

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

<b>MISSOURI REAL ESTATE APPRAISERS COMMISSION,</b>	)	
	)	
	)	
	)	<b>Petitioner,</b>
	)	
<b>v.</b>	)	<b>No. 2016005601PV</b>
	)	
<b>LARRY HEINER,</b>	)	
	)	
	)	
	)	<b>Respondent.</b>

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

At its scheduled meeting on March 7, 2017, 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 Larry Heiner (Respondent or Heiner) has failed to comply with the terms of his probation.

The MREAC appeared at the hearing through Assistant Attorney General Craig Jacobs. Pursuant to notice, Respondent appeared at the hearing in person, but was not represented by legal counsel. Division of Professional Registration Legal Counsel Thomas Mark Townsend served as the MREAC's legal advisor at the hearing, during deliberations, and in the preparation of this order.

**Findings of Fact and Conclusions of Law**

1. The MREAC was established pursuant to § 339.507, RSMo,<sup>1</sup> for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.549, RSMo, the Missouri Certified Licensed Real Estate Appraisers Act.
2. Respondent is a natural person and is certified by the MREAC as a residential real estate appraiser, license number 2001009300.

---

<sup>1</sup> All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

3. On or about June 12, 2017, Respondent entered into a Settlement Agreement and Joint Agreed Disciplinary Order ("Disciplinary Order") with the MREAC. The two-year probationary period was effective June 27, 2017.

4. The June 12, 2017 Settlement Agreement states in paragraph 2.B. of Part II, the Joint Agreed Disciplinary Order:

A. During the probationary period, Licensee shall maintain a log of all appraisal assignments completed, including appraisal values. Licensee shall submit a true and accurate copy of his log to the MREAC every three (3) 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. Licensee 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.

5. The June 12, 2017 Settlement Agreement states in paragraph 2.G. of Part II, the Joint Agreed Disciplinary Order:

G. Licensee 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 Agreement. The first such report shall be received by the Commission on or before July 1, 2017.

6. The June 12, 2017 Settlement Agreement states, in relevant part, in paragraph 2.I. of Part II, the Joint Agreed Disciplinary Order:

I. Licensee 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.

7. The June 12, 2017 Settlement Agreement states, in relevant part, in paragraph 2.K. of Part II, the Joint Agreed Disciplinary Order:

K. In the event the Commission determines that Licensee 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 Licensee's license.

8. The June 12, 2017 Settlement Agreement states, in relevant part, in paragraph 2.L. of Part II, the Joint Agreed Disciplinary Order:

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.

9. The June 12, 2017 Settlement Agreement states, in relevant part, in paragraph 2.O. of Part II, the Joint Agreed Disciplinary Order:

O. Any failure by Licensee to comply with any condition of discipline set forth herein constitutes a violation of this Order.

10. Section 324.042, RSMo, 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.

11. Respondent failed to provide his appraisal logs due in September 2018, December 2018, and March 2019, in violation of paragraph 11(I)(B) of the Disciplinary Order.

12. Respondent failed to provide his written report due in January 2019, in violation of paragraph 11(I)(G) of the Disciplinary Order.

13. Respondent's failure to comply with paragraphs 11(I)(G) and 11(I)(B) of the Disciplinary Order also constitutes a violation of paragraph 11(I)(O) of the Disciplinary Order.

14. On or about June 12, 2018, Respondent completed and signed a Uniform Residential Appraisal Report for residential real estate located on Melody Lane, Cuba, Missouri.

15. On or about June 15, 2018, Respondent completed and signed a Uniform Residential Appraisal Report for residential real estate located at 3662 Lick Creek Road, Leasburg, Missouri.

16. As identified in the Probation Violation Complaint, Respondent committed numerous errors and omissions and Uniform Standards of Professional Appraisal Practice,

2018-2019 Edition violations (USPAP violations) in both the Melody Lane appraisal and the Lick Creek Road appraisal. The paragraphs within Counts I, II, and III of the Probation Violation Complaint are adopted and incorporated in this Order as though fully set forth herein.

17. During the September 10, 2019 Probation Violation Hearing, the Commission requested Respondent submit a copy of his appraisal log from which the Commission selected two appraisals to be reviewed.

18. On or about November 11, 2019, Uniform Residential Appraisal Reports for residential real estate located at 265 W. Springfield Road, Saint Clair, Missouri 63077 and 23184 State Highway 185, Potosi, Missouri 63664 were reviewed. Numerous Standard Rule 1 and 2 USPAP violations were found in both Appraisal Reports.

19. Regarding the 265 W. Springfield Road, Saint Clair, Missouri 63077 property, Respondent physical descriptions of the improvements were incorrect. The adjustments used in the Sales Comparison Approach were incorrect making the value opinion unsupported and unreliable. No reconciliation concerning the site value was assigned.

20. Regarding the 23184 State Highway 185, Potosi, Missouri 63664 property, There was inadequate support for land value assigned to the subject property and there was no support for the adjustments made in the Sales Comparison Approach to the varying land sizes of the sales as compared to the sales. The Cost Approach was incorrectly handled as the outbuilding was assigned a hard cost of \$24,000.00 and was not depreciated. It was given a value of \$9,000.00 or \$8,500.00 in the Sales Comparison Approach. The reconciliation of the approaches to value nor the reconciliation of the approaches to value were adequate. Appliances that were free standing were included in the value and not indicated as personal property. Comments concerning the potential for income production on the 143.67 acres were not adequately discussed as to the highest and best use of the

land. The basement was valued as if it were finished, but pursuant to the photographs it did not have finished walls, ceilings, and floors, thus it was not considered finished.

21. The MREAC has jurisdiction in this proceeding, pursuant to the June 12, 2017 Settlement Agreement and Joint Agreed Disciplinary Order, effective June 27, 2017, and § 324.042, RSMo, to determine whether Respondent has violated the terms and conditions of the Disciplinary Order regarding Respondent's residential real estate appraiser license, number 2001009300.

### **Decision and Order**

It is the decision of the MREAC that Respondent, Larry Heiner, has violated the terms of the June 12, 2017 Settlement Agreement and Joint Agreed Disciplinary Order. As such, Respondent's licensure is, therefore, subject to further disciplinary action.

The MREAC orders that Respondent's previously ordered probationary period of two (2) years, as ordered in the Disciplinary Order of June 12, 2017, and which provided for a probationary period beginning on June 27, 2017 and continuing until June 27, 2019, to be extended an additional two (2) years, until June 27, 2021. Respondent's **EXTENDED PROBATION** shall require continued compliance with all the terms and conditions of the June 12, 2017 Order.

#### **ADDITIONAL TERMS AND CONDITIONS:**

Within six months after the effective date of this settlement agreement, Respondent must complete a thirty-hour (30) hour site valuation and cost approach course, and a thirty-hour (30) hour residential sales comparison and income approaches course.

Respondent shall be entitled to practice as a residential real estate appraiser provided Respondent remains compliant with the terms and conditions of his probation in

accordance with this Order and the terms and conditions of the aforementioned June 12, 2017 Disciplinary Order.

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 25<sup>th</sup> day of November, 2019.

**MISSOURI REAL ESTATE APPRAISERS  
COMMISSION**

  
Vanessa Beauchamp,  
Executive Director