

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. Ami S. Housman is a natural person residing at the address of 108 Autumn Drive, Sikeson, Missouri, 63801.
3. On or about June 7, 2016, the MREC received Housman's application for a real estate salesperson license ("Application").
4. On her Application, question 4-13, Housman was asked if she 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.**" Housman responded, "YES" to question 4-13.
5. On or about April 13, 2010, in Case No. 09SO-CR01692-02, Housman pleaded guilty in the Circuit Court of Mississippi County, Missouri, to the class C felony of Possession of a Controlled Substance Except 35 Grams Or Less Of Marijuana.

6. On or about April 13, 2010, in Case No. 09SO-CR01692-02, the Court sentenced Housman to five years' incarceration in Missouri Department of Corrections, concurrent with case number 08MI-CR00236-01.
7. On or about March 10, 2009, in Case No. 08MI-CR00236-01, Housman pleaded guilty in the Circuit Court of Mississippi County, Missouri, to the class B felony of Dist/Del/Manf/Produce or Attempt To Or Possess W/Intent to Dist/Del/Manf/Produce a Controlled Substance.
8. On or about April 14, 2009, in Case No. 08MI0CR00236-01, the Court sentenced Housman to ten years' incarceration in Missouri Department of Corrections, concurrent with case number 03CR745129-01, but retained jurisdiction for 120 days of the incarceration under section 559.115, RSMo. On or about September 8, 2009, the Court suspended the execution of sentence and placed Housman on five years' supervised probation. On or about April 13, 2010, the Court revoked Housman's probation and executed the original sentence.
9. On or about September 25, 2003, in Case No. 03CR745129-01, Housman pleaded guilty in the Circuit Court of Scott County, Missouri, to the class C felony of Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana.
10. On or about September 25, 2003, in Case No. 03CR745129-01, the Court suspended the imposition of sentence and placed Housman on two years' supervised probation under Section 557.011, RSMo, Drug Court Program. On or about June 24, 2004, the Court revoked the original probation, ordered Housman to serve seven years' incarceration but suspended the execution of sentence and placed her on five years' supervised probation. On or about April 14, 2009, the

Court revoked her probation and executed the original sentence, retaining jurisdiction for 120 days under section 559.115, RSMo. On September 4, 2009, the Court sentenced Housman to seven years' incarceration in Missouri Department of Corrections, suspended the execution of sentence and placed Housman on five years' supervised probation. On or about April 16, 2010, the Court discharged Housman from probation.

11. On or about November 12, 1998, in Case No. 33R05980095-01, Housman pleaded guilty in the Circuit Court of Scott County, Missouri, to the class C felony of Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana.
12. On or about January 14, 1999, in Case No. 33R05980095-01, the Court sentenced Housman to seven years' incarceration but suspended the execution of sentence and retained jurisdiction under 217.362, RSMo, Long Term Treatment Program for Cocaine Dependents. On or about November 19, 1999 the Court suspended the execution of the sentence and placed Housman on five years' supervised probation. On or about September 25, 2003, the Court revoked the probation and placed Housman on a new 24 month term of probation under section 557.011, RSMo, 33rd Circuit Judicial Drug Court.
13. On or about April 9, 1997, in Case No. CR597-237FX, Housman pleaded guilty to the class B felony of Possession of a Controlled Substance.
14. On or about May 7, 1997, in Case No. CR597-237FX, the Court sentenced Housman to seven years' incarceration in Missouri Department of Corrections but retained jurisdiction for 120 days for drug treatment. On or about August 5, 1997, the Court placed Housman on five years' supervised probation.

15. On or about May 6, 1997, in Case No. CR597-211FX, Housman pleaded guilty in the Circuit Court of Pemiscot County, Missouri, to the class C felony of Possession of Controlled Substance – Methamphetamine.
16. On or about May 6, 1997, in Case No. CR597-221F, the Court sentenced Housman to seven years' incarceration in Missouri Department of Corrections but retained jurisdiction for 120 days for drug treatment, to be followed by five years' supervised probation.
17. On or about June 17, 1992, in Case No. CR592-221FX, Housman pleaded guilty in the Circuit Court of Scott County, Missouri, to the class D felony of Conspiracy.
18. On or about June 17, 1992, in Case No. CR592-221FX, the Court suspended the imposition of sentence and placed Housman on three years' supervised probation.
19. The crime of attempt to possess a controlled substance is an offense of which an essential element is fraud, dishonesty or an act of violence and/or this crime involving moral turpitude; and the commission of this crime demonstrates a lack of regard for the health, safety, and welfare of the public.
20. The crime of attempt to possess a controlled substance is an offense reasonably related to the qualifications, functions, and duties of a real estate salesperson.

II

CONCLUSION OF LAW

21. As a result of the criminal conduct and license discipline identified in Section I herein, cause exists for the MREC to deny Housman'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,"

22. As a result of the criminal conduct, identified in Section I herein, cause exists for the MREC to deny Housman's application for a real estate salesperson license pursuant to the provisions of § 339.100.2(9), (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:

...

(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[.]

23. 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.
24. As a result of the criminal conduct identified in Section I herein, Housman has engaged in conduct and has pleaded guilty to crimes that adversely affect her moral character, her reputation, and her fitness and qualifications to practice as a real estate salesperson.
25. 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.

26. The MREC issues this Order in lieu of denial of Housman'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

27. Based on the foregoing, the Missouri real estate salesperson license issued to Housman is subject to the following terms and conditions.
28. **Housman's license is on probation for three (3) years.** Housman'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 her real estate salesperson license, Housman shall be entitled to practice as a real estate salesperson provided she adheres to all the terms stated herein. The period of probation shall constitute the "disciplinary period."
29. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:
- A. On or about July 1, 2017, Housman shall submit to at Housman's expense, a biological sample based drug screen at a reputable drug screening laboratory approved by the Commission. Housman shall direct that the results of the July 2017 drug test be sent directly to the MREC. The presence of any controlled substance, or any drug whatsoever in a drug screen for which Housman does not hold a valid prescription, shall constitute a violation of this Agreement.

B. If at any time during the disciplinary period Housman wishes to transfer her license affiliation to a new broker/brokerage, she 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 her license. Housman must obtain the Broker Acknowledgment form from the MREC.

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

D. Housman shall timely renew her Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain her license in a current and active state. During the disciplinary period, Housman shall not place her 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, Housman may surrender her real estate license by submitting a letter to the MREC. If Housman applies for a real estate license after surrender, Housman 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.

E. Housman 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.

F. Housman shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee.

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

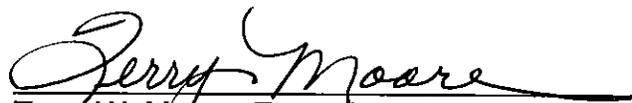
H. Housman shall comply with all relevant provisions of Chapter 339, RSMo, as amended; all rules and regulations of the MREC; and all local, state, and federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.

I. Housman shall report to the MREC each occurrence of Housman's 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.

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

31. 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.
32. If the MREC determines that Housman 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.
33. 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.
34. 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 11th DAY OF January 2017.


Terry W. Moore, Executive Director
Missouri Real Estate Commission