

**BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION**

MISSOURI REAL ESTATE APPRAISERS COMMISSION,)	
)	
)	
Petitioner,)	
)	
v.)	No. 2008005040PV
)	
DARRELL MCGILL)	
)	
Respondent.)	

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

At its scheduled meeting on August 9, 2011, and pursuant to notice described in the Findings of Fact, the Missouri State Real Estate Appraisers Commission (MREAC) took up the probation violation complaint alleging that Darrell McGill (McGill) has failed to comply with the terms of his probation.

The Commission appeared at the hearing through Assistant Attorney General Ross Brown. McGill was not 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. Darrell McGill is a natural person and is licensed by the MREAC as a state certified residential real estate appraiser, License No. 2005029180.

McGill's license was current and valid at all relevant times herein.

3. In September 2009, McGill signed a settlement agreement with the MREAC placing his license on probation for a period of one year for his completion of an appraisal in violation of the Uniform Standards of Appraisal Practice (USPAP). The settlement agreement became effective September 16, 2009.

4. The September 16, 2009 Settlement Agreement paragraphs 2.C., 6 and 8 of the Disciplinary Order, stated:

a. Paragraph 2.C.: "Within six months after the effective date of this Settlement Agreement McGill shall submit verification to the MREAC of successful completion of thirty (30)-hour approved course, including examination, on the Sales Comparison Approach."

b. Paragraph 6: "This Settlement Agreement does not bind the MREAC or restrict the remedies available to it concerning any future violations by McGill of §§ 339.500 to 339.549, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Settlement Agreement."

c. Paragraph 8: "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. McGill 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. The requirement contained in paragraph 2.C. of the Disciplinary Order in the September 16, 2009 Settlement Agreement was later reduced to a 15-hour approved course. The deadline to submit proof of successful completion of the court was unaltered.

6. By March 15, 2010, six months from the effective date of the Settlement Agreement, McGill failed to submit proof of the successful completion of a 15-hour approved course in the Sales Comparison Approach.

7. As of August 8, 2011, the date of the probation violation hearing, the MREAC had still not received proof of the successful completion of a 15-hour approved course in the Sales Comparison Approach.

8. On or about June 2, 2011, the MREAC sent notice by regular mail and certified mail to McGill notifying him of the probation violation complaint and of the probation violation hearing in this matter set for August 9, 2011 at 3:15 p.m. at the Missouri Council of School Administrators Building, 3550 Amazonas Drive, Jefferson City, Missouri. The green card from the certified mail copy was signed for by McGill and returned to the MREAC.

9. Neither McGill nor anyone representing McGill appeared at the August 9, 2011 probation violation hearing.

Conclusions of Law

10. The MREAC has jurisdiction in this proceeding, pursuant to the September 16, 2009 Settlement Agreement to determine whether McGill has

violated the terms and conditions of the September 16, 2009 Settlement Agreement.

11. The MREAC retained jurisdiction over this matter pursuant to paragraphs 6 and 8 of the Disciplinary Order in the September 16, 2009 Settlement Agreement as detailed above in paragraph 4 of this order.

12. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether McGill has violated the terms and conditions of the September 16, 2009 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.

13. Cause exists to take additional discipline of McGill's certification pursuant to paragraphs 6 and 8 of the Disciplinary Order in the September 16, 2009 Settlement Agreement and § 324.042, RSMo for McGill's failure to provide the MREAC proof of completion of a 15-hour Sales Comparison Approach course as required by the September 16, 2009 Settlement Agreement.

14. The September 16, 2009 Disciplinary Order and § 324.042 allow the MREAC to take such disciplinary action that the MREAC deems appropriate for failure to comply with the terms of the September 16, 2009 Disciplinary Order.

Decision and Order

It is the decision of the MREAC that McGill has violated the terms of the Disciplinary Order in the September 16, 2009 Settlement Agreement, and that his license is, therefore, subject to further disciplinary action.

The MREAC orders that Darrell McGill's state certification for residential real estate appraiser, number 2005029180, be and is hereby **REVOKED**.

Respondent shall immediately return all indicia of licensure to the Board.

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 11th day of October, 2011.

**MISSOURI REAL ESTATE APPRAISERS
COMMISSION**



**Vanessa Beauchamp,
Executive Director**