

BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION

MISSOURI REAL ESTATE APPRAISERS))	
COMMISSION,)	
)	
Petitioner,)	
)	
v.)	No. 11-2197 RA
)	
ROGER BUELTER,)	
)	
Respondent.)	

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

I.

Statement of the Case

On or about April 26, 2012, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Appraisers Commission v. Roger Buelter*, Case No. 11-2197 RA. In this Default Decision, the Administrative Hearing Commission entered a default decision against Respondent establishing that the Real Estate Appraisers Commission (“MREAC”) has cause to discipline Respondent under § 339.532.2(5) and (10), RSMo. On or about June 4, 2012, the Administrative Hearing Commission certified the records of its proceedings, its April 26, 2012 Default Decision and the complaint on which the Default Decision was based, to the MREAC.

The MREAC has received and reviewed the record of the proceedings before the Administrative Hearing Commission, its Default Decision and the complaint on which the Default Decision was based, and such records are hereby adopted and incorporated herein by reference. The MREAC took official notice of the Default Decision and the complaint on which the Default Decision was based.

Pursuant to notice and § 621.110 and § 339.532.3, RSMo, the MREAC held a hearing on October 24, 2012, at approximately 11:45 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 certificate. The MREAC was represented by Assistant Attorney General Megan Fewell. Respondent was not present for the hearing and was not represented by legal 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, Roger Buelter, is certified by the MREAC as a state-certified residential real estate appraiser, certificate no. RA001779.

2. The MREAC hereby adopts and incorporates herein the Findings of Fact contained in the April 26, 2012 Default Decision of the Administrative Hearing Commission and the complaint on which it was based in *Missouri Real Estate Appraisers Commission v. Roger Buelter*, Case No. 11-2197 RA.

3. In its April 26, 2012 Default Decision, the Administrative Hearing Commission found the MREAC had grounds to discipline Respondent's certificate pursuant to § 339.532.2(5) and (10), RSMo.

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 in the April 26, 2012 Default Decision of the Administrative Hearing Commission and the complaint on which it was based in *Missouri Real Estate Appraisers Commission v. Roger Buelter*, Case No. 11-2197 RA, finding cause to discipline Respondent's certificate as a state-certified residential real estate appraiser pursuant to § 339.532.2(5) and (10), RSMo.

7. As a result of the foregoing, and as identified in the April 26, 2012 Default Decision of the Administrative Hearing Commission, Respondent's certificate as a state-certified residential real estate appraiser is subject to disciplinary action by the MREAC, pursuant to § 339.532.2(5) and (10), RSMo.

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

IV.

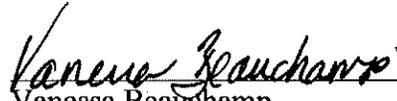
Order

A. Having fully considered all the evidence before the MREAC, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the MREAC, that Respondent's certificate as a state-certified residential real estate appraiser, certificate RA001779, is hereby **REVOKED** from the effective date of this Order. Upon receipt of this Order, Respondent shall immediately return all evidence of licensure to the MREAC.

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

SO ORDERED, THIS 25th day of October, 2012.

**MISSOURI REAL ESTATE
APPRAISERS COMMISSION**



Vanessa Beauchamp,
Executive Director,
Missouri Real Estate Appraisers Commission

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE APPRAISERS)
COMMISSION,)
)
Petitioner,)
)
vs.)
)
ROGER BUELTER,)
)
Respondent.)

No. 11-2197 RA

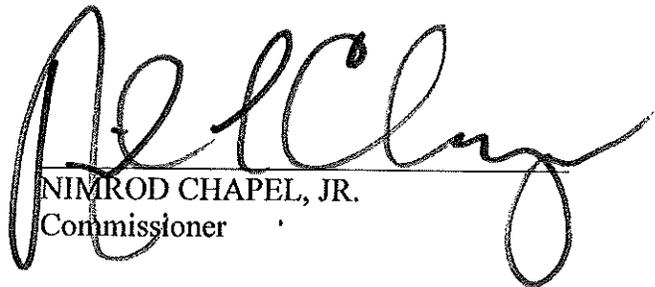
DEFAULT DECISION

On November 8, 2011, Petitioner filed a properly pled complaint seeking to discipline Respondent. We personally served Respondent with a copy of the complaint and our notice of complaint/notice on February 6, 2012.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint. On March 19, 2012, Petitioner filed a motion to enter a default decision.

In accordance with § 621.100.2,¹ we enter a default decision against Respondent establishing that Petitioner has cause to discipline Respondent under § 339.532.2(5) and (10).² This default decision shall become final and will not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on April 26, 2012.


NIMROD CHAPEL, JR.
Commissioner

¹RSMo Supp. 2011.

²RSMo Supp. 2011.

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

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ADMINISTRATIVE HEARING
COMMISSION

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

Petitioner,)

v.)

ROGER BUELTER,)
461 Bluff Meadow Drive,)
Ellisville, MO 63021)
Telephone: 636-227-8841)

Respondent.)

Case No. 11-2197 RA

COMPLAINT

Petitioner, the Missouri Real Estate Appraisers Commission, by and through its counsel, the Attorney General of the State of Missouri, states as follows for its cause of action:

1. The Missouri Real Estate Appraisers Commission ("MREAC") was established pursuant to § 339.507, RSMo. Supp. 2010, for the purpose of executing and enforcing the provisions of §§ 339.500 through 339.549, RSMo, as amended.

¹ All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

2. Buelter is certified by the MREAC as a state-certified residential real estate appraiser, certificate no. RA001779.

3. Buelter's residential real estate appraiser certification was originally issued by the MREAC on December 10, 1991 and is scheduled to expire on June 30, 2012.

4. Buelter's residential real estate appraiser certification has been at all relevant times herein current and active.

Applicable Law

5. Section 339.532.2, RSMo. Cum. Supp. 2010, provides in relevant 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, 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:

....

(5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;

....

(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[.]

6. § 339.537, RSMo. Cum. Supp. 2010, provides:

State-certified real estate appraisers and state licensed real estate appraisers shall retain originals or true copies of contracts engaging an appraiser's services for appraisal assignments, specialized appraisal services, appraisal reports, and supporting data assembled and formulated in preparing appraisal reports, for five years. The period for retention of the records applicable to each engagement of the services of the state-certified real estate appraiser or state-licensed real estate appraiser shall run from the date of the submission of the appraisal report to the client. **Upon requests by the commission, these records shall be made available by the state-certified real estate appraiser or state-licensed real estate appraiser for inspection and copying at his or her expense, by the commission on reasonable notice to the state-certified real estate appraiser or state-licensed real estate appraiser.** When litigation is contemplated at any time, reports and records shall be retained for two years after the final disposition. [emphasis added]

7. Rule 20 CSR 2245-2.020(3) provides in relevant part:

(3) Upon receipt of a complaint in proper form, the commission may investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission, at its discretion, may request the licensee under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before the commission. A copy of any written answer of the licensee may be furnished to the complainant. Upon its own motion, the commission may initiate an inquiry or investigation against an applicant or a licensee.

Failure to Respond to Complaint

8. In March 2008, Buelter completed a residential appraisal report on behalf of F&M Bank and Trust Company, which is located in Hannibal, Missouri.

9. Buelter appraised real estate owned by Randall and Gina Breitenfeld at a value of \$530,000.

10. On or about November 9, 2010, the MREAC received a complaint from William Sharp, a bank officer at F&M Bank and Trust Company, alleging that Buelter had fraudulently prepared the appraisal.

11. On or about November 10, 2010, the MREAC sent Buelter a letter, at his registered address, with a copy of the complaint filed by William Sharp. The MREAC requested that Buelter submit all pertinent documents, including a full copy of the appraisal, work file, and the appraisal request to the MREAC within thirty (30) days.

12. Buelter did not respond to the MREAC's November 10, 2010 letter or submit a copy of the appraisal, work file, and appraisal request.

13. Buelter's conduct, as stipulated to herein, in failing to respond to the MREAC's November 10, 2010 letter or to submit the records of his appraisal, appraisal work file, and appraisal request after a request was made by the MREAC, constitutes a violation of § 339.537, RSMo, and 20 CSR 2245-2.020(3), which therefore, provides cause to discipline his real estate appraiser's certification pursuant to Section 339.532.2(10), RSMo.

14. Buelter's conduct, as stipulated to herein, demonstrates incompetency, misconduct, and gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions and duties of a real estate appraiser, which therefore,

provides cause to discipline his real estate appraiser's certification pursuant to Section 339.532.2(5), RSMo.

Conclusion

WHEREFORE, MREAC respectfully prays this Commission issue a Findings of Fact and Conclusions of Law that Buelter's real estate appraiser's license is subject to disciplinary action by the MREAC under §339.532.2(5) and (10), RSMo Supp. 2010, as amended, for violations of provisions of §§ 339.500 through 339.549, RSMo, as amended, and the MREAC's regulations promulgated thereunder, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General



Ross A. Brown
Assistant Attorney General
Missouri Bar No. 62771

Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-4087
Telefax: 573-751-5660

Attorneys for the Petitioner