

**BEFORE THE MISSOURI  
REAL ESTATE APPRAISERS COMMISSION**

MISSOURI REAL ESTATE	)	
APPRAISERS COMMISSION,	)	
	)	
Petitioner,	)	
v.	)	No. 04-1339 RA
	)	
RANDY C. HEATH,	)	
	)	
Respondent.	)	

**CONSENT ORDER**

The Missouri Real Estate Appraisers Commission (“Commission”) finds that on or about April 21, 2009, the Commission and Randy Heath entered into a Joint Stipulation Between Missouri Real Estate Commission and Randy Heath (“Stipulation”). The Commission hereby adopts and incorporates as if fully set out herein the findings of fact and conclusions of law as set out in the Stipulation. The Commission hereby approves, incorporates as if fully set out herein and orders the joint agreed disciplinary order as set out in the Stipulation.

Accordingly, the Commission orders that Randy Heath’s certification as a state-certified residential real estate appraiser (certification no RA002969) is hereby REVOKED and all indicia of licensure shall be surrendered immediately.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Phelps of the terms and conditions of this Order, Chapters 324 or 339, RSMo, or the regulations promulgated thereunder.

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

Entered this 21<sup>st</sup> day of April, 2009.

**MISSOURI REAL ESTATE APPRAISERS COMMISSION**

  
Vanessa Beauchamp  
Executive Director

**BEFORE THE MISSOURI  
REAL ESTATE APPRAISERS COMMISSION**

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MISSOURI REAL ESTATE APPRAISERS )		
COMMISSION )	)	
	)	
Petitioner, )	)	
	)	
v. )	)	No. 04-1339 RA
	)	
RANDY C. HEATH )	)	License No. RA002969
	)	
Respondent )	)	

**JOINT STIPULATION BETWEEN  
MISSOURI REAL ESTATE APPRAISERS COMMISSION  
AND  
RANDY HEATH**

Randy Heath (Heath) and the Missouri Real Estate Appraisers Commission (Commission) enter into this Joint Stipulation for the purpose of resolving the question of whether Heath’s license as a Real Estate Appraiser, no. RA002969, will be subject to discipline. Pursuant to the terms of § 536.060, RSMo<sup>1</sup>, 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 § 620.153, RSMo, and jointly stipulate and agree that a final disposition of this matter may be effectuated as described below. The Commission and

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

Heath jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo, Cum. Supp. 2006.

Heath acknowledges that he 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 him 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 to him by law, Heath knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation and agrees to abide by the terms of this document as they pertain to him.

Heath acknowledges that he has received a copy of documents that were the basis upon which the Commission determined there was cause for discipline, along with citations to law and/or regulations the Commission believes were violated. Heath stipulates that the factual allegations contained in this Joint Stipulation are true and stipulates with the Commission that Heath's license as a Real Estate Appraiser, license

no. RA002969, is subject to disciplinary action by the Commission in accordance with the relevant provisions of § 620.153, RSMo, and § 339.532.2, RSMo.

**I.**  
**Joint Stipulation of Facts and Conclusions of Law**

Based upon the foregoing, the Commission and Heath herein jointly stipulate to the following:

1. The MREAC is an agency of the State of Missouri created and existing pursuant to § 339.507, RSMo 2000 (as amended), for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.549, RSMo 2000 (as amended), and the regulations promulgated thereunder, relating to real estate appraisers.

2. The Respondent, RANDY C. HEATH, ("Heath") was licensed by the MREAC as a real estate appraiser, license No. RA002969.

3. On March 16, 2005, Heath and the MREAC stipulated to certain agreed facts pursuant to a Joint Stipulation of Facts and Conclusions of Law ("Stipulation") that became effective on March 22, 2005, following the issuance of a Consent Order by the Administrative Hearing Commission. In that Stipulation, the parties agreed that Respondent's state-licensed real estate appraiser's license was subject to disciplinary action by the Missouri Real Estate Appraisers Commission for violating § 339.532.2(5), (6), (7), (8), (9), (10), (14) and (18), RSMo 2000.

4. Pursuant to notice, the Board held a hearing on May 25, 2005, at the Governor's Building, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action.

5. On July 6, 2005, the MREAC issued Findings of Fact. Conclusions of Law and an Order (“the Order”) for discipline based on the Stipulation. This order set forth the following provisions:

(1) Heath’s license as a Real Estate Appraiser was suspended for two (2) years.

(2) Heath was placed on probation for a period of five (5) years following his suspension.

(3) Heath was subject to the following terms, among others, throughout the period of his suspension and probation:

a. Heath 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 Order (Subparagraph 3B).

b. Heath shall maintain a log of all appraisal assignments completed, a true and accurate copy of which shall be submitted to the MREAC every six (6) months. (Subparagraph 3C)

c. Within six (6) months after the effective date of the probationary period, Heath shall submit verification to the MREAC of successful

completion of a fifteen (15)-hour approved National USPAP course, including examination. (Subparagraph 3D)

d. Heath shall timely renew his certification and timely pay all fees required for certification renewal and comply with all other MREAC requirements necessary to maintain his certification in a current and active state. (Subparagraph 3G)

e. During the disciplinary period, Heath 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. (Subparagraph 3H)

6. Heath failed on all occasions between January 1, 2006 and the present to file written reports with the MREAC certifying his compliance with the Order, in violation of Subparagraph 3B of the Order.

7. Heath failed on all occasions between January 1, 2006 and the present to file copies of his appraisal logs with the MREAC, in violation of Subparagraph 3C of the Order.

8. Heath failed on all occasions between January 6, 2006 and the present to file with the MREAC proof of his completion of successful completion of a fifteen (15)-hour approved National USPAP course, including examination, in violation of Subparagraph 3D of the Order.

9. Heath's Real Estate Appraiser's license expired June 30, 2006, and was not renewed. In failing to renew his license, Heath violated Subparagraph 3G of the Order.

10. Heath's failure to comply with the requirements of the Order as set forth in Paragraphs 6 through 9, above, constitute violation of the terms of his probation, providing cause for the MREAC to take disciplinary action against Heath's license.

**II.**  
**Joint Agreed Disciplinary Order**

Based on the foregoing, the parties hereby mutually agree and stipulate that the following shall constitute the order regarding discipline of Jackson'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, 621.045.3, and 621.110, RSMo. This disciplinary order shall become effective immediately upon the issuance of the consent order of the MREAC without further action by either party:

1. **Heath's license is revoked and all indicia of licensure shall be surrendered immediately.** Heath's license as a Real Estate Appraiser is hereby REVOKED and ALL INDICIA OF CERTIFICATION SHALL BE SURRENDERED IMMEDIATELY upon this Joint Stipulation becoming effective.

2. This Joint Stipulation does not bind the Commission or restrict the remedies available to it concerning any future violations by Heath of Chapter 339 Chapter 339.500

et. seq., 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 Commission 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 Commission 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 Commission will maintain this Joint Stipulation as an open record of the Commission as required by Chapters Chapter 339, 610, and 620, RSMo, as amended.

7. Heath, together with his partners, shareholders, officers, directors, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the Commission, 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.

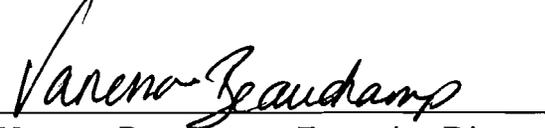
**III. CONCLUSION**

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 by the MREAC in the above-captioned cause.

LICENSEE

Missouri Real Estate Appraisers  
Commission

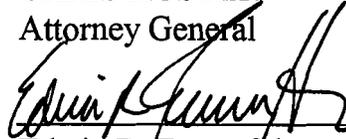
  
Randy Heath

  
Vanessa Beauchamp, Executive Director

Date: 4-5-09

Date: 4-21-09

CHRIS KOSTER  
Attorney General

A handwritten signature in black ink, appearing to read "Edwin R. Frownfelter", is written over a horizontal line.

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