



Doris Carlin, were present throughout the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General You-Jin Han. 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. Verdena Miller*, Case No. 12-1791 RE, issued December 10, 2012, 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 Verdena Miller as a real estate salesperson, license number 2006034449. Respondent's salesperson license was current at all times relevant to this proceeding.

## 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 December 10, 2012, in *Missouri Real Estate Commission v Verdena Miller*, Case No. 12-1791 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 December 10, 2012, Respondent's real estate salesperson license, number 2006034449, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (16), (18), and (19), RSMo.

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

## III.

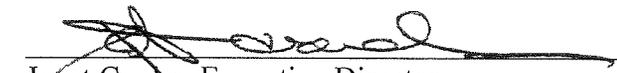
### ORDER

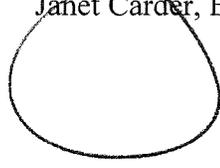
Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate salesperson license of Verdena Miller (license no. 2006034449) is hereby **REVOKED**. All evidence of licensure shall be immediately returned to the Commission.

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 12<sup>th</sup> DAY OF April, 2013.

MISSOURI REAL ESTATE COMMISSION

  
\_\_\_\_\_  
Janet Carder, Executive Director



Before the  
Administrative Hearing Commission  
State of Missouri



MISSOURI REAL ESTATE COMMISSION, )  
 )  
 Petitioner, )  
 )  
 vs. ) No. 12-1791 RE  
 )  
 VERDENA MILLER, )  
 )  
 Respondent. )

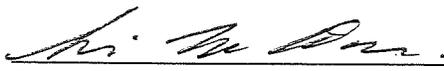
**DEFAULT DECISION**

On October 1, 2012, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on October 5, 2012.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint. On November 13, 2012, Petitioner filed a motion to enter a default decision. We gave Respondent until November 28, 2012 to respond, but she did not respond.

In accordance with § 621.100.2,<sup>1</sup> we enter a default decision against Respondent establishing that Petitioner 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 December 10, 2012.

  
SREENIVASA RAO DANDAMUDI  
Commissioner

<sup>1</sup>RSMo Supp. 2011.

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

FILED

OCT 01 2012

ADMINISTRATIVE HEARING  
COMMISSION

MISSOURI REAL ESTATE COMMISSION )  
3605 Missouri Blvd. )  
P.O. Box 1339 )  
Jefferson City, Missouri 65102-1339 )  
(573) 751-2628 )

Petitioner, )

v. )

No. 12-179125

VERDENA MAE MILLER )  
1412 County Road 1223 )  
Moberly, MO 65270 )  
(660) 651-5921 )

Respondent. )

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through its attorney, the Attorney General of Missouri, states for its cause of action against Respondent as follows:

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo Supp. 2011,<sup>1</sup> for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.205 and §§ 339.710 to 339.855, RSMo (as amended), relating to real estate salespersons and brokers.

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<sup>1</sup>All statutory citations are to the Revised Statutes of Missouri 2000, unless otherwise noted.

2. Verdena Mae Miller (“Miller”) holds real estate salesperson license no. 2006034449, which was originally issued on September 19, 2006, and expires September 30, 2012. Miller’s license was suspended on March 5, 2011, pursuant to § 324.010, RSMo Supp. 2011, for nonpayment of state taxes and has remained suspended since that time.

3. On or about November 10, 2009, Miller pled guilty to two class B felonies under § 195.211, RSMo, in Howard County Circuit Court: (1) manufacturing a controlled substance (marijuana); and (2) possession of a controlled substance (marijuana) with the intent to distribute. The court sentenced Miller to five years’ incarceration on each count, suspended execution of the sentence, and ordered five years’ supervised probation. The court also sentenced Miller to 120 days’ shock incarceration.

4. Section 195.211, RSMo, states, in relevant part:

1. Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance.

3. Any person who violates or attempts to violate this section with respect to any controlled substance except five grams or less of marijuana is guilty of a class B felony.

4. Section 339.100.2(16), (18) and (19), RSMo Supp. 2011, provides:

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:

.....  
(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

.....  
(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;

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

5. Section 339.040.1, RSMo Supp. 2011, provides in relevant part:

1. Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

(2) Bear a good reputation for honesty, integrity, and fair dealing; and

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

6. Miller's conduct, as alleged above, demonstrates a lack of: 1) good moral character; 2) a reputation for honesty, integrity, and fair dealing; and 3) competence to transact the business of a salesperson in such a manner as to safeguard the interest of the public. Because Miller fails to meet the requirements of § 339.040.1, RSMo Supp. 2011, cause exists to discipline her license pursuant to § 339.100.2(16), RSMo Supp. 2011.

7. Miller's conduct, as alleged above, provides cause to discipline Miller's real estate license pursuant to § 339.100.2(18), RSMo, in that Miller pled guilty in a criminal prosecution under the laws of the State of Missouri to: 1) an offense that is reasonably related to the qualifications, functions and/or duties of a real estate agent; 2) an offense of which an essential element is fraud, dishonesty and/or an act of violence; and/or 3) an offense which involves moral turpitude.

8. Miller's conduct, as alleged above, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause to discipline Miller's real estate license under § 339.100.2(19), RSMo Supp. 2011.

WHEREFORE, Petitioner respectfully requests this Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and thereafter to issue findings of fact and conclusions of law determining that Petitioner may take disciplinary action against the real

estate salesperson license of Verdena Mae Miller for the violations noted above, and for such other relief as may be appropriate.

Respectfully submitted,

CHRIS KOSTER

Attorney General



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