

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of)
)
 WILLIAM LAWRENCE HELD)
)
 Applicant)

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION
REGARDING ISSUANCE OF A PROBATED REAL ESTATE
SALESPERSON LICENSE TO WILLIAM LAWRENCE HELD**

The Missouri Real Estate Commission ("MREC") hereby issues its ORDER granting a PROBATED real estate salesperson license to William Lawrence Held ("Held") pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038, RSMo, Held 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, P.O. Box 1557, United States Post Office Building, 131 West High St, Jefferson City, MO 65102. 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.

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. William Lawrence Held, is a natural person residing at address of 6004 Timber Hollow Lane, High Ridge, Missouri 63049.
3. On or about October 1, 2015, the MREC received Weld's application for a Missouri real estate salesperson license ("Application").
4. On his Application, question 4-13, Held 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.**" Held responded, "YES" to question 4-13.
5. Held reported one misdemeanor and twenty-two felony criminal convictions with his answer to question 4-13. Those convictions included:

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

- a. On or about July 6, 1993 in case # CR693-4893M in St. Charles County Circuit Court, guilty to one count of DWI. He received a suspended execution of sentence (SES) and was placed on two-years of supervised probation.
- b. On or about August 13, 1998 in case # 2198R-01650-01 in St. Louis County Circuit Court, guilty of two counts of possession of a controlled substance (felonies). Held was sentenced on each count to seven years in the Missouri Department of Corrections (MDOC) with the sentences to run concurrently. He received a suspended execution of sentence (SES) and was placed on five years' probation.
- c. On or about November 5, 1999 in case # CR197-2050FX in St. Charles County Circuit Court, guilty of three counts of possession of a controlled substance (felonies) and one count of possession of a short-barreled shotgun (felony). He was sentenced to seven years in the Missouri Department of Corrections on all counts with the sentence running concurrently. He received a suspended imposition of a sentence (SIS) and was placed on five years' probation and ordered to complete a 120-day shock incarceration.
- d. On or about August 7, 2000 in case # CR199-907FX in St. Charles County Circuit Court, guilty of four counts of sale of a controlled substance (felonies), one count of trafficking a controlled substance (felony), and one count of possession of a controlled substance (felony). He was sentenced to ten years in the Missouri Department of Corrections.
- e. On or about September 10, 2013 in case # 12BB-CR01038-01 in Warren County Circuit Court, guilty of one count of manufacturing a controlled substance

(felony), two counts of possession of a controlled substance (felonies), and three counts of receiving stolen property (felonies). He was sentenced to twelve years, ten years, and seven years, respectively, in each case to the Missouri Department of Corrections with the Long Term Substance Abuse Program.

- f. On or about September 10, 2013 in case # 12BB-CR01053-01 in Warren County Circuit Court, guilty one count of possession of a controlled substance at a jail without a prescription (felony). Held was sentenced to eight years in the Missouri Department of Corrections with the Long Term Substance Abuse Program.
- g. On or about March 3, 2014 in case # 1311-CR00271-01 in St. Charles County Circuit Court, guilty of one count of possession of a controlled substance (felony) and one count of resisting arrest (felony). Held was sentenced to twenty years and seven years, respectively, in each case to the Missouri Department of Corrections with the Long Term Substance Abuse Program.
- h. On or about March 3, 2014 in case # 1311-CR01686-01 in St. Charles County Circuit Court, guilty of one count of stealing (felony). Held was sentenced to 15 years in the Missouri Department of Corrections with the Long Term Substance Abuse Program.
- i. On or about March 3, 2014 in case # 1311-CR02046-01 in St. Charles County Circuit Court, guilty of one count of stealing (felony). Held was sentenced to fifteen years in the Missouri Department of Corrections with the Long Term Substance Abuse Program.

- j. On or about July 21, 2014 in case # 13SL-CR05564-01 in St. Louis County Circuit Court, guilty of one count of stealing over \$500 (felony) and one count of resisting arrest (felony). Held was sentenced to seven years and four years, respectively, in the Missouri Department of Corrections with the Long Term Substance Abuse Program.
6. On or about February 23, 2016, the MREC denied Held a Missouri salesperson license. Held was notified that if he disagreed with the MREC denial decision, he could appeal the decision by filing a complaint with the Administrative Hearing Commission ("AHC").
7. On or about February 26, 2016, Held filed a complaint with the AHC seeking a review of the MREC's decision. A hearing was held before the AHC on March 15, 2017. On December 1, 2016, the AHC rendered a decision instructing the MREC to issue Held a 3-year probated license with specified restrictions.
8. MREC appealed the AHC decision to the Cole County Circuit Court. On or about April 17, 2018, the Cole County Circuit Court issued a ruling that reversed the AHC decision. The Cole County Circuit Court advised that Held was not entitled to a Missouri real estate salesperson license.
9. On or about May 15, 2018, Held appealed the Cole County Circuit Court decision to the Missouri Court of Appeals, Western District of Missouri. On or about May 28, 2019, the Appellate Court rendered its decision and reversed the Cole County Circuit Court ruling; thereby, directing the MREC to issue the real estate salesperson license as directed by the AHC.

10. MREC filed a motion requesting the Appellate Court decision be transferred to the Missouri Supreme Court, thereby requesting the case be heard by the Missouri Supreme Court. On or about September 3, 2019, the Missouri Supreme Court denied the MREC's request for a transfer of the case. Therefore, the 3-year probated license is being issued as a result of the Missouri Supreme Court's denial of the transfer.

II

CONCLUSIONS OF LAW

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

12. As a result of the criminal conduct identified in Section I herein, cause exists for the MREC to deny Held'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 her 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[.]

13. 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.
14. As a result of the criminal conduct identified in Section I, Held 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 Missouri real estate salesperson.
15. 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.

16. The MREC issues this Order in lieu of denial of Held'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

17. Based on the foregoing, the Missouri real estate salesperson license issued to Held is subject to the following terms and conditions.
18. **Held's license is on probation for three (3) years.** Held's real estate salesperson license is hereby placed on PROBATION for a period of THREE (3) YEARS from the effective date of this Order. During the period of probation on his real estate salesperson license, Held 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."
19. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:
 - A. If at any time during the disciplinary period Held wishes to transfer his license affiliation to a new broker/brokerage, he must submit a Broker Acknowledgment form signed by the new broker. This acknowledgement is in

addition to any other required application, fee, and documentation necessary to transfer his license. Held must obtain the Broker Acknowledgement form from the MREC.

B. Held shall keep the MREC apprised at all times in writing of his current address and telephone number at each place of residence and business, as well as his current e-mail address, if any. Held shall notify the MREC in writing within ten days of any change in this information.

C. Held 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. During the disciplinary period, Held shall not place his license on inactive status as would otherwise be allowed under 20 CSR 2250-4.050. Alternatively, without violating the terms and conditions of this Probated License Order, Held may surrender his real estate license by submitting a Surrender of Licensure Rights and Privilege Form to the MREC. If Held applies for a real estate license after surrender, Held shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Probated License Order.

D. Held 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, normally during regular business hours, and may occur periodically during the disciplinary period.

E. Held 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 disciplinary period, Held shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order.

G. Held 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.

H. Held shall report within 48-hours to the MREC any arrest. Held shall also report to the MREC each occurrence of Held being finally adjudicated and found guilty, or entering a plea of guilty or nolo contendere, in a state or federal criminal prosecution, to felony or misdemeanor offenses, within ten business days of each such occurrence.

I. Held shall not obtain any new real estate licenses from the MREC during the disciplinary period without prior written approval of the MREC.

J. Held's affiliated broker shall maintain electronic records of Held's entering and leaving properties of prospective sellers and making such records available for inspection by the MREC at any time. If an electronic records system is not in place (e.g., with properties listed with brokers who use a combination lockbox or key for entry), Held shall not be permitted to enter such property unaccompanied.

K. During the probationary period, at the discretion of the MREC, Held shall within 24-hours of notification report to a designated testing site to submit for drug screening.

20. Upon the expiration and successful completion of the disciplinary period, Held shall be entitled to an unencumbered real estate salesperson license if all other requirements of the law have been satisfied; provided, however, that in the event the MREC determines that Held 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 Held's real estate salesperson license.
21. 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.
22. If the MREC determines that Held 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.
23. 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.

24. 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 4th DAY OF September 2019.


Terry W. Moore, Executive Director
Missouri Real Estate Commission