

**BEFORE THE
MISSOURI REAL ESTATE COMMISSION
STATE OF MISSOURI**

MISSOURI REAL ESTATE COMMISSION,)	
)	
Petitioner,)	
)	
v.)	Case No. 1-14-9
)	
DEONNA MARIE STEWART)	
)	
Respondent.)	

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

Pursuant to notice the Missouri Real Estate Commission (“Commission”) held a hearing on June 11, 2014, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether Respondent had violated the probationary terms of a prior Commission disciplinary order and if so, whether additional discipline of Respondent’s license was warranted. All of the members of the Commission, with the exception of Charles Davis were present throughout the meeting. The Commission was represented by Assistant Attorney General Faraz Nayyar. Respondent was properly and timely notified of the hearing. Respondent Stewart did not appear individually or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues these following Findings of Facts, Conclusions of Law and Disciplinary Order.

I.

FINDINGS OF FACT

1. The Missouri Real Estate Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo,¹ for the purpose of carrying out and enforcing the provisions of §§ 339.010 to 339.205 and 339.710 to 339.855, RSMo, and the regulations promulgated thereunder, relating to real estate salespersons and brokers.

2. Deonna Marie Stewart holds a salesperson license from the Commission, license no. 2012036569. Respondent's salesperson license was not current at all times relevant to this proceeding. On May 6, 2013 Respondent's salesperson license was suspended pursuant to § 324.010, RSMo, for failure to pay and/or file Missouri income taxes.

3. On October 15, 2012, the Commission issued its Order of the Missouri Real Estate Commission regarding issuance of a Probated Real Estate Salesperson License to Deonna Marie Stewart ("2012 Order") which became effective on October 15, 2012. The 2012 Order placed Stewart on probation for two years and required that Stewart submit quarterly written reports to the Commission regarding the status of and compliance with her criminal probation parole and/or release as well as the terms and conditions of this probated licensed. The 2012 Order required Stewart to ensure that the Commission received the quarterly reports on or before January 10, April 10, July 10 and October 10 during each year of the disciplinary period. The 2012 Order required Stewart to submit the first such report to the Commission on or before January 10, 2013

4. Paragraph 20 & 21 of Section III of the 2012 Disciplinary Order states:

- 1) Based on the foregoing the Missouri real estate salesperson license issued to Stewart is subject to the following terms and conditions.

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

2) Stewart's real estate salesperson license is hereby placed on probation for a period of two years from the effective date of this Order.

5. Stewart failed to submit quarterly written reports for July 10, 2013, October 10, 2013 and January 10, 2014.

6. Stewart's failure to adhere to the terms of her probation by failing to submit quarterly written reports, is a violation of Paragraph 22B of Section III of the 2012 Order which provides cause to further discipline Stewart's license under § 324.042, RSMo.

7. As a result of the foregoing, a Probation Violation Complaint was filed with the Missouri Real Estate Commission alleging that grounds existed for additional disciplinary action against Stewart's Missouri real estate license, pursuant to § 324.042, RSMo.

8. The Commission set this matter for hearing and served notice of this disciplinary hearing upon Respondent in a proper and timely fashion.

9. On June 11, 2014, pursuant to notice and § 621.110, RSMo, this Commission held a hearing at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether the Respondent have violated any terms of the 2012 Disciplinary Order, and if so, whether any additional discipline would be imposed against Respondent' licenses. Respondent Deonna Marie Stewart was not present and was not represented by legal counsel. Petitioner was represented by Faraz Nayyar, Assistant Attorney General.

10. All the members of the Commission were present throughout the disciplinary hearing except Charles Davis.

II.

CONCLUSIONS OF LAW

11. Stewart's failure to adhere to the terms of her probation, to submit quarterly written reports from the effective date of the Order, in violation of Section III, Paragraph 22B on Page 7 of the 2012 Order, are violations of the terms of the 2012 Order which provide cause to further discipline Stewart's license under §324.042, RSMo.

12. Pursuant to § 324.042, RSMo, the Commission has authority to impose additional discipline against Respondent Stewart, for violating any disciplinary terms previously imposed or agreed to pursuant to the Order against a licensee.

13. Section 324.042, RSMo, provides:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

14. Pursuant to Section 324.042, RSMo, the Commission has jurisdiction to hold additional hearings and impose discipline if it finds that a licensee has violated any disciplinary terms previously imposed by the Commission.

15. Section 339.100.3, RSMo, provides the Commission may discipline a real estate license after an initial disciplinary hearing by revoking, probating or suspending said license.

16. The Commission finds Respondent Deonna Marie Stewart has violated the terms and conditions of the 2012 Order issued by the Commission on October 15, 2012 as a result of the conduct identified in the findings of fact set forth above.

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

III.

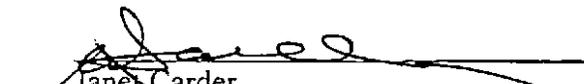
ORDER

Therefore, having fully considered all the evidence before the Commission, it is the ORDER of this Commission that:

18. The real estate license of Respondent Deonna Marie Stewart, license number 2012036569, is hereby **REVOKED**. All evidence of Respondent's licensure shall be returned to the Commission within 30 days of this Order.

19. The Commission will maintain this Order as an open record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

So Ordered this 25th day of June 2014.


Janet Carder
Executive Director
Missouri Real Estate Commission

2. Stewart holds a probated real estate salesperson license from the MREC, license no. 2012036569, issued on October 15, 2012. The license has been suspended since May 6, 2013, pursuant to § 324.010, RSMo, for failure to pay Missouri Income Tax.

3. The license was issued pursuant to § 324.038, RSMo, which allows the MREC the discretion to issue probationary licenses to applicants who may otherwise be subject for denial.

4. Pursuant to § 324.042, RSMo, the MREC has jurisdiction to hold additional hearings and impose further discipline if it finds that a licensee has violated any disciplinary terms previously imposed. Section 324.042, RSMo, states:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

5. Stewart failed to disclose two criminal felony convictions in her MREC application, and thus, the MREC chose to issue her a probated license effective October 15, 2012. A true and accurate list of reasons the MREC chose to issue a probated license can be found in the Order of the Missouri Real Estate Commission regarding issuance of a probated real

estate salesperson license to Deonna Marie Stewart ("Order"), which is attached hereto and incorporated herein.

6. The Order placing Stewart's license on two year probation, states that:

21 Stewart s license is on probation for two years

Stewart s real estate salesperson license is hereby placed on PROBATION for a period of TWO YEARS from the effective date of this Order [, October 15, 2012 to October 14, 2014] During the period of probation on her real estate salesperson license Stewart shall be entitled to practice as a real estate salesperson provided she adheres to all the terms stated herein The period of probation shall constitute the disciplinary period

* * *

22 Terms and conditions of the disciplinary period

Terms and conditions of the disciplinary period are as follows

* * *

B Stewart shall obey and comply with the terms and conditions of probation for her criminal supervision *Stewart shall prepare and submit quarterly written reports to the MREC regarding the status of and compliance with her criminal probation parole and/or release as well as the terms and conditions of this probated license order Stewart 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 Stewart shall submit the first such report so that the MREC receives it on or before January 10 2013*

* * *

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

(Emphasis added and punctuation missing from original).

7. The Order also states that:

23 Upon the expiration and successful completion of the disciplinary period Stewart 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 Stewart 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 Stewart s real estate salesperson license*

(Emphasis added and punctuation missing from original).

8. To date, the MREC has not received the July 10, 2013; October 10, 2013; and January 10, 2014 quarterly reports described in Paragraph 22(B) of the Order from Stewart.

9. The MREC sent two letters to Stewart, on November 1, 2013 and January 27, 2014, demanding the submission of the delinquent quarterly reports and requiring an explanation of why the Order was violated—within thirty days. Both letters also stated the following:

The fact that your real estate license has been suspended since May 6, 2013, pursuant to § 324.010 RSMo for failure to pay Missouri Income Tax does *not* negate the quarterly report submission requirement of the Probated License Order.

(Emphasis added).

10. To date, the MREC has not received a response from Stewart to the letters.

Count I

11. Stewart has failed to submit quarterly reports during her probationary period in violation of Paragraph 21 and 22(B) of the Order.

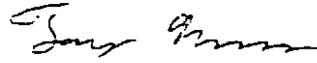
Count II

12. Stewart has failed to respond to two MREC letters demanding compliance with the Order in violation of Paragraph 21 and 22(F) of the Order.

Based on the above, Petitioner requests the MREC hold a hearing to determine the above violations occurred and to impose further discipline pursuant to § 324.042, RSMo, and for other such relief as may be appropriate.

Respectfully submitted,

CHRIS KOSTER
Attorney General



Faraz Nayyar
Assistant Attorney General
Missouri Bar No. 64296

Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-7728
Telefax: 573-751-5660
E-mail: faraz.nayyar@ago.mo.gov

Attorneys for Petitioner

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of)
)
Deonna Marie Stewart)
)
Applicant)

ORDER OF THE MISSOURI REAL ESTATE COMMISSION
REGARDING ISSUANCE OF A PROBATED REAL ESTATE
SALESPERSON LICENSE TO DEONNA MARIE STEWART

The Missouri Real Estate Commission (MREC) hereby issues its ORDER granting a *PROBATED real estate salesperson license to Deonna Marie Stewart (Stewart)* pursuant to the provisions of § 324 038 RSMo¹ As set forth in § 324 038 RSMo Stewart 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 indicated

1

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 Stewart is a natural person residing at the address of 101 E. Pacific Dr. Belton Missouri 64012

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

4 On her Application, question 4.13, Stewart was asked if she 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. Stewart responded YES to question 4.13.

5 On or about September 28, 2008, in Case No. 08LF-CR00607-01, Stewart pled guilty in the Lafayette County Circuit Court to the crimes of Burglary in the Second Degree and Stealing, both class C felonies.

- 6 On or about November 17 2008 in Case No 08LF CR00507 01 the Court issued a suspended imposition of sentence and placed Stewart on five years supervised probation
- 7 On or about June 22 2009 in Case No 0916 CR00626 Stewart pled guilty in the Jackson County Circuit Court to the crimes of Burglary in the Second Degree and Stealing both class C felonies
- 8 On or about November 16 2009 in Case No 0916 CR00626 the Court issued a suspended imposition of sentence and placed Stewart on two years supervised probation
- 9 Stewart successfully completed the supervised probation for Case No 0916 CR00626 and the case was closed on November 16 2011
- 10 Stewart failed to disclose on her application that she pled guilty to Burglary in the Second Degree and Stealing in Jackson County Circuit Court in 2009
- 11 The crimes of Burglary in the Second Degree and Stealing are offenses of which an essential element is fraud dishonesty or an act of violence and/or is a crime involving moral turpitude and the commission of these crimes demonstrates a lack of regard for the health safety and welfare of the public
- 12 The crimes of Burglary in the Second Degree and Stealing are offenses reasonably related to the qualifications functions and duties of a real estate salesperson
- 13 Stewart's failure to disclose on her application that she had pled guilty to the crimes of Burglary in the Second Degree and Stealing in Jackson County Circuit Court in 2009 is an act of dishonesty

CONCLUSION OF LAW

14 As a result of the conduct identified in Section I herein cause exists for the MREC to deny Stewart'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

15 As a result of the conduct identified in Section I herein cause exists for the MREC to deny Stewart's application for a real estate salesperson license pursuant to the provisions of § 339 100 2(10) (16) (18) (19) and (25) 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 her individual or entity license for any one or any combination of the following acts

(10) Obtaining a certificate or registration of authority permit or license for himself or herself or anyone else by false or fraudulent representation fraud or deceit

(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

(25) Making any material misstatements misrepresentations or omission with regard to any application for licensure or license renewal As used in this section material means important information about which the commission should be informed and which may influence a licensing decision

16 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

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

18 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

19 The MREC issues this Order in lieu of denial of Stewart'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

20 Based on the foregoing, the Missouri real estate salesperson license issued to Stewart is subject to the following terms and conditions:

21 Stewart's license is on probation for two years. Stewart's real estate salesperson license is hereby placed on PROBATION for a period of TWO YEARS from the effective date of this Order. During the period of probation on her real estate salesperson license, Stewart shall be entitled to practice as a real estate salesperson provided she adheres to all the terms stated herein. The period of probation shall constitute the *disciplinary period*.

22 Terms and conditions of the disciplinary period. Terms and conditions of the disciplinary period are as follows:

A Stewart's license shall remain affiliated with Reece & Nichols Realtors Inc. Should Stewart terminate her affiliation with Reece & Nichols Realtors Inc., Stewart shall be prohibited from affiliating with any other licensee without prior approval from the Commission.

B Stewart shall obey and comply with the terms and conditions of probation for her criminal supervision Stewart shall prepare and submit quarterly written reports to the MREC regarding the status of and compliance with her criminal probation parole and/or release as well as the terms and conditions of this probated license order Stewart 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 Stewart shall submit the first such report so that the MREC receives it on or before January 10 2013

C Stewart shall keep the MREC apprised at all times in writing of her current address and telephone number at each place of residence and business Stewart shall notify the MREC in writing within ten days of any change in this information

D Stewart shall timely renew her Missouri real estate salesperson license timely pay all fees required for license renewal and comply with all other requirements necessary to maintain her license in a current and active state

E Stewart 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

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

G During the probationary period Stewart shall accept and comply with unannounced visits from the MREC s representatives to monitor compliance with the terms and conditions of this Order

H If at any time within the disciplinary period Stewart 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

I Stewart 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

23 Upon the expiration and successful completion of the disciplinary period Stewart 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 Stewart 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 Stewart s real estate salesperson license

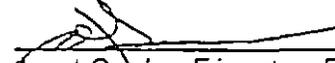
24 No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536 RSMo

25 If the MREC determines that Stewart 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

26 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

27 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 15TH DAY OF October 2012



Janet Carter Executive Director
Missouri Real Estate Commission