

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of)
)
 Terrell Owens)
)
 Applicant)

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION
REGARDING ISSUANCE OF A PROBATED REAL ESTATE
SALESPERSON LICENSE TO TERRELL OWENS**

The Missouri Real Estate Commission (“MREC”) hereby issues its ORDER granting a PROBATED real estate salesperson license to Terrell Owens (“Owens”) pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038, RSMo, Owens may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the MREC’s decision to issue a probated real estate salesperson license. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date of delivery or mailing by certified mail of this Order. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the MREC’s decision shall be considered waived.

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

FINDINGS OF FACT

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. Owens is a natural person residing at the address of 11171 Towering Pines Drive, St. Louis, Missouri 63136.
3. On or about January 28, 2013, the MREC received Owens' application for a real estate salesperson license ("Application").
4. On his Application, question 4-13, Owens 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.**" Owens responded, "YES" to question 4-13.
5. On or about August 30, 2005, in Case No. 2104R-05300A-01, Owens pled guilty in the Circuit Court of St. Louis County, Missouri to two counts of Stealing, a class B misdemeanor and two counts of Property Damage in the Second Degree, a class B misdemeanor.

6. On or about August 30, 2005, in Case No. 2104R-05300A-01, the Court suspended imposition of sentence and placed Owens on two years probation under the supervision of the Missouri State Board of Probation and Parole.
7. On or about November 2, 2007, the Court found Owens in violation of the terms of probation, and revoked the probation. The Court sentenced Owens to six months in the Department of Justice Services of St. Louis County, and the sentence was to run concurrent with three other criminal matters involving Owens.
8. On or about August 30, 2005, in Case No. 2104R-05299-01, Owens pled guilty in the Circuit Court of St. Louis County, Missouri to Stealing, a class B misdemeanor.
9. On or about August 30, 2005, in Case No. 2104R-05299-01, the Court suspended imposition of sentence and placed Owens on two years probation under the supervision of the Missouri State Board of Probation and Parole.
10. On or about November 2, 2007, the Court found Owens in violation of the terms of probation, and revoked the probation. The Court sentenced Owens to six months in the Department of Justice Services of St. Louis County, and the sentence was to run concurrent with three other criminal matters involving Owens.
11. On or about November 2, 2007, in Case No. 2107R-01398-01, Owens pled guilty in the Circuit Court of St. Louis County, Missouri to the following: two counts of Stealing, both a class C felony; Property Damage in the Second Degree, a class B misdemeanor; Stealing a Motor Vehicle, a class C felony; and Stealing, a class A misdemeanor.

12. On or about November 2, 2007, in Case No. 2107R-01398-01, the Court suspended imposition of sentence and placed Owens on five years probation for the two felony Stealing offenses; six months probation for the Property Damage in the Second Degree offense; five years probation for the Stealing of a Motor Vehicle offense; and six months for the misdemeanor Stealing offense. The sentences were to be served concurrently with three other criminal matters involving Owens.
13. On or about November 2, 2007, in Case No. 2107R-02377-01, Owens pled guilty in the Circuit Court of St. Louis County, Missouri to two counts of Stealing a Motor Vehicle, both a class C felony.
14. On or about November 2, 2007, in Case No. 2107R-02377-01, the Court suspended imposition of sentence and placed Owens on five years probation for each count. The sentences were to be served concurrently and also concurrent with three other criminal matters involving Owens.
15. On or about December 30, 2011, in Case No. 2107R-02377-01, the Court ordered the probation imposed against Owens terminated.
16. On or about January 28, 2008, in Case No. 0622-CR00406-01, Owens pled guilty in the City of St. Louis, Missouri Circuit Court to Trafficking of Drugs in the Second Degree, a class A felony.
17. On or about March 28, 2008, in Case No. 0622-CR00406-01, the Court suspended imposition of sentence and placed Owens on five years probation. The sentence was to be served concurrently with three other criminal matters involving Owens.

18. On or about February 6, 2012, in Case No. 0622-CR00406-01, the Court ordered the probation imposed against Owens terminated.
19. On or about January 28, 2008, in Case No. 0722-CR00575-01, Owens pled guilty in the City of St. Louis, Missouri Circuit Court to the following: Resisting Arrest, a class D felony; First Degree Tampering with the Service of a Utility, a class C felony; and Receiving Stolen Property, a class A misdemeanor.
20. On or about March 28, 2008, in Case No. 0722-CR00575-01, the Court suspended imposition of sentence and placed Owens on five years probation for the Resisting Arrest offense, five years probation for the First Degree Tampering with a Utility offense; and ninety days probation for Receiving Stolen Property offense.
21. On or about February 6, 2012, in Case No. 0722-CR00575-01, the Court ordered the probation imposed against Owens terminated.
22. The crimes of Stealing, Property Damage in the Second Degree, Stealing a Motor Vehicle, Trafficking of Drugs in the Second Degree, Resisting Arrest, First Degree Tampering with the Service of a Utility; and Receiving Stolen Property are offenses of which an essential element is fraud, dishonesty or an act of violence and/or are crimes involving moral turpitude; and the commission of these crimes demonstrates a lack of regard for the health, safety, and welfare of the public.
23. The crimes of Stealing, Property Damage in the Second Degree, Stealing a Motor Vehicle, Trafficking of Drugs in the Second Degree, Resisting Arrest, First Degree Tampering with the Service of a Utility; and Receiving Stolen Property are offenses reasonably related to the qualifications, functions, and duties of a real estate salesperson.

II

CONCLUSION OF LAW

24. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Owens' 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,"

25. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Owens' 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;

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26. 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.

27. As a result of the criminal conduct identified in Section I herein, Owens 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.

28. 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.

29. The MREC issues this Order in lieu of denial of Owens'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

30. Based on the foregoing, the Missouri real estate salesperson license issued to Owens is subject to the following terms and conditions.
31. **Owens's license is placed on probation for three years.** Owens' real estate salesperson license is hereby placed on PROBATION for a period of THREE YEARS from the effective date of this Order. During the period of probation on his real estate salesperson license, Owens 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."
32. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:
- A. Owens' license shall remain affiliated with Schneider Real Estate, Inc. Should Owens terminate his affiliation with Schneider Real Estate, Inc., Owens shall be prohibited from affiliating with any other licensee without prior approval from the Commission.
- B. Owens shall keep the MREC apprised at all times in writing of his current address and telephone number at each place of residence and business. Owens shall notify the MREC in writing within ten days of any change in this information.

C. Owens 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.

D. Owens 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.

E. Owens shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

F. During the probationary period, Owens shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

G. If at any time within the disciplinary period Owens 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.

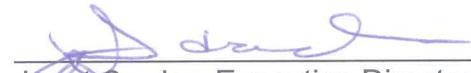
H. Owens shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and

federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

33. Upon the expiration and successful completion of the disciplinary period, Owens'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 Owens 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 Owens's real estate salesperson license.
34. 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.
35. If the MREC determines that Owens 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.
36. 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.

37. 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 19TH DAY OF JUNE 2013.



Janet Carder, Executive Director
Missouri Real Estate Commission