### Rules of
Department of Insurance, Financial Institutions and Professional Registration

Division 2245—Real Estate Appraisers

Chapter 2—General Rules

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20 CSR 2245-2.010 Definitions

PURPOSE: This rule defines the terminology used in the rules of the Missouri Real Estate Appraisers Commission.

(1) Words defined in sections 339.500—339.547, RSMo shall have the same meaning when used in these rules and, in addition, unless the context plainly requires a different meaning—Licensee, for the purposes of this Act, means an individual person who has been certified as a state-certified general real estate appraiser, a state-certified residential real estate appraiser or licensed as a state-licensed real estate appraiser.

(2) The singular number shall include the plural, the plural, the singular and the use of any gender shall be applicable to all genders.

(3) In accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, all real estate-related transactions will be protected by requiring that real estate appraisals utilized in connection with federally-related transactions are performed in writing, in accordance with uniform standards, by state-certified or state-licensed real estate appraisers. Federally-related transactions means any real property-related financial transaction in which a federal financial institution engages in, contracts for or regulates. The financial institution regulatory agencies include the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve System (FED), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC) and the Department of the Treasury, Office of Thrift Supervision (OTS).

20 CSR 2245-2.020 Commission Action

PURPOSE: This rule establishes how the commission may take action and further restricts the staff from engaging in the real estate appraisal industry while in the commission’s employment.

(1) Any act to be taken by the commission pursuant to the license law or these rules may be performed by the number of commission members or by those officers, employees, agents or representatives of the commission as is permitted by law and authorized by a majority of the commission’s membership. The commission may take authorized action by a mail ballot or by a conference telephone call and any action so taken shall be recorded in the minutes of the commission.

(2) Neither the executive director nor any other employee or agent of the commission, except the commissioners or contracted investigators during the period of his/her employment by the commission, shall engage in any act for which a certificate or a license is required under the provisions of the license law or receive or become entitled to receive any fee or compensation of any kind, in any capacity whatsoever, either directly or indirectly, in connection with any real estate appraisal transaction.

(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.

(4) The commission may, at its discretion, investigate anonymous complaints.

20 CSR 2245-2.030 Records

PURPOSE: This rule establishes which records are public documents and which are confidential.

(1) All public records of the Real Estate Appraisers Commission shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays) except for those records closed pursuant to section 610.021, RSMo. All public meetings of the Real Estate Appraisers Commission not closed pursuant to the provisions of section 610.021, RSMo will be open to any member of the public.

(2) The commission establishes the executive director of the commission as the custodian of its records as required by section 610.023, RSMo. The executive director is ultimately responsible for the maintenance of the commission’s records and for responses to requests for access to public records.

(3) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the commission may charge a reasonable fee for the cost for document search and copying the records. The fees charged by the commission shall be as follows:

   (A) A fee for document search (research) shall not exceed the actual cost of document search and shall be established by commission rule;

   (B) A fee for copying public records shall not exceed the actual cost of duplication and shall be established by commission rule; and

   (C) All fees collected shall be remitted to the Department of Revenue for deposit in the State Treasury to the credit of the Missouri Real Estate Appraisers Fund.

(4) Responding to Requests for Access.

   (A) Whenever a request for access to public records is made and the custodian is uncertain whether or not that access is required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before making a determination whether to deny access to records. In the event that contact by the custodian with the Office of the Attorney General is not practicable or is impossible, the custodian may make a decision to deny access pending consultation with the attorney general’s office and within three (3) days shall give
this reason for delay to the person requesting
the information. However, in those circum-
cstances, the custodian shall consult with the
Office of the Attorney General concerning
the decision within five (5) working days of
the decision.

(B) Whenever a decision is made to deny
access, the custodian will comply with the
requirements in section 610.023, RSMo con-
cerning informing the individual requesting
access to the records of the grounds for denial
of the request.

(C) Whenever the custodian denies access
to the records and the person requesting
access requests in writing that the request and
denial be reviewed by the commission, the
commission shall either affirm the decision of the custodian or reverse
the decision of the custodian. In the event that
the commission decides to reverse the deci-
sion of the custodian, the commission shall
supply the access to the information during reg-
ular business hours.

(D) Whenever document access, which
access may be granted or denied in the dis-
cretion of the commission, is requested and
the custodian is not certain of the position of
the commission regarding the request, the
custodian shall inform the person requesting
access that the request is denied pending
review of the request by the commission at the
next meeting.

(5) The custodian shall maintain a file in
which is retained, for a period of at least two
(2) years, copies of all written requests for
access to records and responses to those
requests. The file shall be maintained as a
public record of the commission open for
inspection by any member of the general pub-
during regular business hours.

AUTHORITY: section 339.509, RSMo (Cum.
Supp. 1990).* This rule originally filed as 4
CSR 245-2.030. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14,
1992, effective April 8, 1993. Moved to 20

20 CSR 2245-2.050 Appraiser’s Assignment
Log

PURPOSE: This rule mandates that licensees
shall maintain a summarized listing of all real
estate appraisal reports handled by the
appraiser and make the listing available for
commission inspection at all reasonable
times.

(1) Every licensee shall maintain a summa-
rized listing of the real estate appraisal
assignments which the licensee is required to
retain under section 339.537, RSMo. This
summarized listing shall include, at a mini-
mum, the following information:

(A) Date the appraisal report is signed;

(B) Specific location or address of the
property appraised;

(C) Client’s name;

(D) Appraiser(s) involved in the appraisal;

(E) Property type;

(F) Appraised value;

(G) Type of form used, if any; and

(H) Actual number of hours used to com-
plete the appraisal.

(2) The records shall be made available for
inspection by the commission and its autho-
rized agents at all times during usual business
hours at the licensee’s regular place of business.

AUTHORITY: section 339.509, RSMo 2000.*
This rule originally filed as 4 CSR 245-2.050.
Original rule filed Sept. 12, 1996, effective
March 30, 1997. Moved to 20 CSR 2245-
2.050, effective Aug. 28, 2006. Amended:
Filed Nov. 21, 2006, effective July 30, 2007.
Amended: Filed Oct. 30, 2007, effective April
30, 2008.

*Original authority: 339.509, RSMo 1990, amended
1998.

20 CSR 2245-2.040 Appraiser’s Seal
(Rescinded July 30, 2007)

1990. This rule originally filed as 4 CSR 245-