

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE COMMISSION	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 12-0889 RE
	)	
JOHN DALE SAPP,	)	
	)	
Respondent.	)	

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION**  
**DISCIPLINING THE REAL ESTATE LICENSE OF**  
**JOHN DALE SAPP**

On or about November 28, 2012, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. John Dale Sapp, No. 12-0889 RE*. In that Default Decision, the Administrative Hearing Commission found that Respondent John Dale Sapp’s real estate license (license no. 2003014319) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2 (15), RSMo.<sup>1</sup>

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Default Decision of the Administrative Hearing Commission and the complaint upon which the Default Decision was based. 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 February 6, 2013, 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, with the exception of

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

Doris Carlin, Rosemary Vitale and Charles Davis, were present throughout the meeting. Further, each member of this Commission that was present for the hearing has read the Default Decision of the Administrative Hearing Commission and the complaint upon which the Default Decision was based. The Commission was represented by Assistant Attorney General Stephanie White Thorn. 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 Sections §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Default Decision, the Complaint upon which it was based, and the record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. John Dale Sapp, Case No. 12-0889 RE*, issued November 28, 2012, 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 John Dale Sapp as a real estate broker-associate, license number 2003014319. Respondent's broker-associate 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 Default Decision, with the Complaint upon which the Default Decision was based, issued by the Administrative Hearing Commission dated November 28, 2012, in *Missouri Real Estate Commission v John Dale Sapp, Case No. 12-0889 RE*, 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 November 28, 2012, Respondent's real estate license, number 2003014319, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15), RSMo.

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

## III.

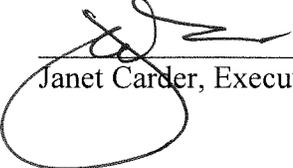
### ORDER

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 license of John Dale Sapp (license no. 2003014319) is hereby REVOKED. All evidence of licensure shall be immediately returned to the Commission.

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 15<sup>th</sup> DAY OF February, 2013.**

MISSOURI REAL ESTATE COMMISSION

  
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Janet Carder, Executive Director

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

MAY 23 2012

ADMINISTRATIVE HEARING  
COMMISSION

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

Petitioner, )

v. )

Case No. 12- 0889 RE

John Dale Sapp )  
804 Northview Drive )  
Nixa, MO 65714 )  
(417).880.7774 )

Respondent. )

**COMPLAINT**

Petitioner, the Missouri Real Estate Commission (“MREC”), by and through its attorney, the Attorney General of Missouri, for its cause of action, states the following:

1. The MREC is an agency of the state of Missouri created and existing pursuant to § 339.120, RSMo Cum. Supp. 2011,<sup>1</sup> for the purpose of licensing real estate agents and brokers and of executing and enforcing the provisions of §§ 339.010 to 339.180 and 339.710 to 339.1240, RSMo (as amended).

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise noted.

2. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 RSMo Cum. Supp. 2011 and 339.100.2, RSMo.

3. Respondent, John Dale Sapp (“Sapp”), holds a Missouri real estate broker-associate license, No. 2003014319.

4. Sapp’s license was at all times relevant herein current and active until suspended on October 30, 2010.

5. Sapp’s registered address with the MREC was at all times material herein at 804 Northview Drive, Nixa, Missouri 65714-8672.

Count I – Failure to Respond to the MREC

6. By letter dated August 12, 2010 (“August 12 letter”), the MREC sent a letter by both certified and regular mail to Sapp’s last registered address. The August 12 letter informed Sapp that the MREC had been notified that he was not in compliance with section 324.010 RSMo and that his license would be suspended by operation of law on October 30, 2010, unless he resolved the noncompliance with the Department of Revenue.

7. On August 24, 2010, Sapp signed for the August 12 letter.

8. On or about November 9, 2010 (“November 9 letter”), the MREC sent another letter to Sapp by both certified and regular mail informing him that his real estate broker-associate license was suspended by operation of law for failing to comply with section 324.010 RSMo.

9. The November 9 letter further informed Sapp that he must return his license to the MREC within ten (10) days from the date of the correspondence and either close his brokerage or appoint a new designated broker.

10. The November 9 letter was returned to the MREC marked "Return to Sender/Unclaimed/Unable to Forward."

11. On January 12, 2011 ("January 12 letter"), the MREC sent another letter by both certified and regular mail to Sapp informing him that failure to provide a response to the MREC's correspondence violated 20 CSR 2250-8.170(1). The January 12 letter also provided Sapp with another thirty (30) days within which to return his license and either close his brokerage or appoint a new designated broker.

12. In response to the January 12 letter, Sapp indicated to the MREC that he would return his license on Friday, February 18, 2011.

13. Sapp failed to return his license on the designated date.

14. On March 1, 2011, MREC staff left a voicemail message informing Sapp that if he did not return his license by March 18, 2011, the matter would be referred to the Attorney General's Office.

15. Section 324.010, RSMo Cum. Supp. 2011, states, in pertinent part:

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to ...chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure wit or licensee of such entities within one month of the date of application is filed or at least one month prior to the anticipated renewal of the licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy.....

16. Section 339.100.2 (15), RSMo Cum. Supp. 2011, states in pertinent

part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by law when the commission believes there is a probability that a licensee has performed or attempted to perform any 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, or of any lawful rule adopted pursuant to sections 339.010 to 339.180[.]

17. State regulation 20 CSR 2250-8.170(1) states:

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.

18. By failing to respond to the MREC's November 9, 2010 and January 12, 2011 letters, cause exists to discipline Sapp's real estate broker associate's license pursuant to 20 CSR 2250-8.170(1).

19. State regulation 2250-8.155(2)(A)1-3 states:

(2) Revocation/Suspension.

(A) Individual Broker or Corporation, Partnership, or Association. Upon the revocation or suspension of an individual broker, corporation, partnership, or association, the individual broker or designated broker shall—

1. Cease all brokerage business immediately upon the effective date of the suspension or revocation order;

2. Notify the commission of the location where records and files will be stored, as well as the name, address, and phone number of the custodian who will be storing the records and files;

3. Notify all licensees associated with the brokerage of the revocation/suspension and return all licenses held by the broker to the commission[.]

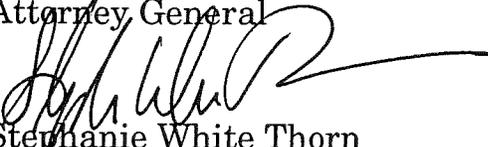
Based on Sapp's conduct, as alleged above, cause exists to discipline Sapp's real estate broker-associate license pursuant to §339.100.2(15), RSMo Cum. Supp. 2011.

WHEREFORE, the MREC respectfully requests this Commission to conduct a hearing in this cause pursuant to Chapter 621, RSMo, and thereafter to issue its findings of facts and conclusions of law determining that the MREC

may take disciplinary action against Sapp's real estate broker-associate license, License No. 2003014319, for violations of Chapter 339, RSMo, and the regulations promulgated thereunder, and for such other and further relief as this Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER  
Attorney General



Stephanie White Thorn  
Assistant Attorney General  
Missouri Bar No. 60122

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207 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
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Attorneys for Missouri Real Estate  
Commission

Before the  
Administrative Hearing Commission  
State of Missouri



MISSOURI REAL ESTATE  
COMMISSION,

Petitioner,

vs.

JOHN DALE SAPP,

Respondent.

No. 12-0889 RE

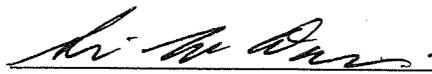
**DEFAULT DECISION**

On May 23, 2012, 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 on May 29, 2012.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint. On November 19, 2012, Petitioner filed a motion to enter a default decision. We gave Respondent until November 26, 2012, to respond, but she did not respond.

In accordance with § 621.100.2,<sup>1</sup> 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 November 28, 2012.

  
SREENIVASA RAO DANDAMUDI  
Commissioner

<sup>1</sup>RSMo Supp. 2011.