SETTLEMENT AGREEMENT
BETWEEN
MISSOURI REAL ESTATE COMMISSION
AND
JOSHUA HRIC

Joshua Hric (Hric) and the Missouri Real Estate Commission (MREC) enter into this Settlement Agreement for the purpose of resolving the question of whether Hric's real estate license as a professional corporation salesperson, license no. 2007034518, will be subject to discipline. Pursuant to § 536.060, RSMo 2000,[1] the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the MREC under § 621.110, RSMo Supp. 2013. The MREC and Hric jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo Supp. 2013.

Hric acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing

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

against him at the hearing; the right to present evidence on his behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against him; the right to a ruling on questions of law by the Administrative Hearing Commission; the right to a disciplinary hearing before the MREC at which time Hric may present evidence in mitigation of discipline; the right to a claim for attorney fees and expenses; and the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the MREC.

Being aware of these rights provided to him by law, Hric knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document as they pertain to him.

Hric acknowledges that he has received a copy of documents that were the basis upon which the MREC determined there was cause for discipline, along with citations to law and/or regulations the MREC believes were violated. Hric stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the MREC that Hric's real estate license as a professional corporation salesperson, license no. 2007034518, is subject to disciplinary action by the MREC in accordance with

the relevant provisions of Chapter 621, RSMo, and §§ 339.010-339.205 and 339.710-339.855, RSMo, as amended.

The parties stipulate and agree that the disciplinary order agreed to by the MREC and Hric in Part II herein is based only on the agreement set out in Part I herein. Hric understands that the MREC may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the MREC or may be discovered.

I.
Joint Stipulation of Facts and Conclusions of Law

Based upon the foregoing, the MREC and Hric herein jointly stipulate to the following:

1. Hric holds a Missouri real estate license as a professional corporation salesperson, No. 2007034518. Hric's license is, and was at all relevant times, current and active.

2. On August 18, 2011, Hric pled guilty in the Circuit Court of Jefferson County, Missouri ("the Circuit Court"), Case No. 11JE-CR01590-01 ("felony criminal case"), to the felony Driving While Intoxicated-Persistent Offender, in violation of § 577.010, RSMo Supp. 2013.

3. The charges underlying the felony criminal case were as follows, in pertinent part:

AMENDED INFORMATION

> The Prosecuting Attorney of the County of Jefferson, State of Missouri, . . . charges,
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> That the defendant, in violation of § 577.010, committed the class D felony of Driving While Intoxicated, . . . in that on or about October 14, 2010, on I-55 north of Richardson Road, in the County of Jefferson, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and
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> on March 6th, 2003, defendant pled guilty to driving while intoxicated in the Municipal Court of St. Louis County, Missouri . . . for events which occurred on June 29th, 2002, case number 02SM006813C, and
>
> on May 5th, 2005, defendant pled guilty to driving while intoxicated in the Associate Circuit Court of St. Louis County, Missouri, case number 2104T-18523, for events which occurred on September 25th, 2004,
>
> and pursuant to Section 478.007 RSMo, defendant has previously pleaded guilty to an intoxicated related traffic offense, to wit: On May 5th, 2005, defendant pled guilty to driving while intoxicated in the Associate Circuit Court of St. Louis County, Missouri, case number 2104 T-18523 for events which occurred on September 25, 2004.

4. Section 577.010.1, regarding the criminal offense of Driving While Intoxicated, states in relevant part:

> 1. A person commits the crime of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

5. On August 18, 2011, the court suspended the execution of Hric's

sentence and placed Hric on supervised probation for 5 years beginning August 18, 2011 and ending August 18, 2016.

6. On September 27, 2011, Hric pled guilty in the Associate Circuit Court of Jefferson County, Missouri ("the Associate Circuit Court"), Case No. 11JE-CR01262 ("misdemeanor criminal case"), to the class B misdemeanor of Peace Disturbance in violation of § 574.010, RSMo Supp. 2013.

7. The charges underlying the misdemeanor criminal case were as follows, in pertinent part:

> AMENDED INFORMATION IN MISDEMEANOR
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> The Prosecuting Attorney of the County of Jefferson, State of Missouri, upon information and belief, charges,
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> That the defendant, in violation of Section 574.010, RSMo, committed the class B misdemeanor of peace disturbance, . . . in that on or about March 27, 2011, in the County of Jefferson, State of Missouri, the defendant unreasonably and knowingly disturbed Christina Buck by loud noise.

8. Section 574.010, regarding the misdemeanor criminal offense of Peace Disturbance, states in relevant part:

> 1. A person commits the crime of peace disturbance if:
>
> (1) He unreasonably and knowingly disturbs or alarms another person or persons by:
>
> (a) Loud noise[.]

. . .

> 2. Peace disturbance is a class B misdemeanor upon the first conviction. . . .

9. On September 27, 2011, the court suspended the imposition of Hric's sentence and placed Hric on unsupervised probation for 2 years beginning September 27, 2011 and ending September 27, 2013.

10. Section 339.100.2, RSMo Supp. 2013, authorizes the MREC to file a complaint with the Administrative Hearing Commission and states, in part:

> 2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 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:
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> . . .
>
> (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[.]

11. Based on Hric's guilty pleas to the class D felony of Driving While Intoxicated-Persistent Offender and the class B misdemeanor of Peace

Disturbance-First Offense, and engaging in the conduct underlying those crimes, cause exists to discipline Hric's license pursuant to § 339.100.2(18), RSMo Supp. 2013, in that Hric pled guilty in a criminal prosecution under the laws of this state to 1) an offense that is reasonably related to the qualifications, functions and duties of a real estate salesperson, and 2) to an offense which involves moral turpitude.

12. Cause exists to discipline Hric's salesperson license pursuant to § 339.100.2 (18), RSMo Supp. 2013.

II.
Joint Agreed Disciplinary Order

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the MREC in this matter under the authority of § 536.060, RSMo, and §§ 621.045.4 and 621.110, RSMo Supp. 2013.

13. **Hric's real estate license as professional corporation salesperson is on probation.** Hric's real estate license as a professional corporation salesperson is hereby placed on PROBATION until August 18, 2016. The period of probation shall constitute the "disciplinary period." During the disciplinary period, Hric shall be entitled to practice as a real estate salesperson under §§ 339.010-339.205 and §§ 339.710-339.855, RSMo, as amended, provided Hric adheres to all the terms of this agreement.

14. **Terms and conditions of the disciplinary period.** Terms and conditions of the probation are as follows:

A. Hric shall keep the MREC apprised at all times of his current address and telephone number at each place of residence and business. Hric shall notify the MREC in writing within ten (10) days of any change in this information.

B. Hric shall timely renew his real estate license(s), timely pay all fees required for license renewal and shall comply with all other requirements necessary to maintain his license(s) in a current and active status. During the disciplinary period, Hric shall not place his real estate license(s) on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Settlement Agreement, Hric may surrender his real estate license(s) by submitting a letter to the MREC and complying with 20 CSR 2250-8.155. If Hric applies for a real estate license after surrender, Hric shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Settlement Agreement.

C. Hric shall meet in person with the MREC or its representative at any such time or place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

D. Hric shall immediately submit documents showing compliance with the requirements of this settlement agreement to the MREC when requested by the MREC or its designee.

E. During the probationary period, Hric shall accept and comply with unannounced visits from the MREC's representative to monitor compliance with the terms and conditions of this settlement agreement.

F. Hric shall comply with all relevant provisions of Chapter 339, RSMo, as amended, all rules and regulations duly promulgated thereunder, all local, state, and federal laws. "State" as used herein includes the State of Missouri and all other states and territories of the United States.

G. Broker Acknowledgement. If at any time during the disciplinary period Hric wishes to transfer his license affiliation to a new broker/brokerage, he must submit a Broker Acknowledgment form

signed by the new broker. This acknowledgement is in addition to any other required application, fee, and documentation necessary to transfer his license. Hric must obtain the Broker Acknowledgement form from the MREC.

15. Upon the expiration of the disciplinary period, Hric's real estate license as a professional corporation salesperson shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the MREC determines that Hric has violated any term or condition of this Settlement Agreement, the MREC may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Hric's real estate license as a professional corporation salesperson.

16. No additional discipline shall be imposed by the MREC pursuant to the preceding paragraph of this Settlement Agreement without notice and opportunity for hearing before the MREC as a contested case in accordance with the provisions of Chapter 536, RSMo.

17. This Settlement Agreement does not bind the MREC or restrict the remedies available to it concerning any future violations by Hric of §§ 339.010-339.205 and §§ 339.710-339.855, RSMo, as amended, or the

regulations promulgated thereunder, or of the terms and conditions of this Settlement Agreement.

18. This Settlement Agreement does not bind the MREC or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Settlement Agreement that are either now known to the MREC or may be discovered.

19. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the MREC may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Hric agrees and stipulates that the MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

20. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and/or its settlement.

21. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in

writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

22. The parties to this Settlement Agreement understand that the MREC will maintain this Settlement Agreement as an open record of the MREC as required by Chapters 324, and 610, RSMo, as amended.

23. Hric, together with his partners, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MREC, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo (as amended), or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of the Settlement Agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

24. Hric understands that he may, either at the time the Settlement Agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Hric's real estate license as a professional corporation salesperson. If Hric desires the Administrative Hearing Commission to review this Settlement Agreement, Hric may submit his request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102.

25. If Hric requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Hric's real estate license as a professional corporation salesperson. If the Administrative Hearing Commission issues an order stating that the Settlement Agreement does not set forth cause for discipline, then the MREC may proceed to seek discipline against Hric as allowed by law. If Hric does not request review by the Administrative Hearing Commission, this Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the MREC.

LICENSEE

9-17-14

Joshua Hric Date

MISSOURI REAL ESTATE COMMISSION

Janet Carder, Executive Director
Date: Oct 6, 2014

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