

BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION

MISSOURI REAL ESTATE APPRAISERS)		
COMMISSION,))	
)	
Petitioner,))	
)	
v.))	No. 08-1293 RA
)	
WILLIAM H. HEYDEN,))	
)	
Respondent.))	

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

This order shall supersede the Missouri Real Estate Appraisers Commission's Findings of Fact, Conclusions of Law and Disciplinary Order dated June 21, 2011.

I.

Statement of the Case

On or about February 24, 2009, the Administrative Hearing Commission entered its Order Granting and Denying in Part Motions For Partial Summary Determination (2009 Summary Determination Order) in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, case no. 08-1293 RA. In this 2009 Summary Determination Order, the Administrative Hearing Commission found that Respondent Heyden's state-certified general real estate appraiser certificate was subject to disciplinary action by the Missouri Real Estate Appraisers Commission (MREAC) pursuant to § 339.532.2(18) due to the imposition of discipline upon Heyden by the Nebraska Real Estate Appraisal Board. On or about November 18, 2010, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, resolving the

remaining allegations in the complaint. In its 2010 Decision, the Administrative Hearing Commission found that Respondent Heyden's state-certified general real estate appraiser certificate is also subject to disciplinary action by the MREAC pursuant to § 339.532.2 (1), (5), (6), (7), (8), (9), (10) and (14), RSMo 2000. On or about January 27, 2011, the Administrative Hearing Commission certified the records of its proceedings, its 2009 Summary Determination Order and its 2010 Decision in *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, to the MREAC.

The MREAC has received and reviewed the record of the proceedings before the Administrative Hearing Commission, the 2009 Summary Determination Order and the 2010 Decision. The 2009 Summary Determination Order and the 2010 Decision of the Administrative Hearing Commission are hereby adopted and incorporated herein by reference.

Pursuant to notice and § 621.110 and § 339.532.3, RSMo, the MREAC held a hearing on May 18, 2011, at approximately 9:00 a.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 Edwin Frownfelter. Respondent was present for the hearing and was represented legal counsel Kristine Heisinger. After being present and considering all of the evidence presented during the hearing, the MREAC issues the following Findings of Facts, Conclusions of Law and Order.

II.

Findings of Fact

1. Respondent holds a state-certified general real estate appraiser certificate, #RA001041, issued by the MREAC.

2. On or about February 24, 2009, the Administrative Hearing Commission entered its 2009 Summary Determination Order in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, case no. 08-1293 RA. On or about November 18, 2010, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, resolving the remaining allegations in the complaint.

3. In this 2009 Summary Determination Order, the Administrative Hearing Commission found that Respondent Heyden's state-certified general real estate appraiser certificate was subject to disciplinary action by the Missouri Real Estate Appraisers Commission (MREAC) pursuant to § 339.532.2(18) due to the imposition of discipline upon Heyden by the Nebraska Real Estate Appraisal Board.

4. On or about November 18, 2010, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, resolving the remaining allegations in the complaint. In its 2010 Decision, the Administrative Hearing Commission found that Respondent Heyden's state-certified general real estate appraiser certificate is also subject to disciplinary action by the MREAC pursuant to § 339.532.2 (1), (5), (6), (7), (8), (9), (10) and (14), RSMo 2000.

5. The MREAC adopts and incorporates herein by reference the 2009 Summary Determination and the 2010 Decision in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, in their entirety, and enters its findings consistent therewith.

6. The MREAC set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

III.

CONCLUSIONS OF LAW

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

8. The MREAC adopts and incorporates herein by reference the 2009 Summary Determination and the 2010 Decision in the case of *Missouri Real Estate Appraisers Commission v. William H. Heyden*, Case No. 08-1293 RA, in their entirety, and enters its conclusions of law consistent therewith.

9. As a result of the foregoing, and as identified in the 2009 Summary Determination and the 2010 Decision of the Administrative Hearing Commission, Respondent's state-certified general real estate appraiser certificate is subject to disciplinary action by the MREAC, pursuant to § 339.532.2 (1), (5), (6), (7), (8), (9), (10), (14) and (18), RSMo 2000.

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

IV.

Order

A. Having fully considered all the evidence before the MREAC, and giving full weight to the 2009 Summary Determination and the 2010 Decision of the Administrative Hearing Commission, it is the **ORDER** of the MREAC, that Respondent's state-certified general real estate appraiser certificate is hereby **SUSPENDED** for **30 DAYS** beginning ten (10) days after the date of this amended order. During this suspension period, Heyden may not perform any real estate appraisals, as defined by § 333.503(1), RSMo, as amended, in any capacity,

including under the supervision or on behalf of any person, nor shall Heyden act in any manner as an appraisal supervisor.

B. Further, it is hereby **Ordered** by the MREAC that after the aforementioned suspension period, Respondent's state-certified general real estate appraiser certificate shall be automatically and immediately placed on **PROBATION** for a term of three (3) years, subject to the following terms and conditions:

1. Respondent shall be entitled to engage in the practice of real estate appraising as a certified general real estate appraiser pursuant to § 339.500 to § 339.549, RSMo, as amended, provided Respondent adheres to all of the terms and conditions of this Order.
2. During the probationary period, Respondent 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 act in any manner as an appraisal supervisor.
3. During the probationary period, Respondent shall maintain a log of all appraisal assignments completed, including appraisal values. Respondent shall submit a true and accurate copy of his log to the MREAC every six (6) months after the effective date of this Order. Each log, except for the final log, shall be submitted within 15 days after the end of the respective six month period. Respondent shall submit the final log 30 days prior to the end of the probationary period. All logs shall comply with rule 4 CSR 245-2.050.
4. During the probationary period, Respondent shall submit samples of his appraisals as requested by the MREAC for review.
5. During the probationary period, Respondent shall comply with all applicable provisions of Chapter 339, RSMo, as amended, all applicable MREAC regulations and all applicable federal and state laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions. Respondent shall be deemed in violation of this Order and the terms of his probation if he is adjudicated, found guilty of or pleads guilty or nolo contendere to, a criminal offense, whether or not sentence is imposed.
6. Respondent shall meet in person with the MREAC or its representative at any such time and place as required by the MREAC or its designee upon notification from the MREAC or its designee. Said meetings will be at the MREAC's discretion and may occur periodically during the probationary period.

7. Respondent shall immediately submit documents showing compliance with the requirements of this Order to the MREAC when requested by the MREAC or its designee.
8. If Respondent fails to comply with the terms of this order during the probationary period, in any respect, the MREAC may choose to conduct a hearing before it either during the probationary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred. In the event MREAC determines that Respondent has violated any term or condition of this Order, the MREAC may, in its discretion, vacate this Order and may impose additional discipline as deemed appropriate by the MREAC, including revocation of the certificate, pursuant to § 324.042, RSMo. The MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.
9. Respondent shall keep the MREAC apprised of his current home and work addresses and telephone numbers. Respondent shall inform the MREAC in writing within ten (10) days of any change in this information.
10. During the probationary period, Respondent shall timely renew his certification, timely pay all fees required for certification and comply with all other requirements necessary to maintain his certification current and active.
11. During the probationary period, Respondent shall accept and comply with unannounced visits from the MREAC's representatives to monitor compliance with the terms and conditions of this Order.
12. This Order does not bind the MREAC or restrict the remedies available to the MREAC for any violation of § 339.500 to § 339.549, RSMo, as amended, not specifically mentioned in this document.
13. Upon the expiration of the probationary period, Respondent's certification shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the MREAC determines that Respondent has violated any term or condition of this Order, the MREAC may, in its discretion, vacate and set aside the probation imposed herein and may impose any other lawful discipline the MREAC shall deem appropriate, including, revocation of said certification. No order shall be entered by the MREAC pursuant to this paragraph without any required notice and opportunity for a hearing before the MREAC in accordance with Chapter 536, RSMo, as amended.
14. If the MREAC determines that Respondent has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the MREAC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.
15. If, at any time during the probationary period, Respondent ceases to reside in the state of Missouri, or ceases to maintain his state real estate appraiser license current or active

under the provisions of Chapter 339, RSMo, as amended, or fails to keep MREAC advised of his current places of residence and business, 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.

16. Unless otherwise specified by the MREAC, all reports, documentation, evaluations, notices, or other materials required to be submitted to the MREAC shall be forwarded to: Missouri Real Estate Appraisers Commission, P.O. Box 1335, Jefferson City, Missouri 65102.
17. Any failure by Respondent to comply with any condition of discipline set forth herein constitutes a violation of this Order.

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

SO ORDERED, THIS 22nd day of June 2011.

**MISSOURI REAL ESTATE
APPRAISERS COMMISSION**



Vanessa Beauchamp,
Executive Director

Missouri Real Estate Appraisers Commission