

2012, Dresner and the MREAC entered into a Settlement Agreement which placed Dresner's license on probation for a period of two years subject to terms and conditions. On or about November 10, 2012, Dresner's license was suspended pursuant to § 324.010, RSMo, for failure to pay and/or file Missouri income taxes. Dresner's license remains suspended.

3. The Settlement Agreement placing Dresner's license on probation for two years became effective on March 17, 2012. Dresner was required to comply with the terms and conditions of the probationary period outlined in the Settlement Agreement.

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

a. Paragraph 17A: "Dresner shall submit written reports to the MREAC by no later than January 15, April 15, July 15 and October 15, during each year of the disciplinary period stating truthfully whether there has been compliance with all terms and conditions of this Settlement Agreement. Dresner is responsible for assuring that the reports are submitted to and received by the MREAC."

b. Paragraph 17B: "During the disciplinary period, Dresner shall maintain a log of all appraisal assignments as required by 20 CSR 2245-2.050. A true and accurate copy of which shall be submitted to the MREAC every three (3) months after the disciplinary period goes into effect with the written reports required under subparagraph B., above. Dresner is responsible for assuring that the logs are submitted to and received by the MREAC. Upon MREAC request, Dresner shall submit copies of his work samples for MREAC review."

c. Paragraph 17C: "Within six months after the effective date of this Settlement Agreement, Dresner shall submit verification to the MREAC of successful completion of an approved course, including examination, on mastering unique and complex properties."

d. Paragraph 17H: "Dresner 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."

e. Paragraph 17I: "During the disciplinary period, Dresner 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

Dresner'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."

f. Paragraph 20: "This Settlement Agreement does not bind the MREAC or restrict the remedies available to it concerning any future violations by Dresner of Chapter 339, RSMo, as amended, or the regulations promulgate thereunder, or of the terms and conditions of this Settlement Agreement."

g. Paragraph 22: "If any alleged violation of this Settlement Agreement 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 further disciplinary action. Dresner agrees and stipulates that the MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred."

5. On or about June 20, 2012, Dresner submitted an application to renew his certification. On the application, Dresner answered "yes" to question 1 which stated, "Since your last renewal, have you completed the mandatory number of hours of continuing education needed to renew your license or certification?" Beneath the question, Dresner signed and dated a line which in bold lettering stated, "I hereby attest that the foregoing statements are true and correct to the best of my knowledge."

6. On or about August 2, 2012, Dresner was selected randomly by the MREAC for an audit of his Continuing Education ("CE") and the MREAC sent a letter to his registered address of 357 Hunters Spur, Grover, Missouri, 63040, which notified Dresner of the audit. The letter also requested that Dresner submit copies of his CE course completion certificates for the 2010-2012 renewal cycle to prove that he had completed the 28 hours of required CE. The letter requested Dresner respond no later than September 3, 2012. Dresner did not respond to the letter or submit copies of course completion certificates.

7. On or about September 4, 2012, the MREAC sent Dresner a second letter to his registered address which repeated that he had been randomly selected for a CE audit

and requested Dresner submit proof of his course completions by September 17, 2012.

Dresner did not respond to the letter or submit copies of the course completion certificates.

8. On September 14, 2012, the MREAC sent an e-mail to Dresner's e-mail address, Dresner610@yahoo.com, which again repeated that he had been selected for audit and requested he submit proof of his CE course completion by September 17, 2012.

9. On or about September 20, 2012, the MREAC sent a letter to Dresner's registered address which notified Dresner that per the terms of the Settlement Agreement, as of September 20, 2012, he had failed to timely submit required proof of completion of a course in mastering unique and complex properties, and reminded Dresner that he had yet to submit proof of CE course completion. Dresner did not respond or submit proof of taking the education course previously described.

10. On October 2, 2012, Dresner responded to the MREAC and stated that he would submit copies of his CE course completion certificates by the end of the month. Dresner failed to submit proof that he had completed the required CE hours.

11. On October 22, 2012, Dresner responded by e-mail to the MREAC again stating that he would submit the documents sometime on or about October 27, 2012. Dresner failed to submit any documents at all to the MREAC.

12. On November 1, 2012, the MREAC sent another e-mail to Dresner, which again reminded Dresner that the MREAC had not received proof of CE completion. The e-mail also reminded Dresner that he had failed to submit his appraisal log, special education and licensee report, all required by the terms of his probation no later than September 17, 2012 and October 15, 2012, respectively.

13. Dresner never submitted proof of successful completion of 28 mandatory CE hours, any appraisal logs, and licensee reports and proof of completion of the special education course required by the terms of his probation.

14. Pursuant to the terms of the Settlement Agreement: Dresner failed to submit proof upon request of the successful completion of 28 mandatory CE hours, classes which should have been completed prior to the renewal period of June 30, 2012; Dresner failed to submit proof that he completed the additional education as required in the Settlement Agreement by September 17, 2012; Dresner failed to submit appraisal logs due by September 17, 2012 and December 17, 2012; and Dresner failed to submit licensee reports due October 15, 2012 and January 15, 2013.

15. On or about March 7, 2013, the MREAC sent notice by regular mail and certified mail to Dresner notifying him of the probation violation complaint and of the probation violation hearing in this matter set for June 18, 2013 at 9:30 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.

16. The MREAC has jurisdiction in this proceeding, pursuant to paragraph 22 of the Settlement Agreement to determine whether Dresner has violated the terms and conditions of the Settlement Agreement.

17. The MREAC also has jurisdiction pursuant to § 324.042, RSMo, to determine whether Dresner has violated the terms and conditions of the Settlement Agreement.

Section 324.042, RSMo, 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.

18. Section 339.525.1, RSMo, states, in pertinent part:

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 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.

19. 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.

20. 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.

21. 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:

...

(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[.]

22. Dresner's failure to submit appraisal logs, as described in paragraphs 3 through 15 above, is in violation of paragraph 17(B) of the disciplinary terms of the Settlement Agreement. Cause exists, therefore, to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and § 324.042, RSMo.

23. Dresner's failure to submit proof that he has taken and successfully completed an approved course on mastering unique and complex properties within six months of the March 17, 2012 effective date of the Settlement Agreement, or by September 17, 2012, as described in paragraphs 3 through 15 above, is in violation of paragraph 17(C) of the disciplinary terms of the Settlement Agreement. Cause exists, therefore, to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and § 324.042, RSMo.

24. Dresner's failure to submit a written report by October 15, 2012, as described in paragraphs 3 through 15 above, is in violation of paragraph 17(A) of the disciplinary terms of the Settlement Agreement. Cause exists, therefore to discipline

Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and § 324.042, RSMo.

25. Dresner's failure to submit proof of completion of the 28 mandatory CE hours upon request, as described in paragraphs 3 through 15 above, is cause to discipline under § 339.532.2(10), RSMo, as the failure violates § 339.530, RSMo and 20 CSR 2245-8.010(1). It is also in violation of paragraph 17(I) of the Settlement Agreement. Cause exists, therefore, to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and §§ 339.532.2 and 324.042, RSMo.

26. Dresner's failure to take the 28 required CE hours, despite stating on his application that he had, as described in paragraphs 3 through 15 above, is cause to discipline his certification under § 339.532.2(19), RSMo, and is a violation of paragraph 17(I) of the Settlement Agreement. Cause exists, therefore, to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and §§ 339.532.2 and 324.042, RSMo.

27. Cause exists to take additional discipline of Dresner's certification pursuant to paragraph 22 of the Settlement Agreement, § 324.042, RSMo, and §§ 339.532.2(10) and (19), RSMo.

28. 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.

Decision and Order

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

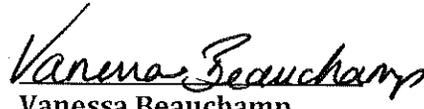
The MREAC orders that Robert Dresner's certification as a certified residential real estate appraiser, number 2002003004, be and is hereby **REVOKED**.

Respondent shall immediately return all indicia of certification 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 2nd day of July, 2013.

**MISSOURI REAL ESTATE APPRAISERS
COMMISSION**


Vanessa Beauchamp,
Executive Director

BEFORE THE
MISSOURI REAL ESTATE APPRAISERS
COMMISSION

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

Petitioner,)

v.)

ROBERT J. DRESNER)
357 Hunter Spur Ct.)
Grover, MO 63040)

Respondent.)

No. 2010 003386PR

PROBATION VIOLATION COMPLAINT

Petitioner, Missouri Real Estate Appraisers Commission (“MREAC”), by and through its attorney, the Attorney General of Missouri, states its cause of action against Robert J. Dresner (“Dresner”):

1. The MREAC was established pursuant to Section 339.507 RSMo,¹ for the purpose of executing and enforcing the provisions of Sections 339.500 through 339.549, RSMo, the Missouri Certified and Licensed Real Estate Appraisers Act.

¹ Unless otherwise stated, all subsequent statutory references are to RSMo 2000.

2. Robert J. Dresner is a state-certified residential real estate appraiser certified by the MREAC, certification no. 2002003004. From November 10, 2012 to present, Dresner's certification has been suspended pursuant to 324.010, RSMo Supp. 2011, for failure to comply with the Department of Revenue on tax compliance. Prior to the suspension, Dresner's certification was active and current.

3. The MREAC has jurisdiction over this matter pursuant to § 324.042, RSMo, which states:

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.

4. Dresner signed a settlement agreement with the MREAC placing his license on probation for a period of two years for his completion of an appraisal in violation of USPAP, effective March 17, 2012.

5. The relevant terms of the probationary period, beginning March 17, 2012 are stated as follows in the Settlement Agreement:

17. Terms and conditions of the disciplinary period. The terms and conditions of the disciplinary period are as follows:

A. Dresner shall submit written reports to the MREAC by no later than January 15, April 15, July 15 and October 15, during each year of the disciplinary period stating truthfully whether there has been compliance with all terms and conditions of this Settlement Agreement. Dresner is responsible for assuring that the reports are submitted to and received by the MREAC.

B. During the disciplinary period, Dresner shall maintain a log of all appraisal assignments as required by 20 CSR 2245-2.050. A true and accurate copy of which shall be submitted to the MREAC every three (3) months after the disciplinary period goes into effect with the written reports required under subparagraph B., above. Dresner is responsible for assuring that the logs are submitted to and received by the MREAC. Upon MREAC request, Dresner shall submit copies of his work samples for MREAC review.

C. Within six months after the effective date of this Settlement Agreement, Dresner shall submit verification to the MREAC of successful completion of an approved course, including examination, on mastering unique and complex properties.

.....

H. Dresner 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.

I. During the disciplinary period, Dresner 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 Dresner'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.

.....

20. This Settlement Agreement does not bind the MREAC or restrict the remedies available to it concerning any future violations by Dresner of Chapter 339, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Settlement Agreement.

.....

22. If any alleged violation of this Settlement Agreement 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 further disciplinary action. Dresner agrees and stipulates that the MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

6. Section 339.525.1, RSMo, Supp. 2012, with regard to continuing education and renewal, 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 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.

7. Section 339.530, RSMo, Supp. 2012, with regard to continuing education and renewal, states in pertinent part:

1. 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 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.

8. Section 339.532.2, RSMo Supp. 2012, states in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter, 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:

.....

(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;

9. 20 CSR 2245-8.010, concerning Continuing Education requirements state in relevant 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 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.

.....

10. On or about June 20, 2012, Dresner submitted an application to renew his certification. On the application, Dresner answered "Yes" to question 1 which stated, "Since your last renewal, have you completed the mandatory number of hours of continuing education needed to renew your license or certification?" Beneath the question, Dresner signed and dated a line which in bold lettering stated, "I hereby attest that the foregoing statements are true and correct to the best of my knowledge."

11. On or about August 2, 2012, Dresner was selected randomly by the MREAC for an audit of his Continuing Education ("CE") and a letter was sent to his registered address of 357 Hunters Spur, Grover, Missouri 63040, which notified Dresner of the audit. The letter went on to request that Dresner submit copies of his CE course completion certificates for the 2010-2012 renewal cycle to prove that he had completed the 28 hours of required CE. The letter requested Dresner respond no later than September 3, 2012. Dresner did not respond to the letter or submit copies of course completion certificates.

12. On or about September 4, 2012, the MREAC sent Dresner a second letter to his registered address which repeated that he had been randomly selected for a CE audit and requested Dresner submit proof of his course completions by September 17, 2012. Dresner did not respond to the letter or submit copies of the course completion certificates.

13. On September 14, 2012, the MREAC sent an e-mail to Dresner's e-mail address, Dresner610@yahoo.com, which again repeated that he had been selected for audit and requested he submit proof of his CE course completion by September 17, 2012. On October 2, 2012, Dresner responded and stated he would submit copies of his CE course completion certificates by the end of the month. Dresner failed to submit proof that he had completed the required CE hours.

14. On or about September 20, 2012, prior to Dresner's October 2, 2012 e-mail response, the MREAC sent a letter to Dresner's registered address which notified Dresner that per the terms of the settlement agreement that as of September 20, he had failed to timely submit required proof of completion of a course in mastering unique and complex properties, and as well, reminded Dresner that he had yet to submit proof of CE course completion. Dresner did not respond or submit proof of taking the education course previously described.

15. On October 22, 2012, Dresner responded by e-mail to the MREAC again stating that he would submit the documents sometime on or about October 27, 2012. He failed to do so.

16. On November 1, 2012, the MREAC sent another e-mail to Dresner, which again reminded Dresner that the MREAC had not received proof of CE completion. The e-mail also reminded Dresner that he had failed to submit appraisal log, special education, and licensee report, all required by the terms of his probation no later than September 17, 2012 and October 15, 2012, respectively.

17. As of March 5, 2013, Dresner has failed to submit proof of successful completion of 28 mandatory CE hours, appraisal log, licensee report, and proof of completion of the special education as required per his probation terms.

18. Per the terms of the Settlement Agreement, Dresner failed to submit proof upon request of the successful completion of 28 mandatory CE hours, classes which should have been completed prior to the renewal period of June 30th, 2012. Dresner failed to submit proof that he completed the additional education as required in the Settlement Agreement by September 17, 2012. Dresner failed to submit appraisal logs due by September 17, 2012

and December 17, 2012. Dresner failed to submit licensee reports due October 15, 2012 and January 15, 2013.

19. Based on the above described conduct, Dresner's failure to submit appraisal logs, Dresner is in violation of paragraph 17(B) of the disciplinary terms of the Settlement Agreement, which governs his probation. Thus, cause exists to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement, as well as section 324.042, RSMo Supp. 2012.

20. Based on the above described conduct, Dresner's failure to submit proof that he has taken and successfully completed an approved course on mastering unique and complex properties within six months of the effective date of March 17, 2012 or by September 17, 2012, Dresner is in violation of paragraph 17(C) of the disciplinary terms of the Settlement Agreement. Thus, further cause exists to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement, as well as section 324.042, RSMo, Supp. 2012.

21. Based on the above described conduct, Dresner's failure to submit a written report by October 15, 2012, Dresner is in violation of paragraph 17(A) of the disciplinary terms of the Settlement Agreement. Thus, further cause exists to discipline Dresner's certification pursuant to paragraph 22 of the Settlement Agreement, as well as section 324.042, RSMo, Supp. 2012.

22. Based on the conduct described above, Dresner's failure to submit proof of completion of the 28 mandatory CE hours upon request would constitute cause for discipline under §339.532.2(10), RSMo, Supp. 2012. He is also in violation of 20 CSR 2245-8.010(1) and paragraph 17(I) of the disciplinary terms of the Settlement Agreement §339.530, RSMo. Thus, cause exists to discipline Dresner's certification pursuant to Paragraph 22 of the Settlement Agreement and section 324.042, RSMo, Supp. 2012.

23. Additionally, Dresner's failure to take the 28 required CE hours, despite stating on his application that he had, is a cause for discipline under section 339.532.2(19), RSMo, Supp. 2012, and thus a violation of paragraph 17(I) of the Settlement Agreement. Thus cause exists to further discipline Dresner's license pursuant to paragraph 22 of the Settlement Agreement, as well section 324.042, RSMo, Supp. 2012.

24. Based on the above, cause exists to discipline Robert Dresner's certification pursuant to paragraph 22 of the Settlement Agreement and sections 324.042, RSMo, Supp. 2012.

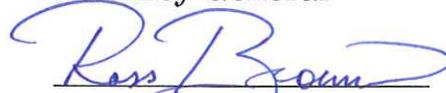
CONCLUSION

WHEREFORE, Petitioner requests the MREAC to hold a hearing to determine that a violation occurred and to impose further disciplinary action

under § 324.042, RSMo, for the violation noted above, and for other such relief as the Commission deems appropriate.

Respectfully submitted,

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