

**BEFORE THE
MISSOURI REAL ESTATE APPRAISERS COMMISSION**

MISSOURI REAL ESTATE)	
APPRAISERS COMMISSION,)	
)	
Petitioner,)	
)	No. 04-0807 RA PV
v.)	
)	
PETER BARNETT,)	
)	
Respondent.)	

**JOINT STIPULATION OF FACTS AND CONCLUSIONS OF LAW,
WAIVER OF HEARING
BEFORE THE MISSOURI REAL ESTATE APPRAISERS COMMISSION,
AND DISCIPLINARY ORDER**

Respondent Peter Barnett (“Barnett”) and Petitioner Missouri Real Estate Appraisers Commission (“MREAC”) enter into this *Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, Waiver of Hearing Before the Missouri Real Estate Appraisers Commission, and Disciplinary Order* (“Joint Stipulation”) for the purpose of resolving the Probation Violation Complaint filed against Respondent Peter Barnett. Pursuant to the terms of § 536.060, RSMo¹, the parties move for a consent order and waive the right to a hearing and decision in the above-styled case by the MREAC pursuant to § 324.042, RSMo (2008 Session Laws, Senate Bill 788), and jointly stipulate and agree that a final disposition of this matter may be effectuated as described below.

¹All references are to the 2000 Revised Statutes of Missouri unless otherwise noted.

Respondent acknowledges that he is aware of and understands the various rights and privileges afforded him by law, including: 1) the right to a hearing of the charges against him; 2) the right to appear and be represented by legal counsel; 3) the right to have all charges against him proven upon the record by competent and substantial evidence; 4) the right to cross-examine any witness appearing at the hearing against him; 5) the right to present evidence on his behalf at the hearing; 6) the right to a decision upon the record of the hearing by the MREAC concerning the complaint pending against him; 7) the right to a ruling on questions of law by the MREAC; 8) the right to a claim for attorneys' fees and expenses, and 9) the right to obtain judicial review of the decisions of the MREAC. Being aware of these rights provided Respondent by operation of law; Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation. Respondent further agrees to abide by the terms of this document as they pertain to Respondent.

Respondent acknowledges that he received a copy of the Probation Violation Complaint in this case, which was filed with the MREAC in the above-captioned case. Respondent stipulates that the factual allegations contained in this Joint Stipulation are true and stipulates with the MREAC that Barnett's certification as a state-certified residential real estate appraiser, certificate no. RA002360 is subject to further disciplinary action by the MREAC in accordance with the provisions of § 324.042, RSMo Cum. Supp. 2008, and § 339.532, RSMo Cum. Supp. 2008.

I. JOINT STIPULATION TO THE FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the foregoing, the MREAC and Respondent 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 Probation Violation Complaint filed in this case.

1. Barnett is certified by the MREAC has a state-certified real estate appraiser, certificate no. RA002360. Barnett's certification was current and active until June 30, 2008, when it expired for failure to renew.

2. On or about June 6, 2005, the MREAC and Barnett mutually agreed and stipulated through a "Joint Motion for Consent Order, Joint Stipulation and Conclusions of Law, Waiver of Hearings Before the Administrative Hearing Commission and the Missouri Real Estate Appraisers Commission, and Disciplinary Order" (hereinafter referred to as the "Disciplinary Order") to Barnett's certification as a state-certified residential real estate appraiser being suspended for one year and placed on probation for five years.

3. The Disciplinary Order became effective on June 21, 2005 when the Administrative Hearing Commission issued a Consent Order in case no. 04-0807 RA styled Missouri Real Estate Appraisers Commission v. Peter Barnett.

4. The relevant terms of the probationary period are stated as follows in the Disciplinary Order:

43. Suspension and probation of real estate appraiser's certification. Barnett's residential real estate appraiser certification, No. RA002360, is hereby SUSPENDED for a

period of ONE (1) YEAR immediately followed by PROBATION for FIVE (5) YEARS. The period of suspension and probation is collectively known as “the disciplinary period.” During the period of suspension, Barnett may not act as a real estate appraiser, engage in the business of real estate appraisal, or advertise or hold himself out as engaging in or conducting a business of real estate appraisal.

44. Following Barnett’s suspension, Barnett’s real estate appraiser certification shall immediately be placed on PROBATION for a period of FIVE (5) YEARS. During the period of probation, Barnett shall be entitled to practice real estate appraising provided he pays all required fees, has maintained his certification current and active, and adheres to all the terms stated herein.

45. Terms and conditions of the disciplinary period.
Terms and conditions of the disciplinary period are as follows:

A. Barnett shall submit written reports to the MREAC by no later than January 1 and July 1, during each year of the disciplinary period stating truthfully whether there has been compliance with all terms and conditions of this Joint Stipulation. Barnett is responsible for assuring that the reports are submitted to and received by the MREAC.

B. During the disciplinary period, Barnett shall maintain a log of all appraisal assignments completed, including estimate of value, a true and accurate copy of which shall be submitted to the MREAC every six (6) months after the disciplinary period going into effect with the written reports required under subparagraph 45.A., above. The final log shall be submitted 30 days prior to the end of the disciplinary period. Upon MREAC request, Barnett shall submit copies of his work samples. Barnett shall submit samples of his appraisals as requested by the MREAC for the MREAC.

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10. By failing to comply with the terms of his probation, further cause exists to further discipline his certification under § 324.042, RSMo Cum. Supp. 2008.

II. JOINT DISCIPLINARY ORDER

Based on the foregoing, the parties hereby mutually agree and stipulate that the following shall constitute the order regarding discipline of Barnett's certification as a state-certified residential real estate appraiser, subject to the following terms and conditions, and entered by the MREAC in this matter under the authority of §§ 536.060 and 621.110, RSMo., Cum. Supp. 2007. This disciplinary order shall become effective immediately upon being signed by the Executive Director of the MREAC.

1. **Barnett's certification is revoked and all indicia of certification shall be surrendered immediately.** Barnett's certification as a state-certified residential real estate appraiser is hereby REVOKED and ALL INDICIA OF CERTIFICATION SHALL BE SURRENDERED IMMEDIATELY upon this Settlement Agreement becoming effective.

2. This Joint Stipulation does not bind the MREAC or restrict the remedies available to it concerning any future violations by Barnett of §§ 339.500 through 339.549, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Joint Stipulation.

3. 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.

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

5. 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.

6. The parties to this Joint Stipulation understand that the MREAC will maintain this Joint Stipulation as an open record as required by Chapters 339, 610, and 324, RSMo, as amended.

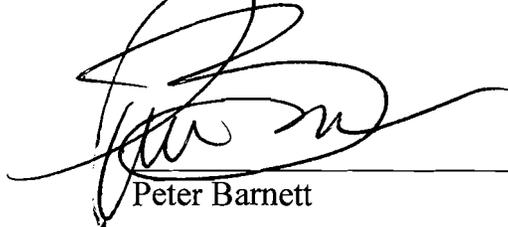
7. Respondent, together with his heirs, assigns, agents, partners, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MREAC, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from 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 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 of law or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

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

RESPONDENT


Peter Barnett
7/29/09
Date

MISSOURI REAL ESTATE
APPRAISERS COMMISSION

By: 
Vanessa Beauchamp
Executive Director
8/5/09
Date

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