

BEFORE THE  
MISSOURI REAL ESTATE COMMISSION  
STATE OF MISSOURI

MISSOURI REAL ESTATE COMMISSION	)	
	)	
vs.	)	License No. 2006010475
	)	
MARY LYN HOLTSMANN,	)	
	)	
Licensee.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND REVOCATION ORDER

Pursuant to § 339.100.5, RSMo,<sup>1</sup> the Missouri Real Estate Commission hereby issues its ORDER REVOKING the real estate license of Mary Lyn Holtmann, License No. 2006010475. As set forth in § 339.100.6, RSMo, Mary Lyn Holtmann may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Commission's decision to revoke her license. 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. Holtmann 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.

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<sup>1</sup> 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. Mary Lyn Holtmann ("Holtmann" or "Licensee") is a natural person residing at 22795 Fireman Road, Shell Knob, Missouri 65747. Holtmann was licensed by this Commission as a real estate broker, license number 2006010475, which was current and active at all times relevant to this proceeding.
3. On or about August 16, 2011 Mary Lyn Holtmann pled guilty to Endangering Welfare of Child in the first degree in the Circuit Court of Barry County, Missouri.
4. Pursuant to notice and § 339.100, RSMo, the Commission held a hearing on December 14, 2011, at approximately 10:00 a.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining whether revocation of Holtmann's license was required under § 339.100, RSMo. The Commission was represented by Assistant Attorney General Ross Brown. Licensee received proper notice and opportunity to appear and did appear via telephone, individually and through legal counsel J. Michael Reihn. While Licensee and her legal counsel participated by telephone, Licensee offered no evidence during the hearing. All of the members of the Commission were present and participated in the hearing and subsequent deliberations. Rosemary Vitale, Commission member, participated via telephone. 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.

II.

## CONCLUSIONS OF LAW

5. 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:

(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[.]

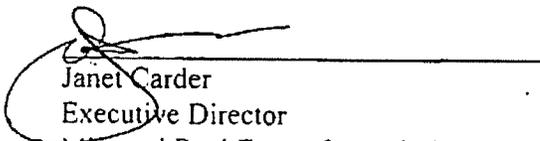
6. As a result of Mary Lyn Holtmann pleading guilty to Endangering Welfare of Child in the first degree in the Circuit Court of Barry County, Missouri, grounds exist for revoking Holtmann's real estate license, as required by § 339.100.5, RSMo.

III.

### ORDER

Therefore, pursuant to § 339.100.5, RSMo, it is the ORDER of this Commission that the real estate broker license of Mary Lyn Holtmann, license number 2006010475, is 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.

So Ordered effective this 22nd day of December, 2011.

  
Janet Carder  
Executive Director  
Missouri Real Estate Commission