

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)
)
) Petitioner,)
)
) v. No. 16-2293RE
)
)
DONALD WARD ROBINSON)
)
) Respondent.)

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

On or about September 14, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Donald Ward Robinson*, No. 16-2293RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Donald Ward Robinson’s real estate broker license (license no. 1999114999) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2(2), (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 December 14, 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, except Commission Member Rosemary Vitale. Commission Member Charles Misko participate via conference call. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Ross Keeling. 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. Donald Ward Robinson*, Case No. 16-2293RE, issued September 14, 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 Donald Ward Robinson as a real estate broker, license number 1999114999. Respondent's broker license was current at all times relevant to this proceeding.

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 September 14, 2016, in *Missouri Real Estate Commission v. Donald Ward Robinson*, Case No. 19-2293RE, 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 September 14, 2016, Respondent's real estate broker license, number 1999114999, is subject to disciplinary action by the Commission pursuant to § 339.100.2(2), (16), (18), and (19), RSMo.

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

III.

ORDER

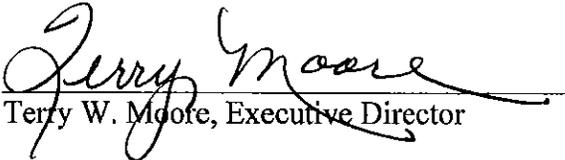
Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate broker license of Donald Ward Robinson (license no. 1999114999) is hereby **REVOKED**. All 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 20th DAY OF December, 2016.

MISSOURI REAL ESTATE COMMISSION


Terry W. Moore, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



REAL ESTATE COMMISSION
Petitioner,

v.

DONALD WARD ROBINSON
Respondent,

No. 16-2293

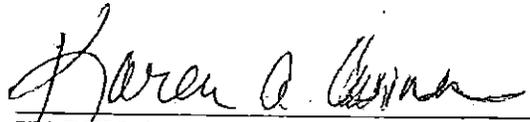
DEFAULT DECISION

On February 2, 2016, 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 personal service on August 10, 2016.

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 September 14, 2016.


KAREN A. WINN
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

FEB 02 2016

ADMINISTRATIVE HEARING
COMMISSION

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

Petitioner,)

v.)

DONALD WARD ROBINSON)
11549 Bellefontaine)
St. Louis, MO 63138)
(314) 785-8406)

Respondent.)

Case No. 16-2293

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 Donald Ward Robinson ("Robinson") is licensed by the MREC as a real estate broker, license no. 1999114999. Robinson's license is, and was at all relevant times herein, current and active.

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

4. On or about June 25 2013, Robinson pleaded guilty to two separate charges in a five count Indictment in the United States District Court, Eastern District, Eastern Division, including one count of Mail Fraud in violation of Title 18, United States Code, Section 1341 (Count Four), and one count of False Statement in violation of Title 18, United States Code, Section 1001(a)(2) (Count Five).

5. A person commits the crime of Mail Fraud under 18 U.S.C. § 1341 by:

. . . devis[ing] or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held

out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing[.]

6. A person commits the crime of False Statement under 18 U.S.C.

§ 1001(a)(2) when he

. . . in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

.....

(2) makes any materially false, fictitious, or fraudulent statement or representation[.]

7. The Counts were based on the following acts:

a. In 2007 Robinson, in concert with others, was the owner of a HUD subsidized multifamily property in St Louis, Missouri, known as Union Sarah Rehab II ("Union Sarah"), through his company New Beginning Redevelopment I, LLC.

b. At this time, Robinson, in concert with others, was also the owner of a HUD subsidized multifamily property in Mexico, Missouri, known as Chevy Chase Apartments ("Chevy Chase"), which he owned through his company New Beginning II, LLC.

c. Robinson, through his companies, acquired FHA insured loans for the purchase and rehabilitation of both the Union Sarah and Chevy Chase properties. Robinson acted as general contractor on both rehabilitation projects through his sole proprietorship Donald Robinson Realty.

d. On or about August 1, 2007, Robinson, in concert with others, submitted a false claim to a HUD escrow agent for reimbursement of an invoice from a fictitious subcontractor named "Handy Ed" in the amount of \$23,958 for concrete and asphalt work that had not occurred on the Union Sarah rehabilitation. Robinson also submitted a falsified cashier's check showing a \$15,000 payment to Handy Ed, which was actually an altered cashier's check from a payment made to another party.

e. At that time, Robinson also submitted a false claim to a HUD escrow agent for reimbursement of an invoice from a subcontractor named "Brown Construction" in the amount of \$13,000 for painting and flooring work purportedly done on the Union Sarah project. Brown Construction, however, does not, and did not, exist and performed no work on the project.

f. Due to Robinson's fraudulent representations, the aforementioned HUD escrow agent mailed a reimbursement check in the amount of \$77,190.38 to one of Robinson's confederates in the scheme, made payable to New Beginning Redevelopment I, LLC, and to Donald Robinson Realty, for work legitimately completed as well as for purported work backed by the aforementioned fraudulent representations, causing financial losses in excess of \$28,000.

g. On or about October 17, 2007, in the Eastern District of Missouri, Robinson, for the purpose of executing the aforesaid scheme and artifice to defraud, and in attempting to do so, did knowingly and willfully cause to be delivered by a private and commercial interstate carrier according to directions thereon, an item sent by a HUD contracted escrow agent to Donald Robinson, and his confederates, containing a check in the amount of \$77,190.38, made payable to New Beginning Redevelopment I, LLC and Donald Robinson Realty, said item being addressed to an accomplice and confederate of Robinson's at Chevy Chase Apartments in Mexico, Missouri, in violation of Title 18, U.S.C. §§ 1341 and 2.

h. Additionally, on or about August 6, 2011, in the Eastern District of Missouri, in a matter within the jurisdiction of HUD, Donald Robinson, did willfully, and knowingly make and cause to be made materially false,

fictitious, and/or fraudulent statements and representations, knowing the same to be false, fictitious, and/or fraudulent, by submitting a certified HUD Housing Assistance Payment form that included as a current tenant in the Chevy Chase Apartments a person referred to herein as S.A. and requested that S.A.'s Section 8 Housing Assistance Payments for that month, when, as Robinson well knew, S.A. did not reside at Chevy Chase Apartments at the time and had not resided at Chevy Chase Apartments for several months, in violation of Title 18 U.S.C. §§ 1001(a)(2).

8. On June 25, 2013, the United States District Court for the Eastern District of Missouri, Eastern Division, issued a final judgment ("Federal Judgment") finding Robinson guilty of Mail Fraud under Title 18 U.S.C. § 1341, and of False Statement under Title 18 U.S.C. § 1101(a)(2).

9. Section 339.100.2, RSMo (Supp. 2012), provides in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 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:

.....

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of

misrepresentation through agents, salespersons,
advertising or otherwise in any transaction;

.....

(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[.]

10. Based on Robinson's guilty plea to the crimes of Mail Fraud and
False Statement, as described above, Robinson engaged in crimes involving
false promises or suppression, concealment or omission of material facts in
the conduct of his business and/or pursuing a flagrant and continued course
of misrepresentation through agents, salespersons, advertising or otherwise,
cause exists to discipline his license under § 339.100.2(2), RSMo.

11. Section 339.040.1, RSMo (Supp. 2013), setting forth the grounds for issuance of a real estate license, states, in relevant part:

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

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

Based on Robinson's guilty plea to the crimes of Mail Fraud and False Statement, as described above, Robinson has engaged in conduct that would be grounds for the MREC to refuse to issue a license under section 339.040, providing cause to discipline his license pursuant to § 339.100.2(16), RSMo.

Robinson's guilty plea and to the crimes of Mail Fraud and False Statement, as described above, provides cause to discipline Robinson's license pursuant to § 339.100.2(18), RSMo (Supp. 2013), in that Robinson pled guilty in a criminal prosecution under the laws of the United States 1) to an offense that is reasonably related to the qualifications, functions and/or duties of a real estate broker, 2) to an offense of which an essential element is fraud,

dishonesty and/or an act of violence, and/or 3) to an offense which involves moral turpitude.

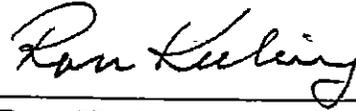
12. Robinson's guilty plea to the crimes of Mail Fraud and False Statement, as described above, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause to discipline Robinson's license under § 339.100.2(19), RSMo.

Cause exists to discipline Robinson's license as a real estate broker pursuant to § 339.100.2(2), (16), (18), and/or (19), RSMo.

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, Donald Ward Robinson, as a real estate broker for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

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Attorney General



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Missouri Bar No. 65361

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