



Based upon the foregoing the MREC hereby states

1 The MREC 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 339.860 RSMo and the regulations promulgated thereunder relating to real estate salespersons and brokers

2 Nenninger is a natural person residing at the address of 508 North Street Marble Hill Missouri 63764

3 On or about May 3 2012 the MREC received Nenninger's application for a real estate salesperson license ( Application )

4 On his Application question 4.13 Nenninger was asked if he had been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution in this state or any other state or of the United States whether or not sentence was imposed? **NOTE This includes Suspended Imposition of Sentence Suspended Execution of Sentence and alcohol related offenses i.e. DWI and BAC** Nenninger responded YES to question 4.13

5 On or about December 13 2011 in Case No. 11MD CR00284 Nenninger pleaded guilty in the Circuit Court of Madison County Missouri to the crime of Unlawful Use of a Weapon a class D felony

6 On or about December 13 2011 in Case No. 11MD CR00284 the Court issued a suspended imposition of sentence and placed Nenninger on five years probation supervised by the Missouri State Board of Probation and Parole

7 The crime of Unlawful Use of a Weapon is an offense of which an essential element is fraud dishonesty or an act of violence and/or this crime involving moral turpitude and the commission of this crime demonstrates a lack of regard for the health safety and welfare of the public

8 The crime of Unlawful Use of a Weapon is an offense reasonably related to the qualifications functions and duties of a real estate salesperson

## II

### CONCLUSION OF LAW

9 As a result of the criminal conduct identified in Section I herein cause exists for the MREC to deny Nenninger's application for a real estate salesperson license pursuant to § 339.080.1 RSMo which provides The commission may refuse to examine or issue a license to any person known by it to be guilty of any of the acts or practices specified in subsection 2 of section 339.100

10 As a result of the criminal conduct identified in Section I herein cause exists for the MREC to deny Nenninger's application for a real estate salesperson license pursuant to the provisions of § 339.100.2(16) (18) and (19) RSMo which state

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 his 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

11 Section 339 040 1 RSMo provides that licenses shall be issued only to persons of good moral character who bear a good reputation for honesty integrity and fair dealing and who are competent to transact the business of a real estate salesperson in a manner so as to safeguard the public s interest

12 As a result of the criminal conduct identified in Section I herein Nenner has engaged in conduct and has pleaded guilty to crimes that adversely affect his moral character his reputation and his fitness and qualifications to practice as a real estate salesperson

13 As an alternative to refusing to issue a license the MREC may at its discretion issue a license subject to probation pursuant to § 324 038 1 RSMo which provides

Whenever a board within or assigned to the division of professional registration including the division itself when so empowered may refuse to issue a license for reasons which

also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of license the board as an alternative to refusing to issue a license may at its discretion issue to an applicant a license subject to probation

- 14 The MREC issues this Order in lieu of denial of Nenninger's application for a real estate salesperson license The MREC has determined that this Order is necessary to ensure the protection of the public

### III

#### **TERMS AND CONDITIONS**

- 15 Based on the foregoing the Missouri real estate salesperson license issued to Nenninger is subject to the following terms and conditions
- 16 **Nenninger's license is on probation for five years** Nenninger's real estate salesperson license is hereby placed on PROBATION for a period of FIVE YEARS from the effective date of this Order During the period of probation on his real estate salesperson license Nenninger shall be entitled to practice as a real estate salesperson provided he adheres to all the terms stated herein The period of probation shall constitute the disciplinary period
- 17 **Terms and conditions of the disciplinary period** Terms and conditions of the disciplinary period are as follows
- (A) Nenninger's license shall remain affiliated with Abernathy and Associates Realty Co Should Nenninger terminate his affiliation with Abernathy and Associates Realty Co Nenninger shall be prohibited from affiliating with any other licensee without prior approval from the Commission

(B) Nennerger shall obey and comply with the terms and conditions of probation for his criminal supervision. Nennerger shall prepare and submit quarterly written reports to the MREC regarding the status of and compliance with his criminal probation, parole, and/or release, as well as the terms and conditions of this probated license order. Nennerger is responsible for ensuring that such quarterly reports are received by the MREC on or before January 10, April 10, July 10, and October 10 during each year of the disciplinary period. Nennerger shall submit the first such report so that the MREC receives it on or before October 10, 2012.

(C) Nennerger shall refrain from consuming alcohol beverages. Nennerger shall also prepare and submit a quarterly written attestation that he has not consumed any alcoholic beverages. This written attestation shall be submitted with the quarterly reports referenced in the preceding paragraph.

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

(E) Nennerger shall timely renew his Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain his license in a current and active state.

(F) Nennerger shall meet in person with the MREC or its representative at any such time and 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.

(G) Nenninger shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee

(H) During the probationary period Nenninger shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order

(I) If at any time within the disciplinary period Nenninger changes residence from the State of Missouri, ceases to be currently licensed in Missouri under the relevant provisions of Chapter 339 RSMo as amended, fails to timely pay all fees required for license renewal, or fails to keep the MREC advised of all current places of residence and business, the time of absence, unlicensed status, delinquency in paying fees for license renewal or unknown whereabouts shall not be deemed or taken as any part of the disciplinary period

(J) Nenninger shall comply with all relevant provisions of Chapter 339 RSMo as amended, all rules and regulations of the MREC, and all local, state, and federal laws. State as used herein refers to the State of Missouri and all other states and territories of the United States

18 Upon the expiration and successful completion of the disciplinary period Nenninger's real estate salesperson license shall be fully restored if all other requirements of the law have been satisfied, provided, however, that in the event the MREC determines that Nenninger has violated any term or condition of this Order, 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 Nenninger s real estate salesperson license

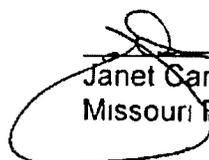
19 No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536 RSMo

20 If the MREC determines that Nenninger has violated a term or condition of this Order which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court the MREC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning such violation

21 If any alleged violation of this Order occurs during the disciplinary period 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 The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred

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

SO ORDERED AND EFFECTIVE THIS 13TH DAY OF AUGUST 2012

  
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Janet Gardner Executive Director  
Missouri Real Estate Commission