

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

MISSOURI REAL ESTATE APPRAISERS)	
COMMISSION,)	
)	
	Petitioner,)
)	
v.)	No. 2010 CE 06
)	
TELLEE C. WARREN)	
)	
	Respondent.)	

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

At its scheduled meeting on August 10, 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 Tellee C. Warren (Warren) has failed to comply with the terms of his probation.

The Commission appeared at the hearing through Assistant Attorney General Ross Brown. Warren was 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. Tellee C. Warren is a natural person and is certified by the MREAC as a certified residential appraiser, License No. 2005037221. Warren's certificate is currently on probation.

3. On or about February 26, 2010, the MREAC and Warren filed with the Administrative Hearing Commission (AHC) a Settlement Agreement Between Missouri Real Estate Appraisers Commission and Tellee Warren (Settlement Agreement) in which both parties agreed cause existed for the MREAC to discipline Warren's certification as a state-certified residential real estate appraiser.

4. Pursuant to the Settlement Agreement, Warren's certification was placed on probation for two years effective February 26, 2010. In the Settlement Agreement, Warren agreed to abide by the terms and conditions of the Order.

5. Paragraph 5, page 9 of the Settlement Agreement states, in pertinent part:

This Settlement Agreement does not bind the MREAC or restrict the remedies available to it concerning any future violations by Warren of §§ 339.500 through 339.549, RSMo, as amended or the regulations promulgated thereunder, or of the terms and conditions of the Settlement Agreement.

6. Paragraph 2.H., page 8 of the Settlement Agreement states, in pertinent part:

Warren shall timely renew his certification and timely pay all fees required for certification renewal and comply with all other MREAC requirements necessary to maintain his certification in a current and active state.

7. Paragraph 2.C., page 7 of the Settlement Agreement states, in pertinent part:

Within six months after the effective date of the Settlement Agreement, Warren shall submit verification to the MREAC of successful completion of a 30-hour approved course, including examination on market and sales approach.

8. Paragraph 2.E., page 7 of the Settlement Agreement states, in pertinent part:

Warren may not apply the education required by this Settlement Agreement to satisfy the continuing education hours required for certification renewal.

9. Paragraph 2.I., page 8, of the Settlement Agreement states, in pertinent part:

During the disciplinary period, Warren shall comply with all provisions of §§ 339.500 to 339.549, RSMo, all rules and regulations promulgated thereunder, and all federal and state laws. "State" includes the state of Missouri and all other states and territories of the United States. Any cause to discipline Warren's certification as a real estate appraiser under § 339.532.2, RSMo, as amended that accrues during the disciplinary period shall also constitute a violation of this Settlement Agreement.

10. On or about June 23, 2010, Warren submitted an application to renew his certification as a state-certified residential real estate appraiser.

11. On the application, Warren marked the "Yes" to question 1 of the renewal application which asked whether Warren had completed the mandatory

number of continuing education hours required to renew his certification despite not completing his continuing requirements after June 30, 2010, and completing them on August 31, 2010 in violation of 20 CSR 2245-8.010(2) and 20 CSR 2245-4.020(1).

12. As a result of Warren's failure to have the required amount of continuing education hours for renewal of his certification, Warren's certification was not renewed in a timely manner.

13. Pursuant to the Settlement Agreement, Warren was required to take 30 hours of specific education concerning the market and sales approach by six months from the effective date of the Settlement Agreement. At Warren's request, the MREAC granted Warren two extensions of time to complete the course, the first until December 2010 and the second until February 8, 2011. As of the date of the hearing, Warren had not completed the course. Warren testified, however, that he is scheduled to take the course in September 2011.

Conclusions of Law

14. The MREAC has jurisdiction over this matter pursuant to page 10, paragraph 7 of the Settlement Agreement, which provides, in pertinent part: "[T]he MREAC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred."

15. The Settlement Agreement further provides on page 10, paragraph 7, in pertinent part:

If any alleged violation of this Joint Stipulation occurred during the disciplinary period, the MREAC may choose to conduct a hearing before it either to determine whether a violation occurred and may impose further disciplinary action.

16. The MREAC also has jurisdiction pursuant to § 324.042, RSMo to determine whether Warren has violated the terms and conditions of the February 26, 2010 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.

17. Section 339.532.2, RSMo Cum. Supp 2010, states, in pertinent part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, 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:

...

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established 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;

...

(19) Making any material misstatement, misrepresentation or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, “material” means important information about which the commission should be informed and which may influence a licensing decision.

18. Regulation 20 CSR 2245-8.010(2), states, in pertinent part:

Licenses are required to complete twenty-eight (28) hours of continuing education during the two (2)-year renewal cycle. The commission may require specific courses of continuing education. A licensee shall provide verification of completion of continuing education by affidavit at the time of renewal. The affidavit shall contain a truthful statement of approved courses by the commission of continuing education taken by the licensee.

19. Regulation 20 CSR 2245-4.020(1), states, in pertinent part:

Any licensee who fails to complete continuing education requirements will not be eligible for certification or license renewal.

20. Warren’s failure to have the required number of continuing

education hours at the time of certification renewal is a violation of 20 CSR

2245-8.010(2) and 20 CSR 2245-4.020(1), regulations of the MREAC for the administration and enforcement of §§ 339.500 to 339.549, RSMo Cum. Supp 2010 for which the MREAC has cause to take additional discipline against Warren's certificate pursuant to § 339.532.2(2) and (10), RSMo Cum. Supp 2010 and paragraphs 2.H. and 2.I. of the Settlement Agreement.

21. Warren's response of "Yes" to question 1 on his certification renewal application when he did not have the required amount of continuing education hours provides cause to take additional discipline against Warren's certificate pursuant to § 339.532.2(1) and (19), RSMo Cum. Supp 2010 and paragraphs 2.H. and 2.I. of the Settlement Agreement.

22. Warren's failure to complete the specific education in violation of paragraph 2.C. of the Settlement Agreement gives cause to take additional discipline of Warren's certificate pursuant to paragraph 2.I. of the Settlement Agreement.

23. Warren's failure to timely renew his certification in violation of paragraph 2.H. of the Settlement Agreement gives cause to take additional discipline of Warren's certificate pursuant to paragraph 2.I. of the Settlement Agreement.

24. The Settlement Agreement 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 Settlement Agreement pursuant to §§ 339.532.2(1), (2), (10),

and (19), RSMo, the Settlement Agreement, paragraphs 5 and 7 and § 324.042, RSMo Cum. Supp 2010.

Decision and Order

It is the decision of the MREAC that Warren has violated the terms of the February 26, 2010 Settlement Agreement, and that his certification is, therefore, subject to further disciplinary action.

The MREAC orders that Warren's state certification for residential real estate appraiser, number 2005037221, be and is hereby **SUSPENDED** for a period of **six (6) months** from the effective date of this Order. The suspension shall immediately be followed by **PROBATION** for an additional period of three (3) years, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Tellee Warren shall be entitled to present himself and serve as a certified residential appraiser subject to the following terms and conditions:

- A. During the probationary period, Warren 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 sign any appraisal for property located in Missouri as an appraisal supervisor.
- B. During the probationary period, Warren shall maintain a log of all appraisal assignments completed, including appraisal values. Warren shall submit a true and accurate copy of his log to the MREAC January 1st, April 1st, July 1st and October 1st during the disciplinary period. Each log, except for the final log, shall be submitted within 15 days after the end of the respective six month period. Warren 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.

- C. During the disciplinary period, Warren shall keep the Commission informed of his current work and home telephone numbers. Warren shall notify the Commission in writing within ten days (10) of any change in this information.
- D. During the probationary period, Warren shall timely renew his certification granted hereby and shall timely pay all fees required for certification and comply with all other Commission requirements necessary to maintain said license in a current and active state.
- E. During the probationary period, Warren shall accept and comply with unannounced visits from the Commission's representatives to monitor compliance with the terms and conditions of this Order.
- F. During the disciplinary period, Warren shall appear in person for interviews with the Commission or its designee upon request.
- G. Warren 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 Order. The first such report shall be received by the Commission on or before January 1, 2012.
- H. Warren shall execute any release or provide any other authorization necessary for the Commission to obtain records of his employment during the terms of the permit.
- I. Warren 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. "State" here includes the state of Missouri, all other states and territories of the United States, and the ordinances of political subdivisions of any state or territory. Warren shall immediately report any violation of this provision to the Commission in writing. Warren shall also immediately report any allegation that he has violated this provision to the Commission, in writing. Examples of allegations of such a violation include, but are not limited to, any arrest, summons, inquiry by any law enforcement official into these topics, or inquiry into these topics by a health oversight agency. Warren shall sign releases or other documents authorizing and requesting the holder of any closed record related to this paragraph to release such records to the Commission.

- J. Warren is hereby informed that the Missouri Real Estate Appraisers Commission will maintain this Order as an open record of the Commission as provided in Chapters 610 and 324, RSMo. He shall truthfully answer any inquiry regarding her license status or disciplinary history.
- K. Warren shall immediately submit documents showing compliance with the requirements of this Order to the Commission when requested.
- L. In the event the Commission determines that Warren 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 Warren's certification.
- M. 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.
- N. If, at any time during the probationary period, Warren changes his address from the state of Missouri, or ceases to maintain his certified residential appraiser license current or active under the provisions of Chapter 339, RSMo (as amended), or fails to keep the Commission advised of all current places of residence, 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.
- O. Unless otherwise specified by the Commission, all reports, documentation, notices, or other materials required to be submitted to the Commission shall be forwarded to: Missouri Real Estate Appraisers Commission, P.O. Box 1335, Jefferson City, Missouri 65102.
- P. Any failure by Warren to comply with any condition of discipline set forth herein constitutes a violation of this Order.

This Order does not bind the Commission or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapter 339, RSMo (as amended), or the regulations promulgated thereunder.

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 18th day of August, 2011.

MISSOURI REAL ESTATE APPRAISERS COMMISSION

A handwritten signature in black ink, appearing to read "Vanessa Beauchamp", written over a horizontal line.

**Vanessa Beauchamp
Executive Director**