

Information about Criminal Convictions

There are certain convictions that result in an automatic denial of a real estate license. These offenses are outlined in 339.100.5 and 556.061 (see below). Even if the conviction is not one that results in an automatic denial of a license, the Commission may deny a license for a criminal conviction. The sections of the statutes that are applicable to this situation are 339.110 and 339.100.2 (18).

If the applicant has been convicted of an offense other than those that result in an automatic denial of a license, the MREC will conduct a background investigation and gather information about the applicant such as education, work experience, and residence history. A statement will also be obtained regarding the circumstances that led up to the charges being filed, the court proceeding, and what the individual has done since being convicted of or pleading guilty to the charge. Certified copies of records will be obtained from the court, and the applicant's sponsoring broker will be contacted to ensure they are aware of the offense(s) and they are willing to continue sponsorship. The applicant's probation officer will also be contacted if they are currently under or have been recently released from supervision.

The Commission makes its decision of criminal conviction investigations on a case-by-case basis and it utilizes the information obtained during the investigation to assist it in making its determination of issuance or denial of the license.

Relevant Statutory References

339.100.5, RSMo

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape, statutory rape in the first degree, statutory rape in the second degree, sexual assault, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree, sexual abuse, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310, RSMo.

556.061 (8), RSMo

"Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, RSMo;

339.110, RSMo

The commission may refuse to issue a license to any person who is known by it to have been found guilty of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense, or to any association or partnership of which the person is a member, or to any corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

339.100.2 (18), RSMo

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed.