

**BEFORE THE MISSOURI  
REAL ESTATE APPRAISERS COMMISSION**

In the Matter of the Application of            )  
  )  
**PATRICIA WESTHOFF,**                                )  
  )  
Applicant.    )

**ORDER OF THE MISSOURI REAL ESTATE APPRAISERS COMMISSION ISSUING  
A PROBATIONARY RESIDENTIAL APPRAISER CERTIFICATION TO  
PATRICIA WESTHOFF**

The Missouri Real Estate Appraisers Commission (the "Commission") hereby issues its **ORDER** granting a **PROBATIONARY RESIDENTIAL APPRAISER CERTIFICATION**, Certificate No. 2009024839, to Patricia Westhoff (hereafter "Westhoff"), pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Westhoff may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Commission's decision to issue a probated residential appraiser certification. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Commission. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Commission's decision shall be considered waived. Should Westhoff file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

1.

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. Patricia Westhoff currently resides at 200 South Fourth Street, De Soto, Missouri 63020.

3. Westhoff is a female born July 24, 1953.

4. On or about May 5, 2006, Westhoff completed the application for a residential appraiser certification.

5. On or about November 11, 2007, Westhoff passed the residential appraiser examination.

6. On or about March 11, 2008, Westhoff filed her application with the Commission for appraiser trainee. The Commission acknowledged receipt of her application on or about March 1, 2008.

7. On or about June 20, 2008, Westhoff submitted her mass appraisal log to the Commission for review.

8. On or about August 29, 2008, Westhoff submitted two demonstration appraisals and affidavits of supervision to the Commission for review.

9. The Commission considered her application and documents at its November 17-19, 2008 meeting.

10. On or about November 24, 2008, the Commission sent Westhoff a letter expressing concern "about [her] understanding of market analysis data." The Commission suggested she attend a 30 hour Market Data Analysis course and submit two additional demonstration reports with an effective date after the date of the course for review. Finally, the Commission stated that after receipt of the additional reports, it would further review Westhoff's application.

11. On or about March 30, 2009, Westhoff submitted proof of attending a 30 hour course – Residential Sales Comparison and Income Approaches D107 -- which she completed on or about March 23-26, 2009. Westhoff also submitted two additional demonstration appraisals completed on or about March 31, 2009. The first was for 5454 Harter Manor in High Ridge, Missouri (hereinafter referred to as Appraisal A). The second was for 1204 Fenton Ridge in Fenton, Missouri (hereinafter referred to as Appraisal B).

12. On or about August 6, 2009, the Commission reviewed Appraisal A and Appraisal B.

13. Appraisal A and Appraisal B did not comply with several provisions of the Uniform Standards of Professional Appraisal Practice (USPAP):

a. Appraisal A was non-compliant with USPAP because:

- i. It failed to comply with USPAP Standards Rule 1-1(a) in that the sales comparison approach did not demonstrate Westhoff's knowledge of that approach to value;

- ii. It failed to comply with USPAP Standards Rule 1-6(a) in that Westhoff did not analyze quality of data within the sales comparison approach; and
  - iii. It failed to comply with the USPAP Competency Rule.
- b. Appraisal B was non-compliant with USPAP because:
- i. It failed to comply with USPAP Standards Rule 1-1(a) in that the sales comparison approach did not demonstrate Westhoff's knowledge of that approach to value;
  - ii. It failed to comply with USPAP Standards Rule 1-6(a) in that Westhoff did not analyze quality of data within the sales comparison approach; and
  - iii. It failed to comply with the USPAP Competency Rule.

14. On or about July 8, 2009, the Commission informed Westhoff it had reviewed Appraisal A and Appraisal B and invited her to appear before the Commission on August 6, 2009 at 9:00 a.m.

15. Westhoff appeared before the Commission on August 6, 2009.

## II.

### CONCLUSIONS OF LAW

16. 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.**

17. The Commission has cause to deny or refuse Westhoff'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:

...

- (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[.]

18. As a result of Westhoff's non-compliance with numerous provisions of USPAP in Appraisals A and B, the Commission has cause to deny or refuse Westhoff's application for a residential appraiser certification pursuant to § 339.532.1, RSMo. and § 339.532.2 (7) and (8), RSMo.

19. 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.

20. The Commission issues this Order in lieu of denial of Westhoff's application for 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, Patricia Westhoff is granted a residential appraiser certification, which is hereby placed on **PROBATION** for a period of one (1) year from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

**TERMS AND CONDITIONS**

During the aforementioned probation, Patricia Westhoff shall be entitled to present herself and serve as a certified residential appraiser subject to the following terms and conditions:

- A. During the probationary period, Westhoff 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, Westhoff shall maintain a log of all appraisal assignments completed, including appraisal values. Westhoff shall submit a true and accurate copy of her 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. Westhoff 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.
- C. During the disciplinary period, Westhoff shall keep the Commission informed of her current work and home telephone numbers. Westhoff shall notify the Commission in writing within ten days (10) of any change in this information.
- D. During the probationary period, Westhoff shall timely renew her 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.

- E. During the probationary period, Westhoff shall accept and comply with unannounced visits from the Commission's representatives to monitor compliance with the terms and conditions of this Order.
- F. During the disciplinary period, Westhoff shall appear in person for interviews with the Commission or its designee upon request.
- G. Westhoff 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 November 1, 2009.
- H. Westhoff 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.
- I. Westhoff 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. Westhoff shall immediately report any violation of this provision to the Commission in writing. Westhoff 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. Westhoff 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.
- J. Westhoff 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. She shall truthfully answer any inquiry regarding her license status or disciplinary history.
- K. Westhoff shall immediately submit documents showing compliance with the requirements of this Order to the Commission when requested.
- L. In the event the Commission determines that Westhoff 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 Westhoff's certification.
- M. 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.
- N. If, at any time during the probationary period, Westhoff changes her address from the state of Missouri, or ceases to maintain her 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.

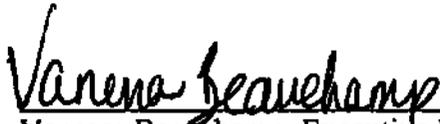
- O. Unless otherwise specified by the Commission, all reports, documentation, notices, or other materials required to be submitted to the Commission shall be forwarded to: Missouri Real Estate Appraisers Commission, P.O. Box 1335, Jefferson City, Missouri 65102.
- P. Any failure by Westhoff to comply 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 31<sup>st</sup> DAY OF AUGUST, 2009.**

MISSOURI REAL ESTATE APPRAISERS COMMISSION



Vanessa Beauchamp, Executive Director