

BEFORE THE MISSOURI
STATE REAL ESTATE APPRAISERS COMMISSION

MISSOURI REAL ESTATE APPRAISERS)
COMMISSION,)

Petitioner,)

v.)

No. 12-1493 RA

DEAN VanSCHOLACK,)

Respondent.)

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

I.

Statement of the Case

On or about November 19, 2012, the Administrative Hearing Commission (AHC) entered its Default Decision, pursuant to § 621.100.2, RSMo,¹ in the case of *Missouri Real Estate Appraisers Commission v. Dean VanSchoiack*, Case No. 12-1493 RA. The AHC certified the records of its proceedings and its Default Decision in *Missouri Real Estate Appraisers Commission v. Dean VanSchoiack*, Case No. 12-1493 RA, to the Missouri Real Estate Appraiser Commission (the "MREAC") on December 31, 2012. In its Default Decision, the Administrative Hearing Commission found that Respondent VanSchoiack's certificate as a certified general real estate appraiser was subject to disciplinary action by the MREAC pursuant to § 339.532.2(5), (6), (7), (8), (9), (10), and (14) RSMo.

The MREAC has received and reviewed the record of the proceedings before the Administrative Hearing Commission, including the complaint filed before the AHC on August 13, 2012, and the Default Decision. The Default Decision of the Administrative Hearing

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

Commission, and the entire record certified to the MREAC, including the complaint, 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 March 13, 2013, at approximately 10:15 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 certification. The MREAC was represented by Assistant Attorney General Edwin Frownfelter. Respondent was not present for the hearing and 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 Dean VanSchoiack holds a certificate as a certified general real estate appraiser from the MREAC (certification no. 2008020921). Respondent VanSchoiack's certification expired on June 30, 2012 but was current and active at the time of events that precipitated filing a complaint before the Administrative Hearing Commission.

2. The MREAC hereby adopts and incorporates herein the Default Decision of the Administrative Hearing Commission and the record in *Missouri Real Estate Appraisers Commission v. Dean VanSchoiack*, Case No. 12-1493 RA.

3. In its November 19, 2012, Default Decision, the Administrative Hearing Commission found the MREAC has grounds to discipline Respondent's certification pursuant to § 339.532.2(5), (6), (7), (8), (9), (10), and (14) RSMo, as alleged in the MREAC's properly pled complaint.

4. As set out the MREAC's complaint filed before the Administrative Hearing Commission on August 13, 2012 which was before the Administrative Hearing Commission in issuing its Default Decision, Respondent completed three appraisals, one in Savannah, Missouri, one in Maryville, Missouri and one in St. Joseph, Missouri, in a manner that violated the Uniform Standards of Professional Appraisal Practice (USPAP) and which included significant and substantial errors of omission and/or commission in the appraisal reports. Respondent's completion of the appraisals in violation of USPAP as described in the complaint, constituted cause to discipline his certification pursuant to § 339.532.2(5), (6), (7), (8), (9), (10), and (14), RSMo.

5. 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

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

7. The MREAC expressly adopts and incorporates by reference the Default Decision of the Administrative Hearing Commission and the record in *Missouri Real Estate Appraisers Commission v. Dean VanSchoiack*, Case No. 12-1493 RA, finding cause to discipline Respondent's certification as a certified general real estate appraiser pursuant to § 339.532.2(5), (6), (7), (8), (9), (10), and (14), RSMo.

8. As a result of the foregoing, and as identified in the Default Decision of the Administrative Hearing Commission, Respondent's certification as a certified general real estate

appraiser is subject to disciplinary action by the MREAC, pursuant to § 339.532.2(5), (6), (7), (8), (9), (10), and (14), RSMo.

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

IV.

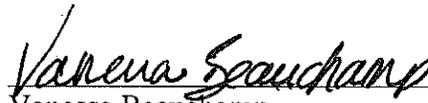
Order

10. 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 VanSchoiack's certification as a certified general real estate appraiser is hereby **REVOKED**. VanSchoiack shall return all indicia of certification to the MREAC immediately.

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

SO ORDERED, THIS 14th day of March, 2013.

**MISSOURI REAL ESTATE
APPRAISERS COMMISSION**



Vanessa Beauchamp,
Executive Director
Missouri Real Estate Appraisers Commission