BEFORE THE
MISSOURI REAL ESTATE COMMISSION
STATE OF MISSOURI

MISSOURI REAL ESTATE COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. 5-12-91**
	)	
VISION REALTY AND INVESTMENT GROUP, INC.	)	
and	)	
WAYNE ARNOLD BROWN,	)	
	)	
Respondents.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DISCIPLINARY ORDER

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Missouri Real Estate Commission ("MREC") held a hearing on June 5, 2013, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether Respondents had violated the probationary terms of a prior MREC disciplinary order and if so, whether additional discipline of Respondents' licenses was warranted. All of the members of the MREC were present throughout the meeting except Rosemary Vitale. Twila Hillme participated through conference call. The MREC was represented by Assistant Attorney General You-Jin Han. Respondents were properly and timely notified of the hearing. Respondent Brown was present via conference call without legal counsel. Respondent Vision Realty and Investment Group, Inc. did not appear through legal counsel or otherwise. After being present and considering all of the evidence presented during the hearing, the MREC issues these following Findings of Facts, Conclusions of Law and Disciplinary Order.

I.
FINDINGS OF FACT

1. The Missouri Real Estate Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo,[1] for the purpose of carrying out 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. Wayne Arnold Brown holds a broker-officer license from the MREC, license no. 1999098964. At all times relevant herein, Brown's license has been active and current.

3. Vision Realty and Investment Group, Inc. holds a real estate corporation license from the MREC, license no. 2001026919. At all times relevant herein, Vision Realty and Investment Group, Inc.'s license has been active and current.

4. On December 16, 2009, the Administrative Hearing Commission entered its decision that the MREC had cause to discipline Brown and Vision Realty and Investment Group, Inc., for violation of § 339.100.2(3), RSMo, for failing to remit money that belonged to others.

5. On April 21, 2010, the MREC issued a Findings of Fact, Conclusions of Law and Disciplinary Order ("2010 Disciplinary Order") which became effective on May 1, 2010. The 2010 Disciplinary Order placed Brown and Vision Realty and Investment Group, Inc. on probation for two years and required that Brown and Vision Realty and Investment Group, Inc. submit proof of repayment of funds totaling $12,215 to a specified bank within a year of the May 1, 2010 effective date.

6. Paragraph 1 of Section III of the 2010 Disciplinary Order states:

> 1) Therefore, having fully considered all the evidence before this Commission, and giving full weight to the Decision, it is the ORDER of the MREC that the real estate licenses of Respondents, Wayne Arnold Brown and Vision Realty and Investment Group Inc., license numbers 1999098964 and 2001026919, are hereby

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

placed on two years probation. Proof of repayment of duplicate funds ($12,215) to U.S. Bank must be submitted to Janet Carder, Missouri Real Estate Commission, 3605 Missouri Boulevard, P.O. Box 1339, Jefferson City, Missouri, 65102, within one year of the effective date of this Order.

7. Brown and Vision Realty and Investment Group, Inc. failed to submit proof of repayment by May 1, 2011.

8. Brown's and Vision Realty and Investment Group, Inc.'s failure to adhere to the terms of their probation by failing to submit proof of repayment to U.S. Bank in the sum of $12,215, is a violation of Paragraph 1 of Section III of the Disciplinary Order which provides cause to further discipline Brown's license and Vision Realty and Investment Group, Inc.'s licenses under § 324.042, RSMo.

9. As a result of the foregoing, a Probation Violation Complaint was filed with the Missouri Real Estate Commission alleging that grounds existed for additional disciplinary action against Brown's and Vision Realty and Investment Group, Inc.'s Missouri real estate licenses, pursuant to § 324.042, RSMo.

10. On December 14, 2011, pursuant to notice and § 621.110, RSMo, this MREC held a hearing at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether the Respondents have violated any terms of the 2011 Disciplinary Order, and if so, whether any additional discipline would be imposed against Respondents' licenses. Respondent Wayne Arnold Brown was present via conference call but was not represented by legal counsel. Vision Realty and Investment Group, Inc. was not present or represented through legal counsel. Petitioner was represented by Ross Brown, Assistant Attorney General.

11. All the members of the MREC were present throughout the disciplinary hearing. Rosemary Vitale participated through conference call.

12. Brown admitted that he had not paid back the money as required. Brown testified that he still fully intended to make the repayment. Brown testified regarding personal matters that had impeded his intended repayment. Brown testified as to the events that led to the need to repay the money. Brown also testified that to the best of his knowledge, Vision Realty and Investment Group, Inc. was not represented by counsel.

13. On December 16, 2011, the MREC issued a Findings of Fact, Conclusions of Law and Disciplinary Order ("2011 Disciplinary Order"). The 2011 Disciplinary Order placed Brown and Vision Realty and Investment Group, Inc. on probation for an additional one year and required that Brown and Vision Realty and Investment Group, Inc. submit proof of repayment of funds totaling $12,215 to a specified bank within a year of the effective date of the Order.

14. Paragraph 21 of Section III of the 2011 Disciplinary Order states:

> 1) The real estate license of Respondent Wayne Arnold Brown and Vision Realty and Investment Group, Inc., license numbers 2001026919 and 1999098964, are hereby placed on an additional year of probation extending the probation set out in the 2010 Disciplinary Order thru May 1, 2013. Proof of repayment of duplicate funds ($12,215) to U.S. Bank must be submitted to Janet Carder, Missouri Real Estate Commission, 3605 Missouri Boulevard, P.O. Box 1339, Jefferson City, Missouri, 65102, within one year of the effective date of this Order.

15. Brown and Vision Realty and Investment Group, Inc. failed to submit proof of repayment by December 16, 2012.

16. Brown's and Vision Realty and Investment Group, Inc.'s failure to adhere to the terms of their probation by failing to submit proof of repayment to U.S. Bank in the sum of $12,215, is a violation of Paragraph 21 of Section III of the 2011 Disciplinary Order which provides cause to further discipline Brown's and Vision Realty and Investment Group, Inc.'s licenses under § 324.042, RSMo.

17. As a result of the foregoing, a Probation Violation Complaint was filed with the Missouri Real Estate Commission alleging that grounds existed for additional disciplinary action

against Brown's and Vision Realty and Investment Group, Inc.'s Missouri real estate licenses, pursuant to § 324.042, RSMo.

18. The MREC set this matter for hearing and served notice of this disciplinary hearing upon Respondents in a proper and timely fashion.

19. On June 5, 2013, pursuant to notice and § 621.110, RSMo, this MREC held a hearing at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether the Respondents have violated any terms of the 2011 Disciplinary Order, and if so, whether any additional discipline would be imposed against Respondents' licenses. Respondent Wayne Arnold Brown was present via conference call and was not represented by legal counsel. Vision Realty and Investment Group, Inc. did not appear through legal counsel or otherwise. Petitioner was represented by You-Jin Han, Assistant Attorney General.

20. All the members of the MREC were present throughout the disciplinary hearing except Rosemary Vitale. Twila Hillme participated through conference call.

21. Brown admitted that he has not paid back the money as required. Brown testified that he still fully intends to make the repayment. Brown testified regarding personal matters that have impeded his intended repayment. Brown testified as to the events that led to the need to repay the money.

II.

CONCLUSIONS OF LAW

22. Brown's and Vision Realty and Investment Group, Inc.'s failure to adhere to the terms of their probation, to submit proof of repayment of duplicate funds ($12,215) to the specified bank within one year of the effective date of the Order, in violation of Section III, Paragraph 21 on Page 5 of the 2011 Disciplinary Order, are violations of the terms of the 2011

Disciplinary Order which provide cause to further discipline Brown's and Vision Realty and Investment Group, Inc.'s licenses under §324.042, RSMo.

23. Pursuant to § 324.042, RSMo, the MREC has authority to impose additional discipline against Respondents Wayne Arnold Brown and Vision Realty and Investment Group, Inc. for violating any disciplinary terms previously imposed or agreed to pursuant to the Order against a licensee.

24. Section 324.042, RSMo, provides:

> Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

25. Pursuant to Section 324.042, RSMo, the MREC has jurisdiction to hold additional hearings and impose discipline if it finds that a licensee has violated any disciplinary terms previously imposed by the Commission.

26. Section 339.100.3, RSMo, provides the MREC may discipline a real estate license after an initial disciplinary hearing by revoking, probating or suspending said license.

27. The MREC finds Respondents Wayne Arnold Brown and Vision Realty and Investment Group, Inc. have violated the terms and conditions of the 2011 Disciplinary Order issued by the MREC on December 16, 2011 as a result of the conduct identified in the findings of fact set forth above.

28. The MREC has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Therefore, having fully considered all the evidence before the MREC, it is the ORDER of this MREC that:

29. The real estate licenses of Respondents Wayne Arnold Brown and Vision Realty and Investment Group, Inc., license numbers 1999098964 and 2001026919, are hereby placed on one (1) year of probation. During Respondent's probation Respondent shall be entitled to practice under his respective licenses provided that Respondent adhere to all of the terms stated herein. The period of probation shall constitute the "disciplinary period."

The terms and conditions of the disciplinary period are as follows:

A. Respondent Brown must set up a separate bank account and deposit a minimum of $250.00 into said account monthly and submit copies of the monthly bank statement of that account to Janet Carder, Missouri Real Estate Commission, 3605 Missouri Boulevard, P.O. Box 1339, Jefferson City, Missouri 65102, monthly. Proof of a payment of deposited funds (amount accrued in the separate account) to U.S. Bank must be submitted to Janet Carder, Missouri Real Estate Commission, 3605 Missouri Boulevard, P.O. Box 1339, Jefferson City, Missouri 65102, within one year of the effective date of this ORDER.

B. Respondent shall keep the Commission apprised at all times, in writing, of Respondent current addresses and telephone numbers at each place of residence and business. Respondent shall notify the Commission within ten (10) days of any change in this information.

C. Respondent shall timely renew Respondent's licenses and timely pay all fees required for license renewal and comply with all other requirements necessary to maintain Respondent's licenses in a current and active state.

D. Respondent shall maintain full compliance with all provisions of Chapter 339, RSMo, and all rules and regulations promulgated by the Missouri Real Estate Commission.

E. Upon the expiration and successful completion of the disciplinary period, Respondent's respective real estate broker officer license and real estate broker associates license shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Commission determines that Respondent has violated any term or condition of this Order, the Commission may, in its discretion, after an evidentiary hearing, suspend, revoke, or otherwise lawfully discipline Respondent's real estate broker officer license and real estate broker associates license.

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

So Ordered this 18th day of June 2013.

Janet Carder
Executive Director
Missouri Real Estate Commission

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

RECEIVED
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MREC

MISSOURI REAL ESTATE COMMISSION
3605 Missouri Boulevard
P.O. Box 1339
Jefferson City, MO 65102

Petitioner,

v.

No. 5-12-91

WAYNE ARNOLD BROWN
4621 Westminster Place
St. Louis, MO 63108
(314) 367-7439

and

VISION REALTY AND INVESTMENT GROUP, INC.,
725 Thrush
St. Louis, MO 63147
(314) 808-6022

Respondents.

PROBATION VIOLATION COMPLAINT

Petitioner, Missouri Real Estate Commission ("MREC"), by and through its attorney, the Attorney General of Missouri, states its cause of action against Wayne Arnold Brown ("Brown") and Vision Realty and Investment Group, Inc. ("Vision Realty") (collectively, "Respondents"):

1. Brown holds an active broker officer license from the MREC, license no. 1999098964.

2. Vision Realty holds a real estate corporation license from the MREC, license no. 2001026919.

3. Pursuant to § 324.042, RSMo Supp. 2012,[1] the MREC has jurisdiction to hold additional hearings and impose further discipline if it finds that a licensee has violated any disciplinary terms imposed by a prior MREC disciplinary order.

4. On December 10, 2009, the Administrative Hearing Commission ("AHC") issued an order granting partial summary decision[2] against Respondents, finding cause for discipline under § 339.100.2(3), RSMo, based on Respondents' failure to return a duplicate commission received in the amount of $12,215 to Bankers and Lenders Title, LLC ("Duplicate Funds").

5. On April 21, 2010, following the AHC's December 10, 2009, order and December 16, 2009, decision, the MREC issued its Findings of Fact, Conclusions of Law, and Order ("2010 Disciplinary Order") against Respondents. Section III, paragraph 1 of the 2010 Disciplinary Order placed Respondents' licenses on two years' probation and ordered Respondents to submit proof of repayment of the Duplicate Funds to the MREC within one year of the effective date of the Order, May 1, 2010.

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[1] All statutory citations are to the Revised Statutes of Missouri 2000, unless otherwise noted.

[2] The order denied summary decision with respect to the remaining charges brought by the MREC in that case. A decision issued on December 16, 2009, dismissed the remaining charges and incorporated by reference the December 10, 2009 order. *See Mo. Real Estate Comm'n v. Brown & Vision Realty & Investment Group, Inc.*, No. 09-0426 RE (Mo. Admin. Hearing Comm'n, Dec. 16, 2009).

6. Respondents failed to submit proof of repayment of the Duplicate Funds to the MREC by May 1, 2011.

7. Based on Respondents' violation of the 2010 Disciplinary Order, on December 16, 2011, the MREC issued its Findings of Fact, Conclusions of Law, and Order ("2011 Disciplinary Order") against Respondents. Paragraph 21 of the 2011 Disciplinary Order imposed an additional year of probation—extending the terms imposed in the 2010 Disciplinary Order through May 1, 2013—and further ordered Respondents to submit proof of repayment of the Duplicate Funds within one year of the effective date of the Order, December 16, 2011.

8. As of December 27, 2012, Respondents have failed to submit proof of repayment of the Duplicate Funds.

9. The MREC has jurisdiction over this matter pursuant to § 324.042, RSMo Supp. 2012, which provides as follows:

> Any board, commission, or committee within the division of professional registration *may impose additional discipline when it finds after hearing that a licensee*, registrant, or permittee *has violated any disciplinary terms previously imposed* or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

(Emphasis added).

10. Respondents' failure to adhere to Paragraph 21 of the 2011 Disciplinary Order—which required them to submit proof of repayment of the Duplicate Funds by

December 16, 2012—provides cause to further discipline Respondents' licenses under § 324.042, RSMo Supp. 2012.

WHEREFORE, Petitioner requests the MREC hold a hearing to determine the above violations occurred and to impose further discipline pursuant to § 324.042, RSMo Supp. 2012, and for other such relief as may be appropriate.

Respectfully submitted,

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