

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 11-1457 RE
)	
SAMUEL L. VERSEY,)	
)	
Respondent.)	

ORDER OF THE MISSOURI REAL ESTATE COMMISSION
DISCIPLINING THE REAL ESTATE LICENSE OF
SAMUEL L. VERSEY

On or about March 29, 2012, the Administrative Hearing Commission entered its Decision in the case of *Missouri Real Estate Commission v. Samuel L. Versey, No. 11-1457 RE*. In that Decision, the Administrative Hearing Commission found that Respondent Samuel L. Versey's real estate license (license no. 1999027907) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2 (15), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the 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 June 13, 2012, 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 the meeting. Further, each member of this Commission has read the Decision of the

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

Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Joe Goff, Jr. 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 Sections 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Decision and record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Samuel L. Versey, Case No. 11-1457 RE*, issued March 29, 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 Samuel L. Versey as a real estate broker, license number 1999027907. Respondent's broker 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 Conclusion of Law contained in the Decision issued by the Administrative Hearing Commission dated March 29, 2012, in *Missouri Real Estate Commission v Samuel L. Versey, Case No. 11-1457 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 Decision dated March 29, 2012, Respondent's real estate license, number 1999027907, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15), RSMo.

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

III.

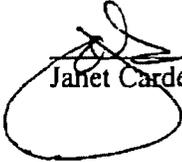
ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate license of Samuel L. Versey (license no. 1999027907) is hereby REVOKED. It is further ordered that all evidence of Respondent's licensure shall be returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form.

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 July, 2012.

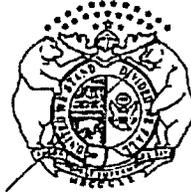
MISSOURI REAL ESTATE COMMISSION



Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri

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MO. ATTORNEY GENERAL



MISSOURI REAL ESTATE COMMISSION,)
)
Petitioner,)
)
vs.)
)
SAMUEL L. VERSEY,)
)
Respondent.)

No. 11-1457 RE

DECISION

The real estate broker license of Samuel L. Versey is subject to discipline for Versey's failure to respond to written requests or inquiries from the Missouri Real Estate Commission ("MREC"), and for his failure to surrender his suspended license.

Procedure

The Board filed a complaint on July 15, 2011, seeking this Commission's determination that cause exists to discipline Versey's real estate broker license. Versey did not file an answer.

This Commission convened a hearing on the complaint on December 16, 2011. Assistant Attorney General Joseph L. Goff, Jr. represented the MREC. Versey did not appear and was not represented by counsel.

The matter became ready for our decision on January 10, 2012, when the transcript was filed.

The MREC served a request for admissions on Versey on October 27, 2011, but Versey did not respond to the request for admissions. Under Supreme Court Rule 59.01, made applicable to this Commission by 1 CSR 15-3.420, the failure to answer a request for admissions establishes the matters asserted in the request, and no further proof is required.¹ Such a deemed admission can establish any fact, or “application of the facts to the law, or the truth of the ultimate issue, opinion or conclusion, so long as the opinion called for is not an abstract proposition of law.”² That rule applies to all parties, including those acting *pro se*.³ Section 536.073⁴ and our Regulation 1 CSR 15-3.420(1) apply that rule to this case.

Findings of Fact

1. At all relevant times, Versey held a Missouri license as a real estate broker until it was suspended on October 30, 2010.
2. On or about August 12, 2010, November 9, 2010, and January 12, 2011, Versey’s last registered address with the MREC was 12684 Stoneridge Drive, Florissant, Missouri 63033 (“registered address”).
3. On or about August 12, 2010, the MREC sent a letter by both certified and regular mail to Versey’s registered address, informing him the MREC had been notified he was not in compliance with § 324.010 RSMo, and his license would be suspended by operation of law on October 30, 2010, unless he resolved a noncompliance issue with the Department of Revenue.
4. On or about August 17, 2010, Versey received the MREC’s August 12, 2010 letter and signed the certified mail receipt.
5. On or about November 9, 2010, the MREC sent a letter by both certified and regular mail to Versey’s registered address, informing him his real estate broker’s license was

¹*Killian Constr. Co. v. Tri-City Constr. Co.*, 693 S.W.2d 819, 827 (Mo. App., W.D. 1985).

²*Briggs v. King*, 714 S.W.2d 694, 697 (Mo. App., W.D. 1986).

³*Research Hosp. v. Williams*, 651 S.W.2d 667, 669 (Mo. App., W.D. 1983).

⁴RSMo 2000. Statutory references are to RSMo Supp. 2011 unless otherwise noted.

suspended by operation of law for failing to comply with § 324.010 RSMo. The letter further informed Versey he was to return his license to the MREC within ten days of the date of the correspondence, and to close his brokerage office.

6. Versey received the MREC's November 9, 2010 letter sent by regular mail and refused to claim the certified mail.

7. On or about January 12, 2011, the MREC sent a letter by both certified and regular mail to Versey's registered address, providing Versey with an additional thirty days within which to return his license and close his brokerage.

8. On or about January 15, 2011, Versey received the MREC's January 12, 2011 letter and signed the certified mail receipt.

9. Versey did not respond in writing to any of the MREC's written requests sent August 12, 2010, November 9, 2010, or January 12, 2011.

10. Versey did not surrender his real estate license or close his brokerage in response to the MREC's January 12, 2011 letter.

Conclusions of Law

We have jurisdiction over the MREC's complaint.⁵ The MREC has the burden of proof.⁶

Section 324.010 provides in part:

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to . . . chapters 324 to 346 shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license

⁵Section 621.045.

⁶*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy.

Section 339.100.2 provides in relevant part:

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[.]

Regulation 20 CSR 2250-8.170(1) provides:

(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.

Finally, 20 CSR 2250-8.155(2)(A)3 states:

(2) Revocation/Suspension:

(A) . . . Upon the revocation or suspension of a broker's license, the broker shall—

* * *

3. Notify all licensees associated with the brokerage of the revocation/suspension and return all licenses held by the broker to the commission.

The limited facts before us do not disclose the exact nature of Versey's noncompliance issue with the Department of Revenue, but we do know Versey received the three letters sent by

the MREC to his registered address and did not respond to any of them. His failure to respond to the MREC's written requests violated 20 CSR 2250-8.170(1), and is therefore grounds for discipline under § 339.100.2(15).

After the MREC notified Versey his license had been suspended by operation of law, he was required to return it to the MREC. His failure to do so violated 20 CSR 2250-8.155(2)(A)3 and is additional grounds for discipline under § 339.100.2(15).

Summary

Versey's real estate broker's license is subject to discipline under § 339.100.2(15).

SO ORDERED on March 29, 2012.

A handwritten signature in black ink, appearing to read "Mary E. Nelson", written over a horizontal line.

MARY E. NELSON
Commissioner