

**BEFORE THE MISSOURI  
REAL ESTATE APPRAISERS COMMISSION**

MISSOURI REAL ESTATE APPRAISERS )  
COMMISSION, )

Petitioner, )

v. )

RHONDA R. ALLEN )

Respondent. )

No. 2010003366PV

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

At its scheduled meeting on November 8, 2011, at approximately 5:30 p.m., and pursuant to notice, the Missouri Real Estate Appraisers Commission (MREAC) took up the probation violation complaint alleging that Rhonda R. Allen (Allen) has failed to comply with the terms of her probation.

The Commission appeared at the hearing through Assistant Attorney General Ross Brown. Allen was 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**

1. The MREAC was established pursuant to § 339.507, RSMo Cum. Supp. 2010, for the purpose of executing and enforcing the provisions of

§§ 339.500 through 339.549, RSMo, as amended, the Missouri Certified Licensed Real Estate Appraisers Act.

2. Rhonda R. Allen is a natural person and is certified by the MREAC as a certified residential appraiser, License No. 2007023327. Allen's certificate is currently on probation. Allen's certificate was, at all relevant times, current and active.

3. In June 2010, the MREAC and Allen entered into a Settlement Agreement in which both parties agreed cause existed for the MREAC to discipline Warren's certification as a state-certified residential real estate appraiser.

4. Pursuant to the Settlement Agreement, Allen's certification was placed on probation for one year effective July 8, 2010. In the Settlement Agreement, Allen agreed to abide by the terms and conditions of the Settlement Agreement.

5. Paragraph 2.A., page 5 of the Settlement Agreement states, in pertinent part:

Allen shall submit written reports to the MREAC by no later than October 1 and April 1, during each year of the disciplinary period stating truthfully whether there has been compliance with all terms and conditions of this Settlement Agreement. The first written report shall be submitted on or before October 1, 2010. The final written report shall be submitted to the MREAC 90 days prior to the end of the disciplinary period. Each written report shall be submitted no earlier than 30 days prior to the respective due date. Allen is responsible for assuring that the reports are submitted to and received by the MREAC.

6. Paragraph 2.B., page 5-6 of the Settlement Agreement states, in pertinent part:

During the disciplinary period, Allen shall maintain a log of all appraisal assignments required by 20 CSR 2245-2.050. A true and accurate copy of the log shall be submitted to the MREAC by no later than October 1 and April 1 during each year of the disciplinary period. The first log shall be submitted on or before October 1, 2010. The last log shall be submitted to the MREAC 90 days prior to the end of the disciplinary period. Each log submitted shall be current to at least 30 days prior to the respective due date. Allen is responsible for assuring that the logs are submitted to and received by the MREAC. Upon MREAC request, Allen shall submit copies of her work samples for MREAC review.

7. Paragraph 2.G., page 7 of the Settlement Agreement states, in pertinent part:

During the disciplinary period, Allen shall comply with all provisions of §§ 339.500 to 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 Allen's certification 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.

8. Paragraph 3, page 7-8 of the Settlement Agreement states, in pertinent part:

Upon the expiration of the disciplinary period, the certification of Allen shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the MREAC determines that Allen has violated any term or condition of this Settlement Agreement, the MREAC may, in its discretion, after an evidentiary hearing, vacate and

set aside the discipline impose herein and may suspend, revoke or otherwise lawfully discipline Allen's certification.

9. Allen failed to submit the appraisal log due April 1, 2011, on time in violation of paragraph 2.A. of the Settlement Agreement. Allen submitted the log on or about April 19, 2011.

10. On April 20, 2011, the MREAC requested that Allen submit appraisals for 8760 Farm Road 168, Springfield, MO and 2108 Eaglesview, Battlefield, MO, appraisals reported in the April 1 log. Allen did not submit the appraisals along with supporting data prior to the probation violation held on November 8, 2011 in violation of paragraph 2.B. of the Settlement Agreement and § 339.537, RSMo Supp. 2010.

11. Allen appeared at the November 8, 2011 hearing. At the hearing Allen provided the appraisals requested by the MREAC on April 20, 2011. Allen testified that she was remiss in providing them, she had no excuse and did not make it a priority.

### **Conclusions of Law**

12. The MREAC has jurisdiction over this matter pursuant to paragraph 3 of the Settlement Agreement.

13. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether Allen has violated the terms and conditions of the July 8, 2010 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.

14. Section 339.532.2(10), RSMo Cum Supp. 2010 states as a cause for discipline:

(10) Violating, assisting or enabling any person to willfully disregard any 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[.]

15. Section 339.537, RSMo Cum Supp. 2010 states, in pertinent part:

State-certified real estate appraisers and state licensed real estate appraisers shall retain originals or true and copies of contracts engaging an appraiser's services for appraisal assignments, specialized appraisal services, appraisal reports, and supporting data assembled and formulated in preparing appraisal reports, for five years. The period for retention of records applicable to each engagement of the services of the state-certified real estate appraiser or state-licensed real estate appraiser shall run from the date of the submission of the appraisal report to the client. Upon requests by the commission, these records shall be made available by the state-certified real estate appraiser or state-licensed real estate appraiser for inspection and copying at his or her expense, by the commission on reasonable notice to the state-certified real estate appraiser or state-licensed real estate appraiser. When litigation is contemplated at any time, reports and records shall be retained for two years after the final disposition.

16. Allen's failure to timely submit the appraisal log due April 1, 2011 and failure to provide the two appraisals requested by the MREAC on

or before April 20, 2011 in violation of paragraphs 2.B. and 2.C. of the Settlement Agreement and § 339.537, RSMo gives cause for the MREAC to impose additional discipline on Allen's certificate pursuant to paragraph 3 of the Settlement Agreement.

17. The Settlement Agreement and § 324.042, RSMo allow the MREAC to take such disciplinary action that the MREAC deems appropriate for failure to comply with the terms of the Settlement Agreement pursuant to § 339.532.2(10), RSMo, the Settlement Agreement, paragraph 3 and § 324.042, RSMo Cum. Supp 2010.

#### **Decision and Order**

It is the decision of the MREAC that Allen has violated the terms of the July 8, 2010 Settlement Agreement, and that her certification is, therefore, subject to further disciplinary action.

The MREAC orders that Allen's state certification for residential real estate appraiser, number 2007023327, be and is hereby **SUSPENDED** for a period of **thirty (30) days**. The suspension shall become effective **fifteen (15) days after the date of this Order**. The suspension shall immediately be followed by **PROBATION** for an additional period of **three (3) years**, subject to the terms and conditions set forth below.

IV.

**TERMS AND CONDITIONS**

During the aforementioned probation, Rhonda Allen 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, Allen 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, Allen shall maintain a log of all appraisal assignments completed, including appraisal values. Allen shall submit a true and accurate copy of her log to the MREAC every three (3) months after the effective date of this Order. The first log shall be submitted on or before February 10, 2012. Each log, except for the final log, shall be submitted within 15 days after the end of the respective three month period. Allen 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. Upon MREAC request, Allen shall submit copies of work samples for MREAC review.
- C. During the disciplinary period, Allen shall keep the Commission informed of her current work and home telephone numbers. Allen shall notify the Commission in writing within ten days (10) of any change in this information.
- D. During the probationary period, Allen 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 certification in a current and active state.
- E. During the probationary period, Allen 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, Allen shall appear in person for interviews with the Commission or its designee upon request.
- G. Allen 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 January 1, 2012.
- H. Allen 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. Allen 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. Allen shall immediately report any violation of this provision to the Commission in writing. Allen shall also immediately report any allegation that she 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. Allen 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. Allen shall immediately submit documents showing compliance with the requirements of this Order to the Commission when requested.
- K. In the event the Commission determines that Allen 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 Allen's certification.
- L. 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.
- M. If, at any time during the probationary period, Allen changes her address from the state of Missouri, or ceases to maintain her certified residential appraiser certification 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.

- N. 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.
- O. Any failure by Allen 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 Allen of the terms and conditions of this Order, Chapter 339, RSMo (as amended), or the regulations promulgated thereunder.

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

SO ORDERED this 10<sup>th</sup> day of November, 2011.

**MISSOURI REAL ESTATE APPRAISERS COMMISSION**

  
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Vanessa Beauchamp,  
Executive Director