

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 15-1783RE
	)	
	)	
KIMBERLY S. BLAIR	)	
	)	
Respondent.	)	

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

On or about February 1, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Kimberly S. Blair*, No. 15-1783RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Kimberly S. Blair’s real estate salesperson license (license no. 2004014634) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2(9) (16), (18), (19), and (20), RSMo.<sup>1</sup>

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default 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 8, 2016, 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

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

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 Brian Weisel. 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 properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Kimberly S. Blair*, Case No. 15-1783RE, issued February 1, 2016, 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 Kimberly S. Blair as a real estate salesperson, license number 2004014634. 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 properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated February 1, 2016, in *Missouri Real Estate Commission v. Kimberly S. Blair*, Case No. 15-1783RE, 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 February 1, 2016, Respondent's real estate salesperson license, number 2004014634, is subject to disciplinary action by the Commission pursuant to § 339.100.2(9), (16), (18), (19), and (20), RSMo.

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

## III.

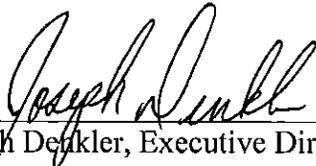
### ORDER

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 Kimberly S. Blair (license no. 2004014634) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order.

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 17<sup>th</sup> DAY OF June, 2016.

MISSOURI REAL ESTATE COMMISSION

  
\_\_\_\_\_  
Joseph Denkler, Executive Director

Before the  
Administrative Hearing Commission  
State of Missouri



MISSOURI REAL ESTATE COMMISSION, )

Petitioner, )

vs. )

KIMBERLY S. BLAIR, )

Respondent. )

No. 15-1783 RE

**DEFAULT DECISION**

On December 1, 2015, 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 December 10, 2015.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), 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 February 1, 2016.

*Sreenivasa Rao Dandamudi*  
SREENIVASA RAO DANDAMUDI  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

MISSOURI REAL ESTATE )  
COMMISSION )  
3605 Missouri Blvd. )  
P.O. Box 1339 )  
Jefferson City, MO 65102-1339, )

DEC 01 2015

ADMINISTRATIVE HEARING  
COMMISSION

Petitioner, )

v. )

Case No. \_\_\_\_\_

KIMBERLY S. BLAIR )  
8600 Garfield )  
Kansas City, MO 64132 )  
Telephone: 816-372-6084 )

Respondent. )

COMPLAINT

Petitioner, the Missouri Real Estate Commission (MREC), by and through the Missouri Attorney General's office, states for its cause of action as follows:

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 339.180 and §§ 339.710 to 339.860; RSMo 2000 (as amended), relating to real estate salespersons and brokers.

2. Respondent Kimberly S. Blair ("Blair") is licensed by the MREC as a real estate salesperson license no. 2004014634. Blair's license is, and was at all relevant times herein, current and active.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 339.100.2, RSMo.

4. On or about October 17, 2013, Blair pled guilty to three counts of the federal felony of Wire Fraud in the United States District Court of Missouri, Western District, case number 4-12-cr-00372-GAF3.

5. On January 28, 2014, the Court sentenced Blair to four years' probation and ordered Blair to pay restitution in the amount of \$30,485 to Blue Cross-Blue Shield. Licensee must also submit to monthly in-home visits from her probation officer and drug and alcohol testing.

6. On or about January 28, 2015, the Kansas Real Estate Commission conducted a Summary Proceeding to determine what, if any, action against Licensee's Kansas real estate license was appropriate as a result of the conviction detailed in paragraph 4. On that date the Kansas Real Estate Commission entered its Order denying the renewal application of Licensee as a result of her Wire Fraud conviction and failing to timely inform the Kansas Real Estate Commission of the conviction.

7. Section 339.100.2, RSMo (Supp. 2012), provides in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 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:

.....  
(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

.....  
(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;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state[.]

8. Because Blair engaged in a crime that involved means of false or fraudulent pretenses, representations, or promises, cause exists to discipline his license under § 339.100.2, RSMo.

9. Based on facts alleged above, Blair has been finally adjudicated and/or been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business, providing cause to discipline her license pursuant to § 339.100.2(9), RSMo.

10. Section 339.040.1, RSMo, setting forth the grounds for issuance of a real estate license, states:

1. Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships and limited liability companies whose officers, professional corporations, 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.

11. Based on facts alleged above, Blair has engaged in conduct that would be grounds for the MREC to refuse to issue a license under section 339.040, providing cause to discipline her license pursuant to § 339.100.2(16), RSMo.

12. Blair's guilty plea to the crime of Wire Fraud provides cause to discipline Blair's license pursuant to § 339.100.2(18), RSMo, in that Blair pled guilty in a criminal prosecution under the laws of the United States to an offense that is reasonably related to the qualifications, functions and/or duties of a real estate salesperson, to an offense of which an essential element is fraud, dishonesty, and to an offense which involves moral turpitude.

13. Blair's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and demonstrates bad faith, incompetence, misconduct, and gross negligence, providing cause to discipline Blair's license under § 339.100.2(19), RSMo.

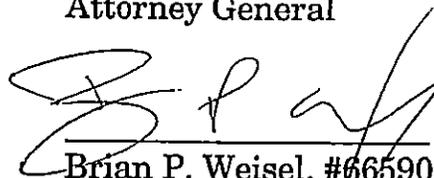
14. Disciplinary action by the State of Kansas on Blair's license, as described above, provides cause to discipline Blair's license under § 339.100.2(20), RSMo.

15. Cause exists to discipline Blair's license as a real estate salesperson pursuant to § 339.100.2(9), (16), (18), (19), and (20) RSMo.

WHEREFORE, Petitioner requests that the Administrative Hearing Commission conduct a hearing in this case pursuant to Chapter 621, RSMo, and issue its Findings of Fact and Conclusions of Law determining that Petitioner may take disciplinary action against the license of Respondent, Kimberly S. Blair, as a real estate salesperson for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General



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Assistant Attorney General

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**MISSOURI REAL ESTATE  
COMMISSION**