

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

<b>MISSOURI REAL ESTATE APPRAISERS</b>	)	
<b>COMMISSION,</b>	)	
	)	
	)	<b>Petitioner,</b>
	)	
<b>v.</b>	)	<b>No. 2005-005448PV</b>
	)	
<b>DAVID D. HAND,</b>	)	
	)	
	)	
	)	<b>Respondent.</b>

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

At its scheduled meeting on May 17, 2011, at approximately 8:40 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 David Hand (Hand) has failed to comply with the terms of his probation.

The Commission appeared through Assistant Attorney General Daniel Jacob. Hand was not present at the hearing and was not represented by counsel. Division of Professional Registration 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,<sup>1</sup> for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.549, RSMo, the Missouri Certified Licensed Real Estate Appraisers Act.
2. David Hand is a natural person and is licensed by the MREAC as a state-certified residential real estate appraiser, License No. 2002009489.
3. On or about April 12, 2006, Hand signed a settlement agreement with the MREAC placing his license on probation for a period of one year for his completion of appraisals in violation of USPAP and for the U.S. Department of Housing Development's imposition of discipline upon his license. The settlement agreement became effective May 26, 2006.
4. On or about August 9, 2007, Hand's license was revoked as a result of his failure to attend a 15 hour national USPAP course, including examination, as required by the terms of his probation.
5. On or about September 26, 2009, the MREAC and Hand signed a Joint Motion for Withdraw of Revocation and Consent Order, Joint Stipulation of Facts and Conclusions of Law, Waiver of Hearing before the Missouri Real Estate Appraisers Commission, and Disciplinary Order, which withdrew the revocation of Hand's license and, in lieu of such withdraw, placed his license on an additional one year probation.

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<sup>1</sup> Unless otherwise stated, all statutory references are to RSMo 2000 (as amended).

6. On or about May 27, 2010, the MREAC issued its Findings of Fact, Conclusions of Law and Disciplinary Order (May 27, 2010 disciplinary order) placing Hand's certification on probation for an additional period of one year from the effective date of the order for his completion of an appraisal found to be in violation of USPAP.

7. The relevant terms of the probationary period established in the May 27, 2010 disciplinary order are:

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

...

C. During the probationary period, Hand shall maintain a log of all appraisal assignments completed, including appraisal values. Hand shall submit a true and accurate copy of his log to the MREAC every three (3) months after the effective date of this Order[.]

...

E. During the probationary period, Hand 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.

...

H. Hand 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 July 1, 2010.

...

M. In the event the Commission determines that Hand 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 William's certification.

...

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

8. On or about June 30, 2010, Hand's certification expired when he did not renew.

9. Hand failed to submit a log of all appraisal assignments completed, including appraisal values, on or before August 27, 2010.

10. Hand failed to submit a log of all appraisal assignments completed, including appraisal values, on or before November 27, 2010.

11. Hand failed to submit a log of all appraisal assignments completed, including appraisal values, on or before February 27, 2011.

12. Hand failed to submit his compliance report on or before July 1, 2010.

13. Hand failed to submit his compliance report on or before January 1, 2011.

14. On or about April 15, 2011, the MREAC sent notice by regular mail and certified mail to Hand notifying him of the probation violation complaint and of the probation violation hearing in this matter set for May 17, 2011 at 8:30 a.m. at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri. On or about April 18, 2011, the return receipt or "green card" from the certified mail copy was signed for by Angela Hand and returned to the MREAC.

#### **Conclusions of Law**

15. The MREAC has jurisdiction over this proceeding, pursuant to the May 27, 2010 disciplinary order in which the MREAC determined that Hand had

violated the September 26, 2009, Joint Motion for Withdraw of Revocation and Consent Order, Joint Stipulation of Facts and Conclusions of Law, Waiver of Hearing Before the Missouri Real Estate Appraisers Commission, and Disciplinary Order. As a result of the May 27, 2010 disciplinary order, the MREAC placed Hand's license on one additional year of probation.

16. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether Martin has violated the terms and conditions of the May, 27, 2010 disciplinary order. Section 324.042 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.

17. Hand's conduct, as stated in paragraphs 8 through 13, provides cause to impose additional discipline pursuant to the Commission's May 27, 2010 disciplinary order and under § 324.042, RSMo.

18. The May 27, 2010 disciplinary order and § 324.042 allow the MREAC to take such disciplinary action that the MREAC deems appropriate for Hand's failure to comply with the terms of the May 27, 2010 disciplinary order.

**Decision and Order**

It is the decision of the MREAC that Hand has violated the terms of the May 27, 2010 disciplinary order, and that his license is, therefore, subject to further disciplinary action.

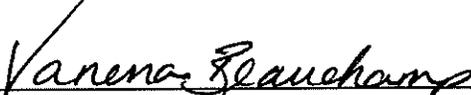
The MREAC orders that David Hand's license as a state-certified residential real estate appraiser, license number 2002009489, be and is hereby **REVOKED**.

Respondent shall immediately return all indicia of licensure 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 20<sup>th</sup> day of June, 2011.

**MISSOURI REAL ESTATE APPRAISERS  
COMMISSION**

  
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**Vanessa Beauchamp,  
Executive Director**