

BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION

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| MISSOURI REAL ESTATE APPRAISERS) | | |
| COMMISSION,) |) | |
| |) | |
| Petitioner,) |) | |
| |) | |
| v.) |) | No. 09-1418 RA |
| |) | |
| GEORGE BEWEN,) |) | |
| |) | |
| Respondent.) |) | |

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

I.

Statement of the Case

On or about January 11, 2011, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Appraisers Commission v. George Bewen* Case No. 09-1418 RA. The Administrative Hearing Commission certified the records of its proceedings and its Decision in *Missouri Real Estate Appraisers Commission v. George Bewen*, Case No. 09-1418 RA, to the Missouri Real Estate Appraiser Commission (the "MREAC") on approximately February 16, 2011. In its Decision, the Administrative Hearing Commission found that Respondent Bewen's state real estate appraiser license is subject to disciplinary action by the MREAC pursuant to § 339.532.2 (6), (7), (8), and (10), RSMo 2000.

The MREAC has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision. The Decision of the Administrative Hearing Commission is 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 17, 2011, at approximately 4:00 p.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 license. The MREAC was represented by Assistant Attorney General Kevin Hall. Respondent was present for the hearing but was not represented by counsel. 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 real estate appraiser license from the MREAC (license # 2005022067).

2. The MREAC hereby adopts and incorporates herein the findings of fact contained in the Decision of the Administrative Hearing Commission in *Missouri Real Estate Appraisers Commission v. George Bewen*, Case No. 09-1418 RA.

3. In its January 11, 2011, Decision, the Administrative Hearing Commission found the MREAC has grounds to discipline Respondent's license pursuant to § 339.532.2(6), (7), (8) and (10), RSMo 2010 Cum Supp.

4. 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

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

6. The MREAC expressly adopts and incorporates by reference the Conclusions of Law and the Decision of the Administrative Hearing Commission in *Missouri Real Estate Appraisers Commission v. George Bewen*, Case No. 09-1418 RA, finding cause to discipline Witkowski's state real estate appraiser license pursuant to § 339.532.2(6), (7), (8) and (10), RSMo 2010 Cum Supp.

7. As a result of the foregoing, and as identified in the Decision of the Administrative Hearing Commission, Respondent's state license as a real estate appraiser is subject to disciplinary action by the MREAC, pursuant to § 339.532.2(6), (7), (8) and (10), RSMo 2010 Cum Supp.

8. 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 Decision of the Administrative Hearing Commission, it is the **ORDER** of the MREAC, that Respondent's state real estate appraiser license is hereby placed on **PROBATION** for a term of two (2) years, subject to the following terms and conditions:

1. Bewen shall be entitled to engage in the practice of real estate appraising as a state licensed real estate appraiser pursuant to § 339.500 to § 339.549, RSMo, as amended, provided Bewen adheres to all of the terms and conditions of this Order.
2. During the probationary period, Bewen 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. Bewen shall successfully attend and complete a thirty (30) hour sales comparison and market data course/class approved by the MREAC. The courses/classes must include a testing requirement which Bewen shall successfully complete and pass. Bewen shall submit proof of successful completion of the aforementioned classes/courses and test to

the MREAC within six (6) months of the effective date of his probation. No portion of the USPAP class/course required by this Order may be used to satisfy the appraiser continuing education requirements established by Chapter 339, RSMo (as amended), or the rules of the MREAC.

4. During the probationary period, Bewen shall maintain a log of all appraisal assignments completed, including appraisal values. Bewen 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. Bewen 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.
5. During the probationary period, Bewen shall submit samples of his appraisals as requested by the MREAC for review.
6. During the probationary period, Bewen 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. Bewen 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.
7. Bewen 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.
8. Bewen shall immediately submit documents showing compliance with the requirements of this Order to the MREAC when requested by the MREAC or its designee.
9. If Bewen 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 Bewen 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 license, pursuant to § 620.153, RSMo. The MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.
10. Bewen shall keep the MREAC apprised of his current home and work addresses and telephone numbers. Bewen shall inform the MREAC in writing within ten (10) days of any change in this information.

11. During the probationary period, Bewen shall timely renew his license, timely pay all fees required for licensure and comply with all other requirements necessary to maintain his license current and active.
12. During the probationary period, Bewen shall accept and comply with unannounced visits from the MREAC's representatives to monitor compliance with the terms and conditions of this Order.
13. 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.
14. Upon the expiration of the probationary period, Bewen's license shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the MREAC determines that Bewen 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 license. 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.
15. If the MREAC determines that Bewen 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.
16. If, at any time during the probationary period, Bewen 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.
17. 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.
18. Any failure by Bewen to comply with any condition of discipline set forth herein constitutes a violation of this Order.

B. The terms of this Order are contractual, legally enforceable, and binding and not mere recitals. Except as otherwise contained herein, neither this Order 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.

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 21st day of June, 2011.

**MISSOURI REAL ESTATE
APPRAISERS COMMISSION**



Vanessa Beauchamp,

Executive Director

Missouri Real Estate Appraisers Commission