

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 13-0435 RE
)	
KATHLEEN J. KREMPASKY)	
)	
Respondent.)	

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

On or about September 3, 2013, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Kathleen J. Krempasky*, No. 13-0435 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Kathleen J. Krempasky’s real estate professional corporation salesperson license (license no. 2001028951) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2(15) and (19), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on April 2, 2014, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent’s license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Charles Davis participated through conference call. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Ron Dreisilker. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Default Decision, the Complaint upon which it was based and the record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Kathleen J. Krempasky*, Case No. 13-0435 RE, issued September 3, 2013, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission.

4. This Commission licensed Respondent Kathleen J. Krempasky as a real estate professional corporation salesperson, license number 2001028951. Respondent's professional corporation salesperson license was not current at all times relevant to this proceeding.

Respondent's professional corporation salesperson license expired September 30, 2012 for failure to renew.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the Default Decision with the Complaint upon which the Default Decision was based, issued by the Administrative Hearing Commission dated September 3, 2013, in *Missouri Real Estate Commission v. Kathleen J. Krempasky*, Case No. 13-0435 RE, takes official notice thereof, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated September 3, 2013, Respondent's real estate professional corporation salesperson license, number 2001028951, is subject to disciplinary action by the Commission pursuant to § 339.100.2(15) and (19), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate professional corporation salesperson license of Kathleen J. Krempasky (license no. 2001028951) is hereby placed on TWO (2) YEARS PROBATION, EFFECTIVE UPON RENEWAL/REACTIVATION OF THE REAL ESTATE LICENSE.

During Respondent's probation, Respondent shall be entitled to practice under her respective license provided that Respondent adheres 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 shall keep the MREC apprised at all times, in writing, of Respondent's current addresses and telephone numbers at each place of residence and business. Respondent shall notify the MREC within ten (10) days of any change in this information.

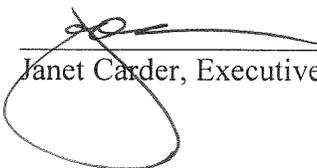
B. Respondent shall maintain full compliance with all provisions of Chapter 339, RSMo, and all rules and regulations promulgated by the MREC.

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

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 9th DAY OF April, 2014.

MISSOURI REAL ESTATE COMMISSION



Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)
)
Petitioner,)
)
vs.) No. 13-0435 RE
)
KATHLEEN J. KREMPASKY,)
)
Respondent.)

DEFAULT DECISION

On March 15, 2013, Petitioner filed a properly pled complaint seeking to discipline Respondent, Kathleen Krempasky. Krempasky was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on July 5, 2013.

More than thirty days have elapsed since Krempasky was served. Krempasky has not filed an answer or otherwise responded to the complaint. On August 16, 2013, Petitioner filed a motion to enter a default decision. We gave Respondent until August 30, 2013, to respond, but she did not respond.

In accordance with § 621.100.2, RSMo (Supp. 2012), we enter a default decision against Krempasky establishing that the Missouri Real Estate Commission is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on September 3, 2013.


SREENIVASA RAO DANDAMUDI
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

MAR 15 2013

ADMINISTRATIVE HEARING
COMMISSION

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

Petitioner,)

v.)

No. 13-0435 -RE

KATHLEEN J. KREMPASKY)
1207 Nathan Ave)
St. Charles, MO 63301)
Telephone: 319-450-6141)

Respondent.)

COMPLAINT

Petitioner, Missouri Real Estate Commission, by and through its attorney, the Attorney General of the State of Missouri and for its cause of action states:

1. Petitioner, Missouri Real Estate Commission ("MREC"), is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo. Supp. 2012, and is charged with the duty of licensing and registering real estate licensees in this state and of executing and enforcing the provisions of Chapter 339, Real Estate Agents, Brokers, Appraisers and Escrow Agents, RSMo.

2. The Respondent, Kathleen J. Krempasky (“Krempasky”) is licensed by Petitioner as a professional corporation salesperson, no. 2001028951. Krempasky’s license was current and active at all times relevant herein.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo Supp. 2012, and § 339.532.2, RSMo 2012.

4. On or about September 20, 2010, Krempasky submitted her renewal application for her professional corporation salesperson license.

5. On the MREC’s renewal application, Krempasky provided a social security number (“SSN”) that differed from the SSN presently on file with the MREC.

6. By a letter dated April 11, 2011, the MREC informed Krempasky that the SSN she noted on her renewal application did not match the one currently on file with the MREC. The letter directed Krempasky to provide a copy of her social security card to the MREC within the next thirty (30) days.

7. Krempasky failed to respond to the MREC’s request.

8. On July 12, 2011, the MREC sent a certified letter to Krempasky, at the address on file with the MREC, stating that Krempasky had failed to respond to the MREC’s previous letter dated April 11, 2011. Moreover, the July 12, 2011 letter cited state regulation 20 CSR 2250-8.170(1), which

provides that a licensee's failure to respond to a written request or inquiry from the MREC within 30 days of the written request or inquiry would provide grounds for the MREC to seek discipline against the licensee.

9. The July 12, 2011 certified letter was returned to the MREC and marked "Return to Sender/Unclaimed/Unable to Forward".

10. On or about August 25, 2011, the MREC sent a certified letter to Krempasky referencing its prior correspondence and her failure to respond to that correspondence. The August 25, 2011 letter informed Krempasky that she was to appear before the MREC at 9:30 a.m. on October 12, 2011, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

11. The August 25, 2011 certified letter was returned to the MREC and marked "Return to Sender/Unclaimed/Unable to Forward".

12. Krempasky failed to appear before the MREC on the date and at the time specified by the August 25, 2011 letter.

13. Cause exists to discipline Krempasky's professional corporation salesperson license pursuant to § 339.100.2(15) and (19), RSMo Cum. Supp. 2012, which states:

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:

.....

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

.....

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

14. Rule 20 CSR 2250-8.170, requiring a professional corporation salesperson to respond to MREC inquiries, states:

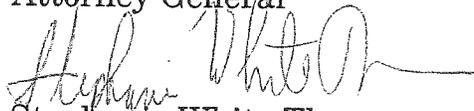
(1) Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

15. Based on Krempasky's conduct of failing to respond to the MREC's inquiries, listing the incorrect SSN on her renewal application, and failing to appear before the MREC, cause exists to discipline Krempasky's professional corporation salesperson license pursuant to 339.100.2(15) and (19), RSMo. Cum. Supp. 2012.

WHEREFORE, Petitioner respectfully requests this Commission to conduct a hearing in this cause pursuant to Chapter 621, as amended, and thereafter to issue its findings of fact, conclusions of law, and decision that Respondent's professional corporation salesperson license is subject to disciplinary action under § 339.100.2, RSMo Supp. 2012, by Petitioner, Missouri Real Estate Commission, for violations of Chapter 339, RSMo.

Respectfully submitted,

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