

**BEFORE THE
MISSOURI REAL ESTATE COMMISSION
STATE OF MISSOURI**

| | | |
|---|---|------------------------------|
| MISSOURI REAL ESTATE COMMISSION, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 6-16-111 PBV |
| |) | |
| LEEANN NICHOLE SHARPE |) | |
| |) | |
| Respondent. |) | |

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

Pursuant to notice the Missouri Real Estate Commission (“Commission”) held a hearing on June 6, 2018, at 11:30 a.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining whether Respondent had violated the probationary terms of a prior Commission order granting a probated license and if so, whether additional discipline of Respondent’s license was warranted. All of the members of the Commission were present throughout the meeting. The Commission was represented by Assistant Attorney General Trisha M. Green. Respondent was properly and timely notified of the hearing. Division of Professional Registration Chief Legal Counsel Sarah Ledgerwood served as the Commission’s legal advisor at the hearing, during deliberations and in the preparation of this order. Respondent Leeann Nichole Sharpe did not appear in person or through legal counsel.

Evidence was adduced, including the testimony of Terry W. Moore, Executive Director, exhibits were received, and argument was heard regarding whether a default decision shall be

entered pursuant to § 324.045, RSMo¹, without further proceedings. The Commission took the matter under advisement to deliberate and determine an appropriate disposition. Being fully advised of the above, the Commission now enters, by default pursuant to § 324.045, RSMo, its findings of fact conclusions of law and order revoking Sharpe's real estate salesperson license.

FINDINGS OF FACT

1. The Missouri Real Estate Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of carrying out and enforcing the provisions of §§ 339.010 to 339.205 and 339.710 to 339.855, RSMo, and the regulations promulgated thereunder, relating to real estate salespersons and brokers.

2. Leeann Nichole Sharpe holds a salesperson license from the Commission, license no. 2016037524. Respondent's license was on probation, as discussed in paragraph 6 below. Further, Respondent's salesperson license was not active at all times relevant to this proceeding. Respondent's salesperson license was placed in a Cancelled status on December 6, 2016 as discussed in paragraph 7 below.

Facts Regarding Appropriateness of Proceeding in Default

3. The Commission filed a properly pled probation violation complaint on April 24, 2018 alleging that Sharpe violated the terms of her probated license by failing to maintain an affiliation of her license with a designated broker in that she has failed to complete the 24-hour Missouri Real Estate Practice course required by law because Sharpe allowed her license to remain in a cancelled status for more than six months. The Commission took official notice of the probation violation complaint and incorporated it into the record.

4. The Commission provided Sharpe notice of the June 6, 2018 probation violation hearing before the Commission, as well as a copy of the probation violation complaint by

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

certified mail and regular U.S. mail on or about April 26, 2018. Sharpe failed to accept delivery of the certified copy of the notice and complaint and it was returned to sender as unclaimed. The regular U.S. mail copy was not returned to the Commission. Counsel for the Commission offered the testimony of Terry W. Moore, Executive Director, regarding service of the notice and complaint and Sharpe's failure to submit anything to the Commission. Counsel also offered, and the Commission accepted, into evidence Exhibits 1 and 2, the notice and certified mail records, into the record.

5. Sharpe failed to plead or otherwise defend against the proceeding in that Sharpe failed to respond to the Commission's probation violation complaint and failed to appear or otherwise defend against the proceeding. Accordingly, Sharpe failed to produce any evidence toward whether additional discipline against his license was warranted.

Facts Regarding Level of Additional Discipline

6. On October 17, 2016, the Commission issued its Order of the Missouri Real Estate Commission Regarding Issuance of a Probated Real Estate Salesperson License to Leeann Nichole Sharpe ("Order") issuing Leeann Nichole Sharpe's salesperson license on two (2) years' probation effective October 17, 2016. Sharpe's probation is due to expire on October 17, 2108. The Order required Sharpe to 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.

7. The Order, page 9, paragraph 21.H. states:

Sharpe 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.

8. The Order, page 8, paragraph 21.E, provides, in pertinent part:

... timely renew her Missouri real estate salesperson license, timely pay all fees required for a license renewal, and comply with all other requirements necessary to maintain her license in a current and active state.

9. The Order, page 10, paragraph 25 provides:

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.

10. Regulation 20 CSR 2250-4.050(3) states:

Within seventy-two (72) hours of the termination of the association of any broker salesperson, salesperson, a broker shall notify the commission and shall return to the commission that licensee's license. The broker shall provide a dated and timed receipt to the licensee when the licensee submits a letter of termination to the broker. When a licensee's license is surrendered to the commission, the licensee shall have six (6) months in which to transfer to another broker or change license status. If the application for transfer or change in status is not made within the six (6)-month period, the applicant will be required to complete the required Missouri Real Estate Practice Course and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not transferred or placed on inactive status, or if no status change has been made within the subsequent renewal period, the licensee will be required to requalify as if an original applicant.

11. On or about December 6, 2016, the Commission removed Leeann Nichole Sharpe's salesperson license from Imo Co Inc. pursuant to Imo Co.'s designated broker's request to remove Sharpe from his company. The broker also returned Sharpe's license. Accordingly, the Commission placed Respondent's salesperson license at a Cancelled status on December 6, 2016. On June 30, 2017, the Commission received an Information Change form with a completed broker's acknowledgement from Ms. Sharpe requesting to have her license transferred to Mid-America Referral Network, Inc. On June 30, 2017, the Commission sent Sharpe a rejection notice informing her that before her license could be transferred she would need to complete the Missouri 24 Hour Real Estate Practice Course because her license had been at a cancelled status for more than six months pursuant to 20 CSR 2250-4.050 (3).

12. To date, Leeann Nichole Sharpe has failed to provide the Commission with a Certificate of Completion for the Missouri 24 Hour Real Estate Practice Course. Her license remains in Cancelled status.

13. Therefore, Leeann Nichole Sharpe failed to adhere to the terms of her probation as discussed above, which is a violation of page 10, paragraph 25, of the Order which provides cause to further discipline Leeann Nichole Sharpe's license under § 324.042, RSMo.

14. As a result of the foregoing, a Probation Violation Complaint was filed with the Missouri Real Estate Commission alleging that grounds existed for additional disciplinary action against Sharpe's Missouri real estate license, pursuant to § 324.042, RSMo, and page 10, paragraph 25 of the Order.

CONCLUSIONS OF LAW

15. Pursuant to § 324.042, RSMo, the Commission has authority to impose additional discipline against Leeann Nichole Sharpe, for violating any disciplinary terms previously imposed or agreed to pursuant to the Order with the licensee.

16. Section 324.042, RSMo, provides:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

17. Pursuant to Section 324.042, RSMo, and page 10, paragraph 25 of the Order, the Commission has jurisdiction to hold additional hearings and impose discipline if it finds that a licensee has violated any disciplinary terms previously imposed by the Commission.

18. Section 339.100.3, RSMo, provides the Commission may discipline a real estate license after an initial disciplinary hearing by revoking, probating or suspending said license.

19. Leeann Nichole Sharpe's failure to adhere to the terms of her probation by failure to keep her license in a current and active status in violation of page 10, paragraph 25 of the Order is a violation of the terms of the Order which provides cause to further discipline Leeann Nichole Sharpe's license under § 324.042, RSMo.

20. The Commission finds Respondent Leeann Nichole Sharpe has violated the terms and conditions of the Order that became effective October 17, 2016 as a result of the conduct identified in the Findings of Fact set forth above.

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

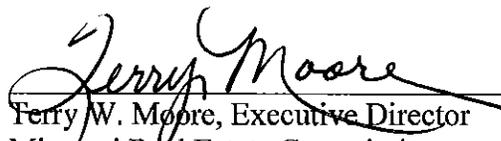
ORDER

Therefore, having fully considered all the evidence before the Commission, it is the ORDER of this Commission that:

22. The real estate license of Respondent Leeann Nichole Sharpe, license number 2016037524, is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order, if Respondent has not already done so.

23. The Commission will maintain this Order as an open record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

So Ordered this 8th day of JUNE 2018.


Jerry W. Moore, Executive Director
Missouri Real Estate Commission

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

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

Petitioner,)

v.)

LEEANN NICHOLE SHARPE)
555 Lakeview Drive)
Ridgedale, MO 65739)

Respondent.)

No. _____

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MREC

PROBATION VIOLATION COMPLAINT

Petitioner, Missouri Real Estate Commission ("MREC"), by and through its attorney, the Attorney General of Missouri, states its cause of action against Leeann Sharpe ("SHARPE"):

1. The MREC was established pursuant to § 339.120, RSMo, for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.180 and §§ 339.710 to 339.855, RSMo, (as amended), relating to real estate salespersons and brokers.

2. On October 17, 2016, a probated real estate salesperson license was issued to SHARPE due to a prior DWI conviction SHARPE disclosed on her license application. A true and accurate copy of the Order is attached to this Probation Violation Complaint as Exhibit A and is incorporated as if fully stated herein.

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3. In the Order, the MREC granted a probated license to SHARPE as a licensed real estate salesperson. SHARPE's probated license is license number 2016037524, and is and was current and active from October 17, 2016.

4. The MREC has jurisdiction over this matter pursuant to §324.042, RSMo Supp. 2012, and page 10, paragraph 25 of the Order, which provides, in pertinent part: "The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred."

5. The Order further provides on page 10, paragraph 25, in pertinent part:

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.

6. The probationary period of SHARPE's probated license is due to expire on October 17, 2018.

7. The terms of the probationary period are stated as follows in the Order, in pertinent part:

"...timely renew her Missouri real estate salesperson license, timely pay all fees required for a license renewal, and comply all other requirements necessary to maintain her license in a current and active state..."

8. SHARPE violated the terms of probation by failing to maintain an affiliation of her license with a designated broker. In June of 2017 SHARPE applied to

transfer to a new broker, but she is not able to transfer until she completes the 24 hour Missouri Real Estate Practice course required due to her license remaining in a cancelled status for more than 6 months. SHARPE has not completed the course.

9. By failing to keep her license in a current and active state, SHARPE violated the terms of her probation, providing cause to discipline her probated license.

WHEREFORE, Petitioner requests the MREC to hold a hearing to determine that a violation occurred and may impose disciplinary action under § 324.042, RSMo, for the violations noted above, and for other such relief as the Commission deems appropriate.

Respectfully submitted,

JOSH HAWLEY
Attorney General



Trisha M. Green
Assistant Attorney General
Missouri Bar No. 65125
6th Floor, Broadway Building
P. O. Box 899
Jefferson City, Missouri 65102
(573) 751-0598
(573) 751-5660 Facsimile

Attorneys for Petitioner

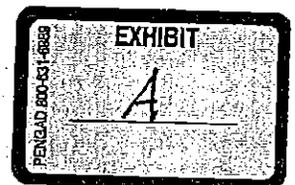
BEFORE THE
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of)
LEEANN NICHOLE SHARPE)
Applicant)

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION
REGARDING ISSUANCE OF A PROBATED REAL ESTATE
SALESPERSON LICENSE TO LEEANN NICHOLE SHARPE**

The Missouri Real Estate Commission ("MREC") hereby issues its ORDER granting a PROBATED real estate salesperson license to Leeann Nichole Sharpe ("Sharpe") pursuant to the provisions of § 324.038, RSMo.¹ As set forth in § 324.038, RSMo, Sharpe 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 salesperson 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.

¹ All statutory references are to the Revised Statutes of Missouri, as amended, unless otherwise specified.



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. Leeann Nichole Sharpe is a natural person residing at the address of 555 Lakeview Drive, Ridgedale, Missouri, 65739.
3. On or about May 20, 2016, the MREC received Sharpe's application for a real estate salesperson license ("Application").
4. On her Application, question 4-13, Sharpe 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.**" Sharpe responded, "YES" to question 4-13.
5. On or about January 15, 2009, in Case No. 08AF-CR01340, Sharpe pleaded guilty in the Circuit Court of Taney County, Missouri, to the crimes of driving while intoxicated and operating a motor vehicle on a highway without a valid license.

6. On or about May 14, 2009, in Case No. 08AF-CR01340, the Court suspended the imposition of sentence and placed Sharpe on two years' supervised probation and ordered 80 hours of community service.
7. On or about December 19, 2012, in Case No. 12AF-CR00617-01, Sharpe pleaded guilty in the Circuit Court of Taney County, Missouri, to the crime DWI – Alcohol – Persistent Offender.
8. On or about December 19, 2012, in Case No. 12AF-CR00617-01, the Court sentenced Sharpe to 4 years' incarceration in Missouri Department of Corrections but suspended the execution of sentence and placed her on five years' supervised probation. The Court also ordered a substance abuse evaluation, 300 hours of community service, 10 days' shock detention and the Substance Abuse Traffic Offender Program. Sharpe completed probation early and was released on September 30, 2015.
9. On or about June 13, 2013, in Case No. 13AF-CR00524-01, Sharpe pleaded guilty in the Circuit Court of Taney County, Missouri, to the crime of making a false report.
10. On or about June 13, 2013, in Case No. 13AF-CR00524-01, the Court sentenced Sharpe to 6 months' incarceration in the county jail but suspended the execution of sentence and placed Sharpe on two years' supervised probation. Sharpe completed probation on June 13, 2015.
11. The crimes of driving while intoxicated, operating a motor vehicle on a highway without a valid license, driving while intoxicated persistent offender and making a false report are offenses 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.

12. The crimes of driving while intoxicated, operating a motor vehicle on a highway without a valid license, driving while intoxicated persistent offender and making a false report are offenses reasonably related to the qualifications, functions, and duties of a real estate salesperson.

II

CONCLUSION OF LAW

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

14. As a result of the criminal conduct and license discipline, identified in Section I herein, cause exists for the MREC to deny Sharpe'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[.]

15. 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.

16. As a result of the criminal conduct identified in Section I herein, Sharpe 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.

17. 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.

18. The MREC issues this Order in lieu of denial of Sharpe'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

19. Based on the foregoing, the Missouri real estate salesperson license issued to Sharpe is subject to the following terms and conditions.

20. Sharpe's license is on probation for two (2) years. Sharpe's real estate salesperson license is hereby placed on PROBATION for a period of TWO (2) YEARS from the effective date of this Order. During the period of probation on her

real estate salesperson license, Sharpe 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."

21. **Terms and conditions of the disciplinary period.** Terms and conditions of the disciplinary period are as follows:

A. During the probationary period, Sharpe shall be prohibited from operating a motor vehicle at all times when it is occupied by clients and/or customers as passengers in the vehicle.

B. Sharpe shall obey and comply with the terms and conditions of this probation. Sharpe shall prepare and submit quarterly written reports to the MREC regarding the status of and compliance with the terms and conditions of this probated license order. Sharpe is responsible for ensuring that such quarterly reports are received by the MREC on or before January 10, April 10, July 10, and October 10 during each year of the disciplinary period. Sharpe shall submit the first such reports so that the MREC receives them on or before January 10, 2017.

C. If at any time during the disciplinary period Sharpe 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. Sharpe must obtain the Broker Acknowledgment form from the MREC.

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

E. Sharpe 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, Sharpe 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, Sharpe may surrender her real estate license by submitting a letter to the MREC. If Sharpe applies for a real estate license after surrender, Sharpe 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.

F. Sharpe 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.

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

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

I. Sharpe 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.

J. Sharpe shall report to the MREC each occurrence of Sharpe'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.

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

23. 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.

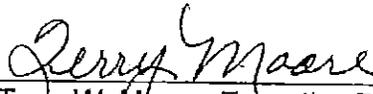
24. If the MREC determines that Sharpe has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the

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.

25. 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.

26. 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 17th DAY OF OCTOBER 2016.



Terry W. Moore, Executive Director
Missouri Real Estate Commission