

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

MISSOURI REAL ESTATE COMMISSION)	
)	
vs)	License Nos 2005037348
)	and 1999055861
GINA ELIZABETH BREITENFELD,)	
)	
Licensee)	

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

Pursuant to § 339.100.5 RSMo¹ the Missouri Real Estate Commission hereby issues its ORDER REVOKING the real estate licenses of Gina Elizabeth Breitenfeld License Nos 2005037348 and 1999055861 As set forth in § 339.100.6 RSMo Gina Elizabeth Breitenfeld may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Commission's decision to revoke her licenses Such written request must be filed with the Administrative Hearing Commission within ninety (90) days of mailing by certified mail this notice of revocation The written request should be addressed to the Administrative Hearing Commission P O Box 1557 Truman State Office Building Room 640 Jefferson City MO 65102 1557 If no written request for review is filed with the Administrative Hearing Commission within the ninety day period all rights to appeal the Commission's decision shall be considered waived Should Ms Breitenfeld file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and until such time as the Administrative Hearing Commission issues an Order to the contrary

In support of the foregoing the Commission hereby states

I

¹ All statutory references are to the Revised Statutes of Missouri as amended unless otherwise indicated

FINDINGS OF FACT

1 The Missouri Real Estate Commission (Commission) is an agency of the State of Missouri created and existing pursuant to § 339 120 RSMo for the purpose of executing and enforcing the provisions of §§ 339 010 to 339 205 and §§ 339 710 to 339 855 RSMo and the regulations promulgated thereunder relating to real estate salespersons and brokers

2 Gina Elizabeth Breitenfeld (Breitenfeld or Licensee) is a natural person residing at 6325 Murdoch Avenue St Louis Missouri 63109 Breitenfeld is licensed by this Commission as a real estate broker associate license number 2005037348 which was current at all times relevant to this proceeding In addition Licensee held broker associate license number 1999055861 which expired on June 30 2006

3 On or about January 27 2012 Gina Breitenfeld pleaded guilty to entered a plea of nolo contendere to or was found guilty of Bank Fraud in violation of 18 U S C § 1344 in the United States District Court Eastern District of Missouri case number 4 11CR459 1RWS related to a loan secured by her home

4 Pursuant to notice and § 339 100 RSMo the Commission held a hearing on December 12 2012 at the Division of Professional Registration 3605 Missouri Boulevard Jefferson City Missouri 65102 for the purpose of determining whether revocation of Breitenfeld s licenses was required under § 339 100 RSMo Breitenfeld was present without legal counsel The Commission was represented by Assistant Attorney General Craig Jacobs All of the members of the Commission with the exception of Dons Carlin were present and participated in the hearing and subsequent deliberations After being present and considering all of the evidence presented during the hearing the Commission issues this Findings of Facts Conclusions of Law and Revocation Order

5 Licensee testified regarding the home loan transaction that led to her guilty plea. Licensee offered no documents into evidence at the hearing before the Commission.

6 An exhibit was submitted by Breitenfeld the day after the hearing (after the record was closed) and accordingly was not admitted into evidence or considered by the Commission in rendering this decision.

II

CONCLUSIONS OF LAW

7 Section 339 100 5 RSMo provides in relevant part

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

(5) Mortgage fraud as defined in section 570 310 RSMo

8 Section 570 310 RSMo provides in pertinent part

1 It is unlawful for a person in connection with the application for or procurement of a loan secured by real estate to willfully

(1) Employ a device scheme or artifice to defraud

(2) Make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made in the light of the circumstances under which it is made not misleading

(3) Receive any portion of the purchase sale or loan proceeds or any other consideration paid or generated in connection with a real estate closing that such person knew involved a violation of this section or

(4) Influence through extortion or bribery the development reporting result or review of a real estate appraisal except that this subsection does not prohibit

a mortgage lender mortgage broker mortgage banker real estate licensee or other person from asking the appraiser to do one or more of the following

- (a) Consider additional property information
- (b) Provide further detail substantiation or explanation for the appraiser's value conclusion or
- (c) Correct errors in the appraisal report in compliance with the Uniform Standards of Professional Appraisal Practice

9 The crimes of Bank Fraud set forth herein are offenses of a similar nature to mortgage fraud as defined in § 570.310 RSMo

10 As a result of Breitenfeld pleading guilty to crimes of a similar nature to mortgage fraud as defined in § 570.310 RSMo Breitenfeld's real estate broker associate licenses must be revoked under § 339.100.5 RSMo

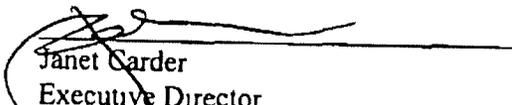
III

ORDER

Therefore pursuant to § 339.100.5 RSMo it is the ORDER of this Commission that the real estate broker associate licenses of Gina Elizabeth Breitenfeld license numbers 2005037348 and 1999055861 are hereby revoked. All evidence of licensure shall be returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form.

The Commission will maintain this Order as an open public record of the Commission as provided in Chapters 339.610 and 324 RSMo.

So Ordered effective this 2nd day of January 2013


Janet Carder
Executive Director
Missouri Real Estate Commission