



the meeting. Further, each member of this Commission has read the Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Craig Jacobs. 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 Decision, and the record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Sherri Lynn Tabron*, Case No. 14-1593 RE, issued October 26, 2015, 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 did not appear in person or through legal counsel at the hearing before the Commission.

4. This Commission licensed Respondent Sherri Lynn Tabron as a real estate salesperson, license number 1999118062. Respondent's salesperson 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 Decision issued by the Administrative Hearing Commission dated October 26, 2015, in *Missouri Real Estate Commission v. Sherri Lynn Tabron*, Case No. 14-1593 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 Decision dated October 26, 2015, Respondent's real estate salesperson license, number 1999118062, is subject to disciplinary action by the Commission pursuant to § 339.100.2(3), (16), and (18), 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 Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate salesperson license of Sherri Lynn Tabron (license no. 1999118062) 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 18<sup>th</sup> DAY OF February, 2016.

MISSOURI REAL ESTATE COMMISSION

  
\_\_\_\_\_  
Joseph Denkler, Executive Director

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Before the  
Administrative Hearing Commission  
State of Missouri

MISSOURI REAL ESTATE COMMISSION, )

Petitioner, )

vs. )

No. 14-1593 RE

SHERRI L. TABRON, )

Respondent. )

**DECISION**

Sherri L. Tabron's real estate salesperson license is subject to discipline because she misappropriated funds from an apartment complex.

**Procedure**

The Missouri Real Estate Commission ("MREC") filed a complaint on September 29, 2014, seeking this Commission's determination that cause exists to discipline Tabron's real estate salesperson license. Tabron was personally served with a copy of the complaint and our notice of complaint/notice of hearing on February 19, 2015. She filed an answer on February 27, 2015 and requested a continuance of 90 days to allow her attorney a chance to prepare for the hearing.

We continued the hearing to May 14, 2015. No attorney filed an appearance for Tabron. We converted the hearing as scheduled. Tabron appeared *pro se*, by telephone, and requested another continuance to allow her attorney to prepare for the hearing. We granted the continuance and ordered Tabron to ask her attorney to enter his appearance by May 26, 2015, and to contact the MREC's counsel. We rescheduled the hearing for June 29, 2015.

No attorney entered an appearance for Tabron. We convened the hearing on June 29, 2015. Tabron appeared by telephone and represented herself. Assistant Attorney General Faraz Nayyar represented the MREC. The matter became ready for decision on October 2, 2015, when the last brief was filed.

### **Evidence**

Before setting forth our findings of fact, we note the incongruity between the MREC's evidence and Tabron's testimony and written argument. The MREC presented certified copies of court records, which are admissible under § 490.130.<sup>1</sup> Those records establish that Tabron pled guilty to stealing on three occasions, as set forth below. But in each case, Tabron received a suspended imposition of sentence. Thus, she is not collaterally estopped from denying that she committed the offenses, *Director of the Department of Public Safety v. Bishop*, 297 S.W.3d 96 (Mo. App. W.D. 2009), and the testimony she gave about the events underlying two of her guilty pleas differed markedly from the conduct described in the informations and statements of probable cause within the court records.

In her answer and in the May 14, 2015, telephone hearing, Tabron stated that she would be represented by an attorney in this case. The MREC's counsel attempted several times to contact the attorney Tabron named, but was unable to reach him. Based on Tabron's representation, we ordered her to require her attorney to enter an appearance, but no attorney did so. Tabron did not formally request a telephone hearing, but she attended the June 29, 2015 hearing by telephone and represented herself. However, because of this sequence of events, she did not have copies of the court records introduced by the MREC at the hearing.

Nonetheless, Tabron stated under oath that she was familiar with the records, and her testimony indicates that she was. On the record, we reviewed the court records and guilty pleas,

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<sup>1</sup> Statutory references, unless otherwise noted, are to the RSMo Cum. Supp. 2013. The disciplinary statutes cited herein did not change between the relevant times and the publication of the above-referenced supplement.

and she subsequently testified as to the events underlying the guilty pleas in connection with two of the incidents ("The Crossing" and "Casino" incidents, as further described below). The MREC's counsel cross-examined her on that testimony.

Tabron did not testify about the third guilty plea (the "Stonegate guilty plea") or its underlying events during the hearing, and she was not asked any questions about it. Although the reason Tabron did not have the court records may properly be laid at her feet, we are loath to rely only on the hearsay contained in the court records, and therefore have found no facts about the conduct that formed the basis for her guilty plea in that case. With respect to the The Crossing and Casino incidents, we did not find Tabron to be a particularly credible witness. Nonetheless, we are reluctant to credit the hearsay within an information or statement of probable cause over Tabron's sworn testimony. Therefore, we rely primarily on Tabron's testimony in making our findings of fact.

#### **Findings of Fact**

1. Tabron holds a Missouri license as a real estate salesperson. The license was originally issued in 1996, and it was current and active at all relevant times. Tabron's license is currently in canceled status because she has not been affiliated with a broker since March 4, 2015.

#### **The Crossing Incident and Guilty Plea**

2. In 2007, Tabron (whose name was then Drummer) was working for a company called Apartment Personnel as a contracted leasing agent assigned to an apartment complex, The Crossing.

3. Tabron's duties as a leasing agent included leasing apartments and collecting deposits and rent.

4. Tabron's compensation in her position as a leasing agent included bonuses as well as commissions.

5. One month, Tabron was the top leasing agent. She believed she was supposed to receive \$1,000 in gift cards as a bonus.

6. Tabron received one \$150 gift card from the office manager, but not the rest of what she believed she was due.

7. Tabron asked the manager about her bonus gift cards and the commission she thought she was owed (\$756), but she received neither.

8. Tabron rented two more apartment units at The Crossing and kept the deposits.

9. Tabron was charged with stealing the deposits. Although she raised the issue of her compensation in connection with her defense, on August 29, 2013, in the circuit court of Platte County, Missouri, Tabron pled guilty to stealing property valued at \$500 or more but less than \$25,000, a Class C felony, in violation of § 570.030,<sup>2</sup> in connection with her appropriation of the deposits.

10. The court suspended imposition of sentence, ordered Tabron to pay restitution to The Crossing, and placed Tabron on supervised probation for two years.

#### The Stonegate Guilty Plea

11. Also on August 29, 2013, in the circuit court of Jackson County, Missouri, Tabron pled guilty to stealing property valued at \$500 or more but less than \$25,000, a Class C felony, in violation of § 570.030. Again, the court suspended imposition of sentence in favor of restitution payable to Stonegate Meadows Apartments and two years' supervised probation.

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<sup>2</sup> Although our citation is to the RSMo Cum. Supp. 2013, this portion of § 570.030 has not changed since the underlying events transpired.

## The Casino Incident and Guilty Plea

12. On July 4, 2010, Tabron picked up another player's TITO ticket from a casino and cashed it. Tabron testified that the other player was no longer at the casino when she picked up the ticket.

13. In connection with the above conduct, on April 15, 2014, in the circuit court of Clay County, Missouri, Tabron pled guilty to stealing property valued at less than \$500, a Class A misdemeanor, in violation of § 570.030. After Tabron paid restitution, the Court suspended imposition of sentence, placed her on supervised probation for six months, and ordered her not to enter any casino.

### **Conclusions of Law**

We have jurisdiction over the MREC's complaint. Sections 339.100.2 and 621.045. The MREC has the burden to prove, by a preponderance of the evidence, that Tabron's license is subject to discipline. *Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989). A preponderance of the evidence is evidence showing, as a whole, that "the fact to be proved [is] more probable than not." *Id.* at 230 (quoting *State Bd. of Nursing v. Berry*, 32 S.W.3d 638, 642 (Mo. App. W.D. 2000)). This Commission must judge the credibility of witnesses and the weight and value to be given to their testimony. *Koetting v. State Bd. of Nursing*, 314 S.W.3d 812, 815 (Mo.App. W.D. 2010).

As noted above, we made no findings of fact regarding Tabron's conduct in connection with the Stonegate guilty plea. And, based on Tabron's testimony, we find insufficient facts to conclude that she engaged in any wrongdoing with respect to the TITO ticket she found and cashed at the casino. Therefore, with the exception of subdivision (18), we analyze whether the MREC has cause to discipline Tabron's license under § 339.100.2 based solely on the events underlying The Crossing incident, as she described them.

The MREC alleges in its complaint that there is cause to discipline Tabron's license under § 339.100.2, which provides in relevant 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:

\* \* \*

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

\* \* \*

(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[.]

Subdivision (3) – Failing to Account for Others' Property

As a leasing agent, Tabron received security deposits and rent payments for apartments. When Tabron became involved in a dispute with The Crossing over her compensation, she kept two deposits for herself rather than paying them to The Crossing.

Under § 570.030.1, a person “commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.” However, a person who “acted in the honest belief that [she] had the right” to appropriate the property may have a “claim of right” defense against the charge of stealing under § 570.070, RSMo 2000.

Landlords have the right to require security deposits from tenants, *see* § 535.300, and Tabron did not deny that the deposits she kept belonged to The Crossing rather than herself. Regardless of whether Tabron believed The Crossing owed her money, there is insufficient evidence from which we can conclude she had an honest belief that she had the right to take another’s property in satisfaction of a debt. *See State of Missouri v. Quisenberry*, 639 S.W.2d 579, 585 (Mo. banc 1982) (no claim of right defense was available where there was no evidence that person who misappropriated property was ever told by anyone that he had a right to take another’s property to satisfy a debt). In short, we do not believe she honestly held the belief that she had a right to keep the deposits. Neither, apparently, did the Platte County Circuit Court because Tabron stated in her brief that she provided all of the information about the compensation she was due at her court hearing, but pled guilty to stealing nonetheless. We conclude that Tabron wrongfully appropriated the deposits that should have been paid to The Crossing. Thus, she failed to remit moneys that came into her possession but belonged to another to the rightful owner. There is cause to discipline her license under § 339.100.2(3).

Subdivision (15) – Violation of Statutes or Regulations

Section 339.100.2(15) provides there is cause to discipline a licensee who violates certain statutes or rules promulgated by the MREC. The MREC alleges that Tabron violated 20 CSR 2250-8.120(2), which provides that “a licensee shall immediately deliver to the broker with whom affiliated all money received in connection with a real estate transaction in which the licensee is engaged.” Because we have made no findings of fact about the Stonegate guilty plea, and the Casino plea did not relate to any real estate transaction, we examine Tabron’s misappropriation of money from The Crossing to determine whether there is cause to discipline her license under this subdivision.

There is no evidence in the record as to what broker Tabron was affiliated with in 2007, when the events at The Crossing occurred. But as a real estate salesperson, Tabron was required to be affiliated with a broker. *See* § 339.010.2:<sup>3</sup> “A “real estate salesperson” is “any person . . . who for a compensation or valuable consideration becomes associated, either as an independent contractor or employee, either directly or indirectly, with a real estate broker to [engage in the activities described in § 339.010.1].”

Leasing apartments and collecting security deposits are activities engaged in by a real estate broker or salesperson. Section 339.010.1(6), (7), and (8). We conclude that security deposits are funds received in connection with a real estate transaction. But there is no evidence in the record, nor did the MREC offer any explanation, of whether a broker would have been entitled to a portion of the deposits misappropriated by Tabron; we would have to speculate to make such a finding. The MREC has not carried its burden of proof on this point. We find no cause to discipline Tabron’s license under § 339.100.2(15).

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<sup>3</sup> Although we have cited to the RSMo Cum. Supp. 2013, the pertinent provisions of the statute have not changed since the time of the incidents.

Subdivision (16) – Grounds for Refusal to Issue a License

The MREC contends that Tabron's guilty pleas would be grounds for the MREC to refuse to issue a license. Section 339.040.1 provides:

1. Licenses shall be granted only to persons who 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.

“Reputation” means “the estimation in which one is generally held : the character commonly imputed to one as distinct from real or inherent character [.]” WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1929 (unabr. 1986). Reputation is not a person's actions; it is “the general opinion . . . held of a person by those in the community in which such person resides[.]” *State v. Ruhr*, 533 S.W.2d 656, 659 (Mo. App., K.C.D. 1976) (quoting Black's Law Dictionary, Rev. 4th Ed., p. 1467-68). Reputation is “a consensus view of many people.” *Haynam v. Laclede Elec. Coop.*, 827 S.W.2d 200, 206 (Mo. banc 1992). The MREC presented no evidence as to Tabron's reputation.

Competence, when referring to occupation, is “the actual ability of a person to perform in that occupation.” Section 1.020(9). In *Albanna v. State Bd. of Regis'n for the Healing Arts*, 293 S.W.3d 423, 435 (Mo. banc 2009), the court described incompetency as a “state of being” amounting to an inability or unwillingness to function properly. The *Albanna* court said that the evaluation necessitates a broader-scale analysis, taking into account the licensee's capacities and successes. *Id.* Although we have concluded that Tabron stole two deposits from The Crossing,

those incidents are related, and we cannot conclude from them alone that Tabron is incompetent to transact the business of a broker in such a manner as to safeguard the interest of the public.

Good moral character is honesty, fairness, and respect for the law and the rights of others. *Hernandez v. State Board of Regis'n for the Healing Arts*, 936 S.W.2d 894, 899 n.1 (Mo. App., W.D. 1997). Tabron's conduct in misappropriating the deposits that should have been paid to The Crossing is evidence of a lack of good moral character, as is her failure to take responsibility for the incident when she testified about it at the hearing. We find she lacks good moral character. Accordingly, we find cause to discipline her license under § 339.100.2(16).

#### Subdivision (18) – Conviction or Guilty Plea

Under § 339.100.2(18), there is cause to discipline a licensee who has entered a guilty plea “for any offense reasonably related to the qualifications, functions or duties” of a real estate salesperson, 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*” (emphasis added). Thus, under this subdivision, we may consider all of Tabron’s guilty pleas.

#### *Reasonable relation to the qualifications, functions and duties of a real estate salesperson*

Reasonable relation is a low threshold. To relate is to show or establish a logical or causal connection. WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY, 1916 (unabr. 1986). “Reasonable” means “being or remaining within the bounds of reason: not extreme: not excessive;” and “not conflicting with reason: not absurd: not ridiculous.” *Id.* at 1892. We conclude that for a criminal offense to be reasonably related to the functions, qualifications or duties of a profession, the relationship between the offense and the profession must be logical and not strained or exceedingly tenuous.

The duties of a real estate agent include renting or leasing real estate, procuring prospects calculated to result in the lease or rental of real estate, and assisting or directing in the

negotiation of any transaction calculated or intended to result in the leasing or rental of real estate. Section 339.010.1(6), (7), (8). The Casino guilty plea is not reasonably related to the qualifications, functions or duties of a licensed real estate professional. The Crossing guilty plea involved stealing from an apartment complex, and we infer that the Stonegate guilty plea did as well, given that Tabron was ordered to pay restitution to the Stonegate Apartments as a result. We conclude that Tabron's plea of guilty to these offenses is cause to discipline her license under § 339.100.2(18).

*Essential element – fraud or dishonesty*

An essential element is one that must be proven for a conviction in every case. *State ex rel. Atkins v. Missouri Bd. of Accountancy*, 351 S.W.2d 483, 485 (Mo. App., K.C.D. 1961).

Fraud is defined “generally under the common law as an intentional perversion of truth to induce another, or to act in reliance upon it.” *Hernandez v. State Bd. of Registration for the Healing Arts*, 936 S.W. 2d 894, 899, n. 2 (Mo. App. W.D. 1997). It necessarily includes dishonesty, which is a lack of integrity or a disposition to defraud or deceive. WEBSTER'S THIRD INTERNATIONAL DICTIONARY 650 (unabr. 1986). Tabron pled guilty to stealing, as defined in § 570.030. Stealing may or may not involve fraudulent behavior, but dishonesty is inherent in the crime. We find this to be another reason Tabron's license is subject to discipline under § 339.100.2(18).

*Offenses involving moral turpitude*

Moral turpitude is:

an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything “done contrary to justice, honesty, modesty, and good morals.”

*In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)).

In *Brehe v. Missouri Dep't of Elementary and Secondary Education*, 213 S.W.3d 720 (Mo. App., W.D. 2007), a case that involved discipline of a teacher's certificate under § 168.071 for committing a crime involving moral turpitude, the court referred to three classifications of crimes:

- (1) crimes that necessarily involve moral turpitude, such as frauds (Category 1 crimes);
- (2) crimes "so obviously petty that conviction carries no suggestion of moral turpitude," such as illegal parking (Category 2 crimes); and
- (3) crimes that "may be saturated with moral turpitude," yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (Category 3 crimes).

213 S.W.3d at 725 (quoting *Twentieth Century Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9<sup>th</sup> Cir. 1954)). While Category 3 crimes require inquiry into the circumstances, crimes such as murder, rape, and fraud fall into Category 1 because they are invariably regarded as crimes of moral turpitude. *Brehe*, 213 S.W.3d at 725.

Stealing is generally regarded as a crime of moral turpitude. See *In re Carpenter*, 891 A.2d 223 (D.C. 2006) (moral turpitude is inherent in crimes that have an intent to defraud or steal). See also *U.S. v. Morrow*, 2005 WL 3163801 (D.D.C. June 2, 2005) and *Johnson v. Commonwealth*, 581 S.E.2d 880 (41 Va. App., 2003) (misdemeanor crimes of moral turpitude are limited to those crimes involving lying, cheating, and stealing). We see no reason not to regard it as such in this case. Tabron's guilty plea to stealing from The Crossing is additional cause to discipline her license under § 339.100.2(18).

#### Subdivision (19) – Other Conduct

MREC alleges that Tabron is subject to discipline under § 339.100.2(19) for "any other conduct which constitutes untrustworthy, improper or fraudulent business dealings or

demonstrates bad faith or gross incompetence[.]” The adjective “other” means “not the same : DIFFERENT, any [other] man would have done better[.]” WEBSTER’S at 1598. Therefore, subdivision (19) refers to conduct different from that referred to in the remaining subdivisions of the statute. We have found that the conduct at issue is cause for discipline under § 339.100.2(3), (16), and (18), but not under § 339.100.2(15). There is no “other” conduct. Therefore, we find no cause for discipline under § 339.100.2(19).

#### Other Issues

In the brief Tabron filed, she states that Joseph Denkler, an employee of the MREC, contacted her by telephone about her guilty pleas in 2013 and took statements from her. Tabron alleges that Denkler told her that if her broker was aware of her guilty pleas, she could continue to work as a real estate salesperson, and that the MREC subsequently took no action against her license until a white person filed a complaint against her with respect to managing a property owned by the complainant. This complaint apparently led to Tabron herself filing a complaint with the MREC against other licensed real estate professionals. Tabron alleges the MREC never took any action against the latter, and that Tabron subsequently asked the NAACP to open its own investigation. Tabron alleges the MREC failed to respond to the NAACP’s inquiries. Tabron also complains that the MREC did not gather all the facts in connection with the incident involving The Crossing or the Casino.

We have no authority to superintend the operations of the MREC. *See Missouri Health Facilities Review Comm. v. Administrative Hearing Comm’n*, 700 S.W.2d 445, 450 (Mo. banc 1985). Furthermore, the function of this Commission in administrative proceedings is to render the administrative agency’s final decision. *State Board of Registration for the Healing Arts v. Trueblood*, 368 S.W.3d 259, 266 (Mo. App. W.D., 2012). We “step into the shoes” of the

agency and remake its decision. *Department of Social Services v. Mellas*, 220 S.W.3d 778, 783 (Mo. App. W.D., 2007). Thus, what the MREC knew, and its actions regarding other complaints filed with it, are irrelevant to our decision making in this case. We make our decision based on “the entire record of relevant admitted evidence” at the hearing. *Missouri Real Estate Appraisers Commission v. Funk*, 306 S.W.3d 101, 105 (Mo. App. W.D., 2010).

In making our findings of fact and conclusions of law for this decision, we relied on the testimony of Tabron herself as well as the events of record contained in the certified court documents. Tabron did not object to this evidence, from which we conclude that she stole funds from The Crossing and pled guilty to crimes of moral turpitude and dishonesty that related to her profession. Accordingly, her license as a real estate salesperson is subject to discipline under several subdivisions of § 339.100.2.

#### Summary

Tabron’s real estate broker license is subject to discipline under § 339.100.2(3), (16), and (18).

SO ORDERED on October 26, 2015.

  
KAREN A. WINN  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

SEP 29 2014

ADMINISTRATIVE HEARING  
COMMISSION

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

Petitioner, )

v. )

SHERRI L. TABRON )  
5266 Lawn Avenue )  
Kansas City, MO 64130 )  
(816)-863-4434 )

Respondent. )

Case No. \_\_\_\_\_

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,<sup>1</sup> for the purpose of executing and

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<sup>1</sup>All 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 Sherri L. Tabron ("Tabron") is licensed by the MREC as a real estate salesperson, license no. 1999118062. At all relevant times herein, Tabron's license was active and current.

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

4. In or about May 2007, Tabron, while working as a leasing agent, stole a money order for rent that was over \$500.00 and deposited it into her own account, instead of delivering it to a leasing company.

5. On or about August 29, 2013, Tabron pled guilty to the class C felony of stealing, described in Paragraph 4 of this Complaint, a violation of § 570.030, RSMo Supp. 2005, in Jackson County Circuit Court, case number 0816-CR05322-01. The court suspended imposition of that sentence, and imposed two years of probation.

6. In or about June and July 2007, Tabron, while working as a leasing agent, stole money orders from The Crossing at Barry Road, a leasing company, and cashed them for her own use. The money orders were in the amount of \$980.90 and \$748.80.

7. On August 29, 2013, Tabron pled guilty to the class C felony of stealing, described in Paragraph 6 of this Complaint, a violation of § 570.030, RSMo Supp. 2005, in Platte County Circuit Court, case number 08AE-CR00272-01. Similarly, the court suspended imposition of that sentence, and imposed two years of probation.

8. On or about July 4, 2010, Tabron appropriated a TITO ticket at a casino in the amount of \$70.03, without the consent of the owner.

9. On April 15, 2014, Tabron once again pled guilty to the class C felony of stealing, described in Paragraph 8 of this Complaint, a violation of § 570.030, RSMo Supp. 2009, in Clay County Circuit Court, case number 10CY-CR02699. The court suspended imposition of that sentence, and imposed six months of probation.

10. Section 339.040, RSMo Supp. 2013, provides in relevant part as follows:

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.

11. Section 339.100.2, RSMo Supp. 2013 states:

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:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

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(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

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(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;

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(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[.]

12. Regulation 20 CSR 2250-8.120(1) and (2), which state:

(1) All money received by a licensee as set out in section 339.100.2(1), RSMo shall be deposited in the escrow or trust account maintained by the broker no later than ten (10) banking days following the last date on which the signatures or initials, or both, of all the parties to the contract are obtained, unless otherwise provided in the contract. Earnest money received prior to acceptance of a written contract may be deposited into the escrow account by the broker with the written authorization of the party(ies) providing the funds.

(2) A licensee shall immediately deliver to the broker with whom affiliated all money received in connection with a real estate transaction in which the licensee is engaged.

13. Based on facts alleged above, Tabron has engaged in conduct that would be grounds for the MREC to refuse to issue a license under section 339.040, RSMo Supp. 2013, providing cause to discipline her license under § 339.100.2(16), RSMo Supp. 2013.

14. Based on facts alleged above, Tabron pled guilty to offenses under Missouri law that involve moral turpitude, providing cause to discipline her license under § 339.100.2(18), RSMo Supp. 2013.

15. Based on facts alleged above, Tabron pled guilty to offenses under Missouri law that are reasonably related to the qualification, functions and/or duties of a real estate salesperson, providing cause to discipline her license under § 339.100.2(18), RSMo Supp. 2013.

16. Based on facts alleged above, Tabron pled guilty to offenses under Missouri law of which an essential element is fraud and/or dishonesty, providing cause to discipline her license under § 339.100.2(18), RSMo Supp. 2013.

17. Based on facts alleged above, Tabron failed to maintain and deposit in a special account, separate and apart from her personal or other

business accounts, all moneys belonging to others entrusted to her while acting as a real estate salesperson or as the temporary custodian of the funds of others, until the transaction involved was consummated or terminated, in violation of Regulation 20 CSR 2250-8.120(1) and providing cause to discipline her license under § 339.100.2(1) and (15), RSMo Supp. 2013.

18. Based on facts alleged above, Tabron failed within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into her possession, which belonged to others, providing cause to discipline her license under § 339.100.2(3), RSMo Supp. 2013.

19. Based on facts alleged above, Tabron failed to immediately deliver to a broker with whom she was affiliated all money received in connection with a real estate transaction in which she engaged, in violation of Regulation 20 CSR 2250-8.120(2), thus providing cause to discipline her license under § 339.100.2(15), RSMo Supp. 2013.

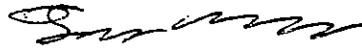
20. Tabron's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause to discipline Tabron's license under § 339.100.2(19), RSMo Supp. 2013.

Cause exists to discipline Tabron's license as a real estate salesperson pursuant to § 339.100.2(1) (3), (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, Tabron, as a real estate salesperson for the violations noted above, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

CHRIS KOSTER  
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