c. Failed to adequately discuss and analyze the statement that prices had decreased and failed to make appropriate adjustment in light of the decreased values;
- d. Failed to make an adequate adjustment for the comparable sales' bathrooms;
- e. Failed to make an adequate adjustment for the comparable sales' gross living area;
- f. Failed to make adequate adjustments of the condition of comparable sales I and 3;
- g. Improperly reported the wrong data for the comparable sales used;
- h. Failed to indicate that comparable sale 1 was a short sale;
- i. Improperly stated that comparable sale 1 was in a substantially inferior condition from the subject property;
- j. Failed to state that comparable sale 2 was a short sale;

- k. Improperly rated comparable sale 2 as average condition despite stating that it had many new things including a roof, furnace, front door and more;
- l. Improperly stated that comparable sale 3 was in average/good condition despite stating that it had updates to the kitchen and other newer amenities; and
- m. Failed to state that comparable sale 4 was a REO sale.

43. The 28th Street Appraisal Report overestimates the value, is not credible, is misleading, and was developed and reported in violation of USPAP Standards 1 and 2, as stated above.

44. Adamson's errors and/or omissions in the preparation of the Sales Comparison Analysis, as found in this Count III, constitute violations of USPAP Standard 1 and SR 1-4(a), as stated above.

45. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson failed to correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal in violation of USPAP Standard 1 and SR 1-1(a), as stated above.

46. Based on Adamson's errors and omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson committed substantial errors of omission and/or commission that

significantly affected the appraisal in violation of USPAP Standard 1 and SR 1-1(b), as stated above.

47. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson failed to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, in violation of USPAP Standard 1 and SR 1-2(e)(i), as stated above.

48. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson Failed to identify an analyze the market area trends in violation of USPAP Standard 1 and SR 1-3(a), as stated above.

49. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson failed to clearly and accurately set forth the appraisal in a manner that would not be misleading and violated USPAP Standard 2 and SR 2-1(a), as stated above.

50. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson failed to prepare a report that contained sufficient information to enable the intended users of the appraisal to understand the report properly and violated USPAP Standard 2 and SR 2-1(b), as stated above.

51. Based on Adamson's errors and/or omissions in developing and reporting the results of the 28th Street Appraisal Report, as found in this Count III, Adamson failed to summarize information sufficient to identify the real estate involved in the appraisal and failed to summarize the information analyzed, the appraisal methods and techniques employed and the reasoning that supports the analyses, opinions and conclusions in violation of USPAP Standard Rule 2 and SR 2-2(b)(iii) and (viii), as stated above.

Count IV – 192nd Street Appraisal Report

52. On or about July 15, 2011, Adamson completed and signed a summary appraisal report for residential real estate located at 2000 NE 192nd Street, Holt, Missouri 64048 (the 192nd Street property"). The effective date of the appraisal report was July 7, 2011. This appraisal valued the property at \$364,000. This appraisal shall be referred to herein as the "192nd Street Appraisal Report."

53. Adamson was required to develop and report the results of the 192nd Street Appraisal Report in compliance with the USPAP, 2010 – 2011 Edition.

54. The 192nd Street Appraisal Report was prepared for Janet Keefer, U.S. Trust Bank of America.

55. In preparation of the 192nd Street Appraisal Report, Adamson made significant and substantial errors of omission and/or commission, including, but not limited to:

- a. Failed to discuss and analyze the statement that the neighborhood prices are declining;

- b. Improperly stated that REO sales were typical which was not the case;
- c. Improperly stated the subject property's condition as average; and
- d. Improperly understated the site value in the cost approach.

56. In the preparation of the Sales Comparison Analysis in the 192nd Street Appraisal Report, Adamson made significant and/or substantial errors of omission and/or commission, including, but not limited to:

- a. Failed to address and make appropriate adjustments for declines in the market;
- b. Failed to make an appropriate adjustment for site value;
- c. Failed to make an appropriate adjustment for gross living area;
- d. Failed to make appropriate adjustment for the bedroom and bathroom differences;
- e. Failed to make consistent adjustments for stone and brick facades and failed to explain these adjustments;
- f. Improperly stated comparable sale 5 has three bathrooms;
- g. Failed to make an appropriate adjustment for comparable sale 3's high quality;
- h. Failed to make appropriate adjustment for comparable sale 3's stone front façade;
- i. Improperly misidentified comparable sale 1 and 5's garages;

- j. Failed to make an appropriate adjustment for comparable sale 2's third garage;
- k. Improperly made adjustments for the outbuildings that did not correlate in a consistent discernable manner; and
- l. Improperly used comparable sales 4 and 5 which are much older, on much smaller sites and in a price range 1/3 to 1/2 lower than the other comparable sales.

57. The 192nd Street Appraisal Report's value is not credible, is misleading, and was developed and reported in violation of USPAP Standards 1 and 2, as stated above.

58. Adamson's errors and/or omissions in the preparation of the Sales Comparison Analysis and Cost approach, as found in this Count III, constitute violations of USPAP Standard 1 and SR 1-4(a), as stated above, and (b)(i), which states:

In developing a real property appraisal, an appraiser must collect, verify, and analyze all information necessary for credible assignment results.

...

- (b) When cost approach is necessary for credible assignment results, an appraiser must:
 - (i) develop an opinion of site value by an appropriate appraisal method or technique[.]

59. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson failed to correctly employ those recognized methods and techniques

that are necessary to produce a credible appraisal in violation of USPAP Standard 1 and SR 1-1(a), as stated above.

60. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson committed substantial errors of omission and/or commission that significantly affected the appraisal in violation of USPAP Standard 1 and SR 1-1(b), as stated above.

61. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report as found in this Count IV, Adamson rendered appraisal services in a careless and/or negligent manner in violation of USPAP Standard 1 and SR 1-1(c), as stated above.

62. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson failed to identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal, in violation of USPAP Standard 1 and SR 1-2(e)(i), as stated above.

63. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson failed to identify and analyze the market area trends in violation of USPAP Standard 1 and SR 1-3(a), as stated above.

64. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count

IV, Adamson failed to clearly and accurately set forth the appraisal in a manner that would not be misleading and violated USPAP Standard 2 and SR 2-1(a), as stated above.

65. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson failed to prepare a report that contained sufficient information to enable the intended users of the appraisal to understand the report properly and violated USPAP Standard 2 and SR 2-1(b), as stated above.

66. Based on Adamson's errors and/or omissions in developing and reporting the results of the 192nd Street Appraisal Report, as found in this Count IV, Adamson failed to summarize information sufficient to identify the real estate involved in the appraisal and failed to summarize the information analyzed, the appraisal methods and techniques employed and the reasoning that supports the analyses, opinions and conclusions in violation of USPAP Standard Rule 2 and SR 2-2(b)(iii) and (VIII), as state above.

Conclusions of Law

67. The MREAC has jurisdiction over this proceeding, pursuant to the Settlement Agreement.

68. The MREAC also has jurisdiction pursuant to § 324.042, RSMo, to determine whether Adamson has violated the terms and conditions of the Settlement Agreement and what additional discipline, if any, should be imposed. Section 324.042, RSMo, states, in pertinent part:

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.

69. Section 339.532.2, RSMo, states, in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter, 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:

...

(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;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(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;

...

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

70. Section 339.535, RSMo, states:

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

71. Adamson's conduct, as found in Counts I - IV demonstrates incompetency, misconduct, gross negligence, dishonesty, fraud and/or misrepresentation in the performance of the functions and/or duties of a real estate appraiser, providing cause to discipline his real estate appraiser certification pursuant to § 339.532.2(5), RSMo.

72. Adamson's conduct, as found in Counts I - IV, violates standards for the development and/or communication of real estate appraisals as provided in or pursuant to §§ 339.500 to 339.549, RSMo, providing cause to discipline his real estate appraiser certification pursuant to § 339.532.2(6), RSMo.

73. Adamson's conduct, as found in Counts I - IV, demonstrates a failure and/or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, and/or communicating an appraisal, providing cause to discipline his real estate appraiser certification pursuant to § 339.532.2(8), RSMo.

74. Adamson's conduct, as found in Counts I - IV, demonstrates negligence and/or incompetence in developing an appraisal, in preparing an appraisal report, and/or in communicating an appraisal, providing cause to discipline his real estate appraiser certification pursuant to § 339.532.2(9), RSMo.

75. Each of Adamson's USPAP violations, as found in Counts I - IV, constitutes a violation of § 339.535, RSMo, providing cause to discipline his real estate appraiser certification pursuant to § 339.532.2(7) and (10), RSMo.

76. Adamson's conduct, as found in Counts I - IV, violates the professional trust and confidence he owed to his clients, the intended users of the appraisal report, and the public, providing cause to discipline his real estate appraiser certification pursuant to § 336.532.2(14), RSMo.

77. Adamson's conduct, as stated in Counts I – IV, provides cause to impose additional discipline pursuant to the Settlement Agreement and under § 324.042, RSMo.

78. The Settlement Agreement and § 324.042 allow the MREAC to take such disciplinary action that the MREAC deems appropriate for Adamson's failure to comply with the terms of the Settlement Agreement.

Decision and Order

It is the decision of the MREAC that Adamson has violated the terms of the Settlement Agreement and that his certification is, therefore, subject to further disciplinary action.

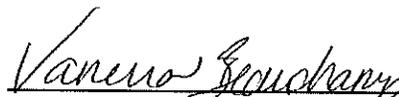
The MREAC orders that Darin Adamson's certification as a state-certified residential real estate appraiser, certificate number RA003312, be and is hereby **REVOKED**.

Respondent shall immediately return all indicia of certification to the Missouri Real Estate Appraisers Commission.

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

SO ORDERED this 5th day of November, 2012.

**MISSOURI REAL ESTATE APPRAISERS
COMMISSION**



Vanessa Beauchamp,
Executive Director