

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

MISSOURI REAL ESTATE APPRAISERS COMMISSION,)	
)	
)	
Petitioner,)	
)	
v.)	No. 2011000205PV
)	
PATRICK REHMER)	
)	
Respondent.)	

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

At its scheduled meeting on June 18, 2013, 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 Patrick Rehmer (Rehmer) has failed to comply with the terms of his probation.

The MREAC appeared at the hearing through Assistant Attorney General Ron Dreisilker. Rehmer 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 and Conclusions of Law

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, the Missouri Certified Licensed Real Estate Appraisers Act.
2. Patrick Rehmer is a natural person and is licensed by the MREAC as a state licensed real estate appraiser, License No. 2004011355. On or about December 28, 2011,

¹ All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Rehmer and the MREAC entered into a Settlement Agreement which placed Rehmer's license on probation for a period of two years subject to terms and conditions. Rehmer's license was current and valid at all relevant times herein until its expiration due to non-renewal on June 30, 2012.

3. The Settlement Agreement placing Rehmer's license on probation for two years became effective on January 12, 2012. Rehmer was required to comply with the terms and conditions of the probationary period outlined in the Settlement Agreement.

4. The relevant terms of Rehmer's probation, as outline in the Settlement Agreement state:

a. Paragraph C: "Rehmer shall complete and maintain satisfactory evidence of completion of the requisite continuing education courses during the current two (2)-year license period, as more fully set forth and required under §§ 339.519.2, 339.525.12 and 339.530.1, RSMo and 20 CSR 2245-8.010(1) and (2) and 20 CSR 2245-8.040(1). Rehmer shall submit satisfactory proof of completion of the requisite continuing education courses for the current two (2)-year license period on or before August 1, 2012."

b. Paragraph H: "During the disciplinary period, Rehmer 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 Rehmer'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. On or about June 29, 2012, Rehmer submitted an Application to Renew his real estate appraiser license.

6. On his Application to Renew, Rehmer represented that during the prior renewal period, July 1, 2010 to June 30, 2012, Rehmer had completed 28 hours of continuing education as required by 20 CSR 2245-8.010(2).

7. As part of the renewal process, Rehmer read and agreed to the following statement: "Since my last renewal, I have completed the mandatory

number of hours of continuing education needed to renew my license or certification.”

8. On August 2, 2012, Rehmer’s license was selected for a continuing education audit for the 2010-2012 renewal period. Rehmer was required to obtain 28 continuing education hours during the 2010-2012 license period, which ended on June 30, 2012.

9. In response to the audit, Rehmer submitted proof of attending the following continuing education hours:

a. Even Odder – More Oddball Appraisals (with audio and video), completed on June 27, 2012 for a total of seven continuing education hours.

b. Appraising Manufactured Homes, completed on June 28, 2012, for a total of seven continuing education hours.

c. 2012-2013 7-hour National USPAP Update Course, completed on June 29, 2012, for a total of seven continuing education hours.

d. Construction Details and Trends, completed on July 3, 2012, for a total of seven continuing education hours.

10. Rehmer failed to attain 28 hours of continuing education during the period from July 1, 2010 to June 30, 2012, as he only completed 21 hours during the required period.

11. On or about March 7, 2013, the MREAC sent notice by regular mail and certified mail to Rehmer notifying him of the probation violation complaint and of the probation violation hearing in this matter set for June 18, 2013 at 9:00 a.m. at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri.

The green card from the certified mail copy was returned as unclaimed and the regular mail copy was not returned to the MREAC.

12. The MREAC has jurisdiction in this proceeding, pursuant to the Settlement Agreement to determine whether Rehmer has violated the terms and conditions of the Settlement Agreement. Specifically, pages 14-15 state: "Rehmer agrees and stipulates that the MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred."

13. The MREAC also retained jurisdiction over this matter pursuant to page 14, paragraph 36, of the Settlement Agreement which states in pertinent part:

If any alleged violation of this Order 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 disciplinary action under § 324.042, RSMo.

14. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether Rehmer has violated the terms and conditions of the 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. Section 339.530.1, RSMo states:

As a prerequisite of renewal of certification or licensure, a state-certified real estate appraiser or state-licensed real estate appraiser shall present evidence satisfactory to the commission of having met the continuing education requirements as provided in this section. The basic continuing education requirements for renewal of certification or licensure shall be the completion by the state-certified real estate appraiser or state-licensed real estate appraiser, during the immediately preceding term of certification or licensure,

of continuing education as prescribed by the appraiser qualifications board and approved by the commission.

16. Regulation 20 CSR 2245-8.010 states:

(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.

17. Regulation 20 CSR 2245-8.040 states:

(1) Licensees shall maintain evidence of course participation or course completion certificates for the period set for appraisal file retention. Such evidence or certificate shall be submitted upon request by the commission.

18. By failing to obtain 28 hours of continuing education during the two year license period which ended on June 30, 2012, Rehmer violation regulations 20 CSR 2245-8.010 and 20 CSR 2245-8.040.

19. By failing to provide true and correct information to the MREAC on his renewal application regarding his completion of continuing education, Rehmer violated § 339.530.1, RSMo.

20. By failing to provide true and correct information to the MREAC on his renewal application regarding his continuing education, Rehmer breached the terms of his Settlement Agreement.

21. Based on Rehmer's conduct as stated herein, cause exists to discipline Rehmer's license as a state-licensed real estate appraiser under the terms of the Settlement Agreement, stated in paragraphs 4, 12 and 13 above, and Section 339.532.2, RSMo.

22. 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, 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:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by section 339.500 to 339.549;

...

(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;

...

(19) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision[.]

23. Rehmer's conduct, as described in paragraphs 3 through 11 above, constitutes procuring or attempting to procure a license by knowingly making a false statement and submitting false information, failing to meet the minimum qualifications for licensure renewal, violation of provisions of sections 339.500 to 339.549 and regulations of

the commission and making a material misstatement, misrepresentation or omission on an application for renewal for which the MREAC can take additional discipline against Rehmer's license.

24. Cause exists to take additional discipline of Rehmer's license pursuant to paragraphs 4, 12 and 13 of the Settlement Agreement and §§ 339.532.2(1), (2), (10), and (19).

25. The 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 Settlement Agreement.

Decision and Order

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

The MREAC orders that Patrick Rehmer's state license as a real estate appraiser, number 2004011355, be and is hereby **REVOKED**.

Respondent shall immediately return all indicia of licensure to the Commission.

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

SO ORDERED this 26th day of June, 2013.

**MISSOURI REAL ESTATE APPRAISERS
COMMISSION**


**Vanessa Beauchamp,
Executive Director**