

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

MISSOURI REAL ESTATE )  
APPRAISERS COMMISSION, )  
 )  
          **Petitioner,** )  
 )  
          **v.** )  
 )  
PAUL KUMAR, )  
 )  
          **Respondent.** )

**No. 07-0635-RA-PV**

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

Pursuant to § 620.153, the Missouri Real Estate Appraisers Commission (the “MREAC”) hereby issues this **ORDER REVOKING** the state real estate appraiser license of Paul Kumar.

I.

**Statement of the Case**

On or about January 15, 2009, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Appraisers Commission v. Paul S. Kumar*, Case No. 07-0635 RA. The Administrative Hearing Commission certified the records of its proceedings and its Decision in *Missouri Real Estate Appraisers Commission v. Paul S. Kumar*, Case No. 07-0635 RA, to the Missouri Real Estate Appraisers Commission (the “MREAC”) on or about January 15, 2009. In its Decision, the Administrative Hearing Commission found that Respondent Kumar’s state-licensed real estate appraiser

license is subject to disciplinary action by the MREAC pursuant to § 339.532.2(1), (2), (10) and (13), RSMo 2000.

The MREAC has received and reviewed the record of the proceedings before the Administrative Hearing Commission. The Decision of the Administrative Hearing Commission is hereby adopted and incorporated herein by reference.

Pursuant to notice, § 621.110 and § 339.532.3, RSMo, the MREAC held a hearing on May 5, 2009, at approximately 1:00 p.m. at the Missouri Council of School Administrators Building, 3530 Amazonas Drive, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's certification. The MREAC was represented by Assistant Attorney General Craig Jacobs. The Respondent, although properly notified by the MREAC, did not appear in person, nor did Respondent appear through counsel. Each member of the MREAC participated in the decision and read the decision of the Administrative Hearing Commission prior to deliberating on this case.

## II.

### **Findings of Fact**

1. Respondent Kumar is a Missouri state-licensed real estate appraiser (license # RA2003018601). At all times mentioned herein, Respondent's license was current and active.

2. The MREAC hereby adopts and incorporates by reference the Findings of Fact contained in the Decision of the Administrative Hearing Commission in *Missouri*

*Real Estate Appraisers Commission v. Paul S. Kumar*, Case No. 07-0635 RA, and hereby enters its Findings of Fact consistent therewith.

3. In its January 15, 2009, Decision, the Administrative Hearing Commission found the MREAC has grounds to discipline Respondent's license pursuant to § 339.532.2(1), (2), (10) and (13), RSMo 2000.

4. The MREAC set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion via certified mail and first class mail. The certified mail receipt was signed and returned, and the notice sent by first class mail was not returned.

### III.

#### **CONCLUSIONS OF LAW**

5. The MREAC has jurisdiction over this proceeding pursuant to § 621.110 and § 339.532.3, RSMo.

6. The MREAC expressly adopts and incorporates by reference the Conclusions of Law and the Decision of the Administrative Hearing Commission in *Missouri Real Estate Appraisers Commission v. Paul S. Kumar*, Case No. 07-0635 RA, finding cause to discipline Kumar's license pursuant to § 339.532.2(1), (2), (10) and (13), RSMo 2000, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and as identified in the Decision of the Administrative Hearing Commission, Respondent's state-licensed real estate appraiser certification is subject to disciplinary action by the MREAC, pursuant to § 339.532.2(1), (2), (10) and (13), RSMo 2000.

8. The MREAC has determined that this Order is necessary to ensure the protection of the public.

IV.

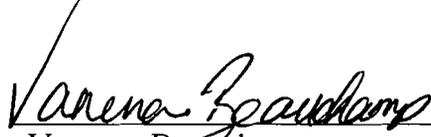
**ORDER**

9. Having fully considered all the evidence before the MREAC, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the MREAC, that Respondent's Missouri state-licensed real estate appraiser certification is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Respondent shall immediately return his license to the Commission.

10. The MREAC will maintain this Order as an open record of the MREAC as provided in Chapters 339, 610 and 620, RSMo, as amended.

SO ORDERED, THIS 19<sup>th</sup> day of May, 2009.

**MISSOURI REAL ESTATE  
APPRAISERS COMMISSION**

  
\_\_\_\_\_  
Vanessa Beauchamp,  
Executive Director

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

MAY 03 2007

ADMINISTRATIVE HEARING  
COMMISSION

MISSOURI REAL ESTATE )  
APPRAISERS COMMISSION )  
3605 Missouri Boulevard )  
P.O. Box 1335 )  
Jefferson City, MO 65102-1335, )

Petitioner, )

v. )

PAUL S. KUMAR )  
2 Royall Prairie Court )  
O'Fallon, MO 63368 )

Respondent. )

Case No. 07-0635 RA

COMPLAINT

Petitioner, the Missouri Real Estate Appraisers Commission ("MREAC"), by and through its attorney, the Attorney General of Missouri, for its cause of action states the following:

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 339.594, RSMo, the Missouri Certified and Licensed Real Estate Appraisers Act.

2. Paul S. Kumar ("Kumar") holds a current and active license from the MREAC as a state licensed real estate appraiser, No. 2003018601.

000038

<sup>1</sup> All statutory citations are to the 2000 Revised Statutes of Missouri, as amended, unless otherwise noted.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo Cum. Supp. 2005, and § 339.532, RSMo.

4. On or about April 27, 2006, Kumar submitted an application to renew his state real estate appraiser license for the period from July 1, 2004 to June 30, 2006 (“renewal period”).

5. On his application for renewal, Kumar attested that he had completed the mandatory hours of continuing education hours required for license renewal.

6. Based on this application, the MREAC issued Kumar a renewed license.

7. By letter dated August 1, 2006 (“August 1 letter”), the MREAC notified Kumar that it was conducting a random audit of continuing education hours and also notified Kumar that he was required to provide proof of his completion of the required continuing education hours for the renewal period no later than September 1, 2006.

8. On or about September 1, 2006, Kumar provided proof of his continuing education hours to the MREAC; however, he noted that one of the certificates he was providing was from 2002.

9. By letter dated September 13, 2006 (“September 13 letter”), the MREAC notified Kumar that of the four course certificates that he provided as proof of his continuing education hours, two courses did not count because they were taken prior to the start of the renewal period, and a third did not count because it was taken after the end of the renewal period.

000039

10. In the September 13 letter, the MREAC informed Kumar that, because three of the four certificates did not count, he only received 7 continuing education hours and still needed 21 hours.

11. In the September 13 letter, the MREAC also notified Kumar that he had until September 25, 2006, to provide proof of the remaining 21 hours he needed for renewal.

12. To date, the MREAC has not received proof from Kumar that he completed the required continuing education hours for the renewal period.

13. State regulation 20 CSR 2245-8.010<sup>2</sup> states, in pertinent part:

(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 must be submitted upon request by the commission.

(2) Licensees whose renewal period began prior to January 1, 1998 are required to complete ten (10) hours of continuing education per year as approved by the commission. Licensees whose renewal period began subsequent to January 1, 1998 are required to complete fourteen (14) hours of continuing education per year as approved by the commission. 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 must contain a truthful statement of

---

<sup>2</sup> Prior to August 28, 2006, 20 CSR 2245-8.010 was 4 CSR 245-8.010.

approved courses by the commission of continuing education taken by the licensee.

14. Section 339.519.2, RSMo, states, in pertinent part:

2. The commission shall require every state-certified or state-licensed real estate appraiser to provide satisfactory evidence of the completion of the required continuing education hours as promulgated by the appraiser qualifications board. The commission may waive the requirements of continuing education for retired or disabled licensed or certified appraisers or for other good cause.

15. Section 339.525, RSMo, states, in pertinent part:

1. To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

16. Section 339.513.3, RSMo, states, in pertinent part:

3. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in sections 339.500 to 339.549 and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a state-certified real estate appraiser or a state-licensed real estate appraiser.

000041

17. Cause exists to discipline Kumar's state real estate appraiser license

pursuant to § 339.532.2(1), (2), (10) and (13), RSMo, which state:

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 sections 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;

.....

(13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549[.]

000042

WHEREFORE, Petitioner respectfully requests this Commission to conduct a hearing in this cause pursuant to Chapter 621, RSMo, and thereafter to issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against Kumar's license for violations of Chapter 339, RSMo, and the regulations promulgated thereunder, and for such other and further relief as this Commission deems appropriate.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON  
Attorney General



Joi N. Cunningham  
Assistant Attorney General  
Missouri Bar No. 57721

7th Floor, Broadway State Office Building  
221 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-7728  
Facsimile: 573-751-5660  
Joi.Cunngingham@ago.mo.gov

Attorneys for Petitioner

000043

JAN 13 2009

ADMINISTRATIVE HEARING  
COMMISSION

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

MISSOURI REAL ESTATE	)	
APPRAISERS COMMISSION,	)	
	)	
Petitioner,	)	Case No. 07-0638 RA
	)	
v.	)	
	)	
PAUL KUMAR,	)	
	)	
Respondent.	)	

**JOINT MOTION FOR CONSENT ORDER,  
JOINT STIPULATION OF FACTS AND CONCLUSIONS OF LAW,  
WAIVER OF HEARINGS  
BEFORE THE ADMINISTRATIVE HEARING COMMISSION**

Respondent Paul Kumar ("Kumar") and Petitioner Missouri Real Estate Appraisers Commission ("MREAC") enter into this *Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law and Waiver of Hearings Before the Administrative Hearing Commission* ("Joint Stipulation") for the purpose of resolving the Complaint filed against Respondent. Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission ("Commission")(1 CSR 15-3.440(3)) and pursuant to the terms of § 536.060, RSMo<sup>1</sup>, as it is made applicable to the Commission by § 621.135, RSMo, the parties move for a consent order and waive the

<sup>1</sup>All references are to the 2000 Revised Statutes of Missouri unless otherwise noted.

right to a hearing and decision in the above-styled case by the Commission. Respondent does not waive the right to a disciplinary hearing before the MREAC pursuant to § 621.110, RSMo, Cum. Supp. 2007 and jointly stipulate and agree that a final disposition of this matter before the Administrative Hearing Commission may be effectuated as described below.

Kumar acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing against him at the hearing; the right to present evidence on his behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against him; the right to a ruling on questions of law by the Administrative Hearing Commission; and the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the MREAC. Being aware of these rights provided Kumar by operation of law, Kumar knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation. Kumar further agrees to abide by the terms of this document as they pertain to him.

Kumar acknowledges that he received a copy of the Complaint in this case, which was filed with the Commission on May 3, 2007. Kumar stipulates that the factual

allegations contained in this Joint Stipulation are true and stipulates with the MREAC that Kumar's license as a real estate appraiser, license no. 2003018601, is subject to disciplinary action by the MREAC in accordance with the provisions of Chapter 621, RSMo, and § §§ 339.500 through 339.594, RSMo.

### I. JOINT STIPULATION

Based upon the foregoing, the MREAC and Kumar jointly stipulate to the following findings of fact and conclusions of law in lieu of the facts and conclusions of law as alleged in the Complaint filed in this case, and request that the Commission adopt the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Commission's Findings of Fact and Conclusions of Law.

#### JOINT PROPOSED FINDINGS OF FACT

1. The MREAC was established pursuant to § 339.507, RSMo, for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.594, RSMo, the Missouri Certified and Licensed Real Estate Appraisers Act.
2. Paul S. Kumar ("Kumar") holds a current and active license from the MREAC as a state licensed real estate appraiser, No. 2003018601.
3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo Cum. Supp. 2005, and § 339.532, RSMo.

4. On or about April 27, 2006, Kumar submitted an application to renew his state real estate appraiser license for the period from July 1, 2004 to June 30, 2006 ("renewal period").

5. On his application for renewal, Kumar attested that he had completed the mandatory hours of continuing education hours required for license renewal.

6. Based on this application, the MREAC issued Kumar a renewed license.

7. By letter dated August 1, 2006 ("August 1 letter"), the MREAC notified Kumar that it was conducting a random audit of continuing education hours and also notified Kumar that he was required to provide proof of his completion of the required continuing education hours for the renewal period no later than September 1, 2006.

8. On or about September 1, 2006, Kumar provided proof of his continuing education hours to the MREAC; however, he noted that one of the certificates he was providing was from 2002.

9. By letter dated September 13, 2006 ("September 13 letter"), the MREAC notified Kumar that of the four course certificates that he provided as proof of his continuing education hours, two courses did not count because they were taken prior to the start of the renewal period, and a third did not count because it was taken after the end of the renewal period.

10. In the September 13 letter, the MREAC informed Kumar that, because three of the four certificates did not count, he only received 7 continuing education hours and still needed 21 hours.

11. In the September 13 letter, the MREAC also notified Kumar that he had until September 25, 2006, to provide proof of the remaining 21 hours he needed for renewal.

12. To date, the MREAC has not received proof from Kumar that he completed the required continuing education hours for the renewal period.

#### JOINT PROPOSED CONCLUSIONS OF LAW

13. State regulation 20 CSR 2245-8.010<sup>2</sup> states, in pertinent part:

(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 must be submitted upon request by the commission.

(2) Licensees whose renewal period began prior to January 1, 1998 are required to complete ten (10) hours of continuing education per year as approved by the commission. Licensees whose renewal period began subsequent to January 1, 1998 are required to complete fourteen (14) hours of continuing education per year as

---

<sup>2</sup> Prior to August 28, 2006, 20 CSR 2245-8.010 was 4 CSR 245-8.010.

approved by the commission. 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 must contain a truthful statement of approved courses by the commission of continuing education taken by the licensee.

14. Section 339.519.2, RSMo, states, in pertinent part:

2. The commission shall require every state-certified or state-licensed real estate appraiser to provide satisfactory evidence of the completion of the required continuing education hours as promulgated by the appraiser qualifications board. The commission may waive the requirements of continuing education for retired or disabled licensed or certified appraisers or for other good cause.

15. Section 339.525, RSMo, states, in pertinent part:

1. To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

16. Section 339.513.3, RSMo, states, in pertinent part:

3. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in sections 339.500 to

339.549 and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a state-certified real estate appraiser or a state-licensed real estate appraiser.

17. Cause exists to discipline Kumar's state real estate appraiser license pursuant to § 339.532.2(1), (2), (10) and (13), RSMo, which state:

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 sections 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;

....

(13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549[.]

18. This Joint Stipulation does not bind the MREAC or restrict the remedies available to it concerning any future violations by Kumar of §§ 339.500 through 339.594, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Joint Stipulation.

19. This Joint Stipulation does not bind the MREAC or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Joint Stipulation that are either now known to the MREAC or may be discovered.

21. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and/or its settlement.

22. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

23. The parties to this Joint Stipulation understand that the MREAC will maintain this Joint Stipulation as an open record of the MREAC as required by Chapters §§ 339.500 through 339.594, 610, and 620, RSMo, as amended.

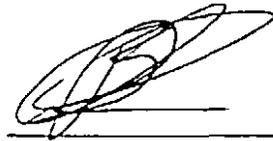
24. Kumar, together with his heirs, assigns, agents, partners, shareholders, officers, directors, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MREAC, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo, as amended, or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of the Joint Stipulation in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

## II. CONCLUSION

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before

the Commission based upon the complaint filed by the MREAC in the above-captioned cause.

RESPONDENT

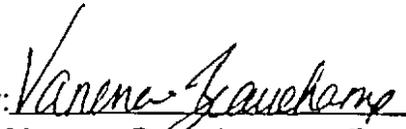


Paul Kumar

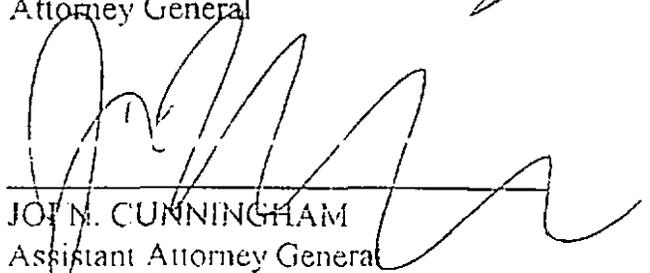
8/18/09

Date

PETITIONER  
MISSOURI REAL ESTATE  
COMMISSION

By:  1-9-09  
Vanessa Beauchamp Date  
Executive Director

JEREMIAH W. (JAY) NIXON  
Attorney General

  
JO M. CUNNINGHAM  
Assistant Attorney General  
Missouri Bar No. 57721

P.O. Box 899  
Broadway State Office Bldg.  
Jefferson City, MO 65102  
Telephone: (573) 751-7728  
Facsimile: (573) 751-5660

ATTORNEYS FOR PETITIONER

