BEFORE THE MISSOURI
REAL ESTATE APPRAISERS COMMISSION

MISSOURI REAL ESTATE APPRAISERS COMMISSION,	)	
Petitioner,	)	
v.	)	**No. 2008003433PV2**
KRIS CASBURN	)	
Respondent.	)	

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER

At its scheduled meeting on November 9, 2011 at approximately 8:40 a.m., and pursuant to notice described in the Findings of Fact, the Missouri Real Estate Appraisers Commission (MREAC) took up the probation violation complaint alleging that Kris Casburn (Casburn) has failed to comply with the terms of his probation.

The Commission appeared at the hearing through Assistant Attorney General Joe Goff. Casburn was not present at the hearing and was not represented by counsel. Division of Professional Registration Legal Counsel Sarah Ledgerwood 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 Cum. Supp. 2010, for the purpose of executing and enforcing the provisions of

§§ 339.500 through 339.549, RSMo, as amended, the Missouri Certified Licensed Real Estate Appraisers Act.

2. Kris Casburn is a natural person and is licensed by the MREAC as a state licensed real estate appraiser, License No. 2004032819. Casburn's license was current and valid, though on probation, at all relevant times herein.

3. On or about April 20, 2010, Casburn entered into a settlement agreement with the MREAC placing his license on probation for a period of two years. The Settlement Agreement became effective May 15, 2010.

4. The May 15, 2010 Settlement Agreement sections II.3, II.4 and II.7, pages 9-10 provide:

> a. Section II.3: "Upon the expiration of the disciplinary period, the license of Casburn shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the MREAC determines that Casburn has violated any term or condition of this Settlement Agreement, the MREAC may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Casburn's license."
>
> b. Section II.4: "No additional discipline shall be imposed by the MREAC pursuant to the preceding paragraph of this Settlement Agreement without notice and opportunity for hearing before the MREAC as a contested case in accordance with the provisions of Chapter 536, RSMo."
>
> c. Section II.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. Casburn agrees and

> stipulates that the MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

5. During the disciplinary period, Casburn agreed to adhere to the general terms and conditions of probation, as detailed in the May 15, 2010 Settlement Agreement, including Section II.2(C), page 7, which provides:

> C. Within six months after the effective date of this Settlement Agreement, Casburn shall submit verification to the MREAC of successful completion of the fifteen-hour approved National USPAP course, including examination. This course shall not replace the 7-hour National USPAP course required by the general continuing education requirements.

6. Casburn was required to submit verification to the MREAC of successful completion of the National USPAP course on or before November 15, 2010.

7. Casburn failed to submit verification to the MREAC of successful completion of the National USPAP course on or before November 15, 2010, in violation of the May 15, 2010 Settlement Agreement, Section II.2(C).

8. On or about November 18, 2010, the MREAC sent a letter to Casburn notifying him that it had not received verification of successful completion of the National USPAP course and requesting that he submit verification no later than November 30, 2010.

9. Casburn did not respond to the MREAC's November 18, 2010 letter or submit verification of successful completion of the National USPAP course on or before November 30, 2010.

10. On or about August 22, 2011, the MREAC issued the Notice of Hearing for the November 9, 2011 Probation Violation Hearing. The MREAC referred the Notice and a copy of the probation violation complaint to the Division of Professional Registration, Central Investigative Unit Investigator Kevan Lager to personally serve Casburn the Notice and copy of the probation violation complaint. On September 2, 2011, Investigator Lager travelled to Casburn's address of record with the MREAC. Investigator Lager personally served the Notice and copy of the probation violation complaint to Casburn's wife, Tracy Casburn, an adult residing at Casburn's address of record with the MREAC.

11. Neither Casburn nor anyone representing Casburn appeared at the November 9, 2011 probation violation hearing.

Conclusions of Law

12. The MREAC has jurisdiction in this proceeding, pursuant to the May 15, 2010 Settlement Agreement to determine whether Casburn has violated the terms and conditions of the May 15, 2010 Settlement Agreement.

13. The MREAC retained jurisdiction over this matter pursuant to Sections II.3, II.4 and II.7 of the Disciplinary Order in the May 15, 2010 Settlement Agreement as detailed above in paragraph 4 of this order.

14. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether Casburn has violated the terms and conditions of the May 15, 2010 Settlement Agreement. 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.

15. Cause exists to take additional discipline of Casburn's license pursuant to Sections II.3, II.4, and II.7 of the Disciplinary Order in the May 15, 2010 Settlement Agreement and § 324.042, RSMo for Casburn's failure to provide the MREAC proof of completion of the National USPAP course as required by the May 15, 2010 Settlement Agreement.

16. The Disciplinary Order in the May 15, 2010 Settlement Agreement and § 324.042 allow the MREAC to take such disciplinary action that the MREAC deems appropriate for failure to comply with the terms of the May 14, 2010 Disciplinary Order.

Decision and Order

It is the decision of the MREAC that Casburn has violated the terms of the Disciplinary Order in the May 15, 2010 Settlement Agreement, and that his license is, therefore, subject to further disciplinary action.

The MREAC orders that Kris Casburn's state license as a state licensed real estate appraiser, number 2004032819, be and is hereby **REVOKED**.

Casburn shall immediately return all indicia of licensure to the Board.

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 10th day of November, 2011.

MISSOURI REAL ESTATE APPRAISERS COMMISSION

Vanessa Beauchamp

Vanessa Beauchamp,
Executive Director