



## 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. Bunch is a natural person residing at the address of 5821 S. Clay, Springfield, Missouri 65810.
3. On or about June 21, 2012, the MREC received Bunch's initial application for a real estate salesperson license ("Application").
4. On or about October 22, 2012, the MREC received another application from Bunch as his initial sponsoring broker had withdrawn sponsorship.
5. On his Applications, question 4-13, Bunch 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.**" Bunch responded, "YES" to question 4-13.
6. On or about March 13, 2005, in Case No. 04-03046-02-CR-S-ODS, Bunch pled guilty in the United States District Court for the Western District of Missouri, Southern Division, to the crime of Conspiracy to Distribute Pseudoephedrin.

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

7. On or about November 1, 2006, in Case No. 04-03046-02-CR-S-ODS, the Court sentenced Bunch to four years supervised probation.
8. On or about July 30, 1990, in Case No. CR390-259F, Bunch pled guilty in the Circuit Court of Greene County, Missouri to Assault in the Third Degree, a misdemeanor offense.
9. On or about July 30, 1990, in Case No. CR390-259F, the Court sentenced Bunch to one year in the Greene County, Missouri jail; however, it suspended execution of the sentence and placed Bunch on two years unsupervised probation.
10. On or about July 30, 1990, in Case No. CR490-272M, Bunch pled guilty in the Circuit Court of Greene County, Missouri to False Imprisonment, a misdemeanor offense.
11. On or about July 30, 1990, in Case No. CR490-272M, the Court sentenced Bunch to thirty days in the Greene County, Missouri jail; however, it suspended execution of the sentence and placed Bunch on two years unsupervised probation to run concurrent with case CR390-259F.
12. On or about April 18, 2002, in Case No. 301CF3340, Bunch pled guilty in the Circuit Court of Greene County, Missouri to Property Damage in the Second Degree, a class B misdemeanor.
13. On or about April 18, 2002, in Case No. 301CF3340, the Court sentenced Bunch to one hundred and eighty days in the Greene County, Missouri jail; however, it suspended execution of the sentence and placed Bunch on two years unsupervised probation.

14. On or about May 3, 2013, in Case No. 1231-CR06081-01, Bunch pled guilty in the Circuit Court of Greene County, Missouri to Stealing, a class A misdemeanor.
15. On or about May 3, 2013, in Case No. 1231-CR06081-01, the Court issued a suspended imposition of sentence and placed Bunch on two years unsupervised probation with special conditions.
16. One of the conditions of probation required Bunch to pay restitution of \$6,789.69 through the court.
17. On May 3, 2013, Bunch paid \$2,125.50 to the court, leaving a remaining restitution balance of \$4,915.19.
18. The crimes of Conspiracy to Distribute Pseudoephedrin, Assault in the Third Degree, False Imprisonment, Property Damage in the Second Degree, and Stealing 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.
19. The crimes of Conspiracy to Distribute Pseudoephedrin, Assault in the Third Degree, False Imprisonment, Property Damage in the Second Degree, and Stealing are offenses reasonably related to the qualifications, functions, and duties of a real estate salesperson.

## II

### **CONCLUSION OF LAW**

20. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Bunch'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, . . . .”

21. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Bunch’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;

. . . .

22. 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.

23. As a result of the criminal conduct identified in Section I herein, Bunch 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.

24. 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.

25. The MREC issues this Order in lieu of denial of Bunch'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**

26. Based on the foregoing, the Missouri real estate salesperson license issued to Bunch is subject to the following terms and conditions.

27. **Bunch's license is placed on probation for two years.** Bunch'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 his real estate salesperson license, Bunch 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."

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

A. Bunch license shall remain affiliated with Ronald J. Rist. Should Bunch terminate his affiliation with Ronald J. Rist, Bunch shall be prohibited from affiliating with any other licensee without prior approval from the Commission.

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

C. Bunch 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. Bunch 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. Bunch 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, Bunch 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 Bunch 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. Bunch 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.

I. Bunch shall obey and comply with the terms and conditions of probation for his criminal supervision. Bunch 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. Bunch 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. Bunch shall submit the first such report so that the MREC receives it on or before October 10, 2013.

J. Bunch shall submit proof every quarter that he has made the monthly restitution payments to the Greene County, Missouri Circuit Court related to case 1231-CR06081-01. Bunch is responsible for ensuring the proof of payments are received by the MREC on or before January 10, April 10, July 10, and October 10 during each year of the disciplinary period. The first report shall show proof of monthly restitution payments from June 2013 through September 2013. Bunch shall submit the first such report so the MREC receives it on or before October 10, 2013.

29. Upon the expiration and successful completion of the disciplinary period, Bunch'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 Bunch 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 Bunch's real estate salesperson license.

30. 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.

31. If the MREC determines that Bunch 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.

32. 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.

33. 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.

  
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Janet Carder, Executive Director  
Missouri Real Estate Commission