

BEFORE THE MISSOURI REAL ESTATE COMMISSION

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|---------------------------------|---|---------------|
| MISSOURI REAL ESTATE COMMISSION |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 15-1610RE |
| |) | |
| ANTON MARKEL MORRIS |) | |
| |) | |
| Respondent. |) | |

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

On or about January 22, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Anton Markel Morris*, No. 15-1610RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Anton Markel Morris's real estate broker license (license no. 2005033099) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(15), (16), (18), and (19), RSMo.¹

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 April 13, 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

¹ 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. Anton Markel Morris*, Case No. 15-1610RE, issued January 22, 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 Anton Markel Morris as a real estate broker, license number 2005033099. Respondent's broker license was not current at all times

relevant to this proceeding. On June 30, 2014 Respondent's broker license expired due to failure to renew.

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 January 22, 2016, in *Missouri Real Estate Commission v. Anton Markel Morris*, Case No. 15-1610RE, 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 January 22, 2016, Respondent's real estate broker license, number 2005033099, is subject to disciplinary action by the Commission pursuant to § 339.100.2(15), (16), (18), and (19), RSMo.

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

III.

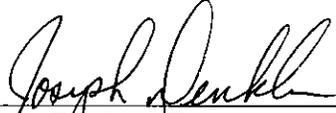
ORDER

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 broker license of Anton Markel Morris (license no. 2005033099) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order along with a Closing of a Real Estate

Brokerage/Sole Proprietorship form, if Respondent has not already done so. 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 19th DAY OF April, 2016.

MISSOURI REAL ESTATE COMMISSION



Joseph Denkler, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)

Petitioner,)

vs.)

ANTON MARKEL MORRIS,)

Respondent.)

No. 15-1610 RE

DEFAULT DECISION

On October 21, 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 before November 12, 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 January 11, 2016.

A handwritten signature in black ink, appearing to read "Brett W. Berri", is written over a horizontal line.

BRETT W. BERRI
Commissioner

FILED

OCT 21 2015

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

ADMINISTRATIVE HEARING
COMMISSION

MISSOURI REAL ESTATE)
COMMISSION)
3605 Missouri Blvd.)
P.O. Box 1339)
Jefferson City, MO 65102-1339,)
(573)-751-2628)

Petitioner,)

v.)

Case No. _____

ANTON MARKEL MORRIS)
11299 Prentice Drive)
Florissant, MO 63033)

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,¹ for the purpose of executing and

¹All statutory citations are to the 2013 Cumulative Supplement to the Revised Statutes of Missouri, unless otherwise noted.

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 Anton Markel Morris ("Morris") is licensed by the MREC as an individual broker, license no. 2005033099. Morris' license was current and active at all times relevant herein. Morris' license expired on June 30, 2014.

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

4. Section 339.040, RSMo Supp. 2013 states, in pertinent part:

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

5. Section 339.100.2, RSMo Supp. 2013 states, in pertinent part:

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:

.....

(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;

.....

(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[.]

6. Section 339.105.3, RSMo Supp. 2013 states:

3. In conjunction with each escrow or trust account a broker shall maintain books, records, contracts and

other necessary documents so that the adequacy of said account may be determined at any time. The account and other records shall be provided to the commission and its duly authorized agents for inspection at all times during regular business hours at the broker's usual place of business.

7. Rule 20 CSR 2250-8.160 states:

(1) Every broker shall retain for a period of at least three (3) years true copies of all business books; accounts, including voided checks; records; contracts; brokerage relationship agreements; closing statements and correspondence relating to each real estate transaction that the broker has handled. The records shall be made available for inspection by the commission and its authorized agents at all times during usual business hours at the broker's regular place of business. No broker shall charge a separate fee relating to retention of records.

(2) Every broker shall retain for a period of at least three (3) years true copies of all property management agreements, correspondence or other written authorization relating to each real estate transaction relating to leases, rentals or management activities the broker has handled. The broker must also retain all business books, accounts and records unless these records are released to the owner(s) or transferred to another broker by written detailed receipt or transmittal letter agreed to in writing by all parties to the transaction.

8. Rule 20 CSR 2250-8.170 states:

(1) Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission,

will be sufficient grounds for taking disciplinary action against that licensee.

9. On or about December 4, 2013, the MREC sent a letter to Morris' last registered business address of 9844 West Florissant, Dellwood, MO 63136 informing him that his license was selected to be audited by the MREC, and requiring him to submit, among other things, a questionnaire to the MREC. The letter also informed Morris that he would be contacted after the MREC received the questionnaire to determine a mutually agreeable date and time to conduct the audit.

10. Morris did not respond to the December 4th letter.

11. On or about January 7, 2014, the MREC resent a letter renewing its request made in the December 4th letter to Morris at the same address. The letter noted Rule 20 CSR 2250-8.170(1), requiring licensees to respond to MREC inquiries within thirty days. The letter also noted § 339.105.3, RSMo, requiring licensees to make their records available for review by the MREC at their regular place of business during normal business hours.

12. Morris did not respond to the January 7th request.

13. Based on Morris' failure to respond to the MREC's letters, Morris has violated 20 CSR 2250-8.170.

14. Based on Morris' failure to make his records available for review for the MREC, Morris has violated 20 CSR 2250-8.160 and § 339.105.3, RSMo Supp. 2013.

15. Based on Morris' violation of 20 CSR 2250-8.170, 20 CSR 2250-8.160 and § 339.105.3, RSMo Supp. 2013, cause exists to discipline Morris' license pursuant to § 339.100.2(15), RSMo Supp. 2013.

16. On or about October 22, 2014, Morris pled guilty to the class C felony of Felonious Restraint, a violation of § 565.120, RSMo, in St. Louis County Circuit Court, case number 13SL-CR03873 based on the following facts occurring in or about April 2013: Morris knowingly restrained D.J. unlawfully and without consent so as to interfere substantially with her liberty and exposed D.J. to a substantial risk of serious physical injury. The court ordered four years incarceration for that sentence.

17. Section 565.120, RSMo (effective January 1, 1979) states:

1. A person commits the crime of felonious restraint if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty and exposes him to a substantial risk of serious physical injury.

2. Felonious restraint is a class C felony.

18. Felonious Restraint is an offense reasonably related to the qualifications, functions and duties of a real estate broker.

19. Felonious Restraint is an offense for which an essential element is an act of violence.

20. Felonious Restraint is an offense involving moral turpitude.

21. Based on Morris' guilty plea to Felonious Restraint, cause exists to discipline Morris' license pursuant to § 339.100.2(18), RSMo Supp. 2013.

22. Morris' conduct, as alleged in this Complaint, shows a lack of good moral character, and/or lack of a good reputation for honesty, integrity, and fair dealing, and/or lack of ability to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public, providing cause to discipline Morris' license under § 339.100.2(16), RSMo Supp. 2013.

23. Also, Morris' conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause to discipline Morris' license under § 339.100.2(19), RSMo Supp. 2013.

Cause exists to discipline Morris' license as an individual broker pursuant to § 339.100.2(15), (16), (18) and/or (19), RSMo Supp. 2013.

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,
Morris, as an individual broker for the violations noted above, and for such
other relief as the Commission deems appropriate.

Respectfully submitted,

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