

BEFORE THE  
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of )  
 )  
 **Horizon Property Management LLC** )  
 )  
 Applicant )

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION  
REGARDING ISSUANCE OF A PROBATED REAL ESTATE  
ASSOCIATION LICENSE TO HORIZON PROPERTY MANAGEMENT LLC**

The Missouri Real Estate Commission ( MREC ) hereby issues its ORDER granting a PROBATED real estate association license to Horizon Property Management LLC ( Horizon ) pursuant to the provisions of § 324 038 RSMo<sup>1</sup> As set forth in § 324 038 RSMo Horizon 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 association 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

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

I

**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 Horizon is a domestic Limited Liability Company registered with the Missouri Secretary of State Charter Number LC0598733 located at the address of 4555 Main Street Kansas City Missouri 64111 Kenneth Dean Yohn (Yohn) was identified as the sole organizer of Horizon and also as its registered agent
- 3 On or about July 20 2012 the MREC received a formal complaint alleging that Horizon was advertising on its website that it managed various real property located in the states of Kansas and Missouri for third parties On the website Horizon offered to provide the following services advertise and show available property negotiate leases enforce the lease and collect monthly rent handle tenant complaints pay utilities and/or other vendors provide detailed monthly accounting statements and schedule and facilitate property inspections and routine maintenance for the property For its services Horizon requested compensation of 10% of monthly income or minimum of \$50 a leasing fee of 50% of the first month's rent or 100% if an independent locator service or agent is utilized and a \$100 fee for lease renewals

- 4 On or about August 20 2012 the MREC received a response to the formal complaint from Yohn on behalf of Horizon In the response Yohn stated that in approximately 2004 he established his company and was currently managing real property for thirty six (36) property owners Yohn indicated in the response that if required to obtain a real estate license he would comply
- 5 On or about October 19 2012 the MREC mailed correspondence to Yohn advising him that a real estate license was required to assist third parties in the management of their property and Horizon was to immediately cease such unlicensed activity until proper licensure was obtained
- 6 On or about November 19 2012 the MREC first received Horizon s application for a real estate association license ( Application )
- 7 The application identified Yohn as the only member of the association Yohn was identified as the manager of the association but that he was unlicensed
- 8 On November 20 2012 the application was returned to Yohn because there was not a designated broker licensed through the MREC affiliated with Horizon
- 9 On or about July 1 2013 Yohn informed MREC staff that he through Horizon was still managing multiple properties located in the state of Missouri He also advised that he had hired a designated broker for Horizon and had recently mailed the application to the MREC
- 10 On or about July 3 2013 the MREC received Horizon s application identifying Valerie Kruse as the designated broker for Horizon

CONCLUSION OF LAW

11 As a result of the unlicensed real estate activity identified in Section I herein cause exists for the MREC to deny Horizon's application for a real estate association license pursuant to § 339 020 RSMo which provides It Shall be unlawful for any person partnership association or corporation foreign or domestic to act as a real estate broker or real estate salesperson or to advertise or assume to act as such without a license first procured from the commission

12 As a result of the unlicensed real estate activity identified in Section I herein cause exists for the MREC to deny Horizon's application for a real estate association license pursuant to the provisions of § 339 100 2(15) (16) 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

(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

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339 040

(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 associations whose associates are 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 unlicensed activity identified in Section I herein Horizon has engaged in conduct that adversely affects its qualifications to practice as a real estate association

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 Horizon's application for a real estate association 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 association license issued to Horizon is subject to the following terms and conditions

18 Horizon s license is on probation for two years Horizon s real estate association 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 its real estate association license Horizon shall be entitled to practice as a real estate association provided it 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 Horizon through its designated broker shall keep the MREC apprised at all times in writing of its current address and telephone number at each place of residence and business Horizon through its designated broker shall notify the MREC in writing within ten days of any change in this information

B Horizon through its designated broker shall timely renew its Missouri real estate association license timely pay all fees required for license renewal and comply with all other requirements necessary to maintain its license in a current and active state

C Horizon through its designated broker 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.

D. Horizon through its designated broker shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

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

F. If at any time within the disciplinary period Horizon 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.

G. Horizon 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.

20. Upon the expiration and successful completion of the disciplinary period, Horizon's real estate association 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 Horizon 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 Horizon s real estate association 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 Horizon 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 27TH DAY OF AUGUST 2013

  
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Janet Carder Executive Director  
Missouri Real Estate Commission