

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI REAL ESTATE APPRAISERS COMMISSION,

Respondent,

v.

MARK A. FUNK,

Appellant.

DOCKET NUMBER WD77769

Date: August 4, 2015

Appeal from:
Cole County Circuit Court
The Honorable Jon E. Beetem, Judge

Appellate Judges:
Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and
Anthony Rex Gabbert, Judges

Attorneys:
Craig H. Jacobs, Jefferson City, MO for respondent.
Michael X. Edgett, Clinton, MO for Appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

MISSOURI REAL ESTATE APPRAISERS COMMISSION

v.

MARK A. FUNK,

WD77769

Before Division Three: Karen King Mitchell, Presiding Judge, Lisa White Hardwick and Anthony Rex Gabbert, Judges

Respondent,

Appellant.

Cole County

Mark Funk appeals the circuit court's judgment reversing the Administrative Hearing Commission's (AHC) decision awarding him attorney fees and expenses as the prevailing party on his appeal of a real estate licensure matter. Funk contends the circuit court erred in determining that the AHC lacked jurisdiction because Funk's fee application was untimely. Funk asserts that because he appeared *pro se* and incurred no attorney fees in the AHC proceeding where he first prevailed, he properly filed his application for fees with the AHC after hiring an attorney and incurring fees when the matter was appealed to the circuit court and court of appeals.

AFFIRMED.

Division Three holds: Because Funk first prevailed at the AHC, Section 536.087 required him to file his fee application with the AHC within thirty days of its final disposition of the administrative proceeding. Because Funk's fee application was not filed with the AHC within thirty days of its final disposition, the AHC was deprived of

jurisdiction to award him fees and expenses. Moreover, even if Funk were permitted to file his fee application with the forum in which he first prevailed with an attorney, he failed to file his application in the appropriate forum.

Opinion by: Lisa White Hardwick, Judge

August 4, 2015

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