

the meeting. Further, each member of this Commission read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Edward Theobald. 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 Fact, 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. Tami Tiller*, Case No. 19-0844 RE, issued September 25, 2019, 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 Tami Tiller as a real estate Broker, license number 2007008056. Respondent's Broker license was not current at all times relevant to this proceeding. On June 30, 2018, Respondent's Broker license expired.

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 25, 2019, in *Missouri Real Estate Commission v. Tami Tiller*, Case No. 19-0844 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 September 25, 2019, Respondent's real estate Broker license, number 2007008056, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15) RSMo., 20 CSR 2250-8.160(1) and 20 CSR 2250-8170(1).

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

III.

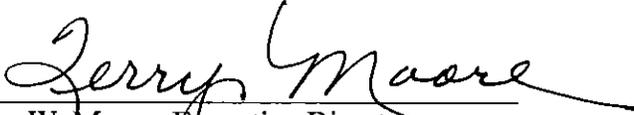
ORDER

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 Tami Tiller (license no. 2007008056) 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.

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 13TH DAY OF AUGUST, 2020.

MISSOURI REAL ESTATE COMMISSION


Terry W. Moore, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION)
)
Petitioner,)
)
v.)
)
TAMI TILLER)
)
Respondent,)
)
)
)

No. 19-0844

DEFAULT DECISION

On June 18, 2019, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before June 21, 2019.

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 2016, 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 25, 2019.

A handwritten signature in cursive script that reads "Philip Prewitt".

PHILIP PREWITT
Commissioner

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

FILED
June 18, 2019
ADMINISTRATIVE HEARING COMMISSION

MISSOURI REAL ESTATE COMMISSION)
3605 Missouri Boulevard)
P.O. Box 1339)
Jefferson City, MO 65102,)
)
) Petitioner,)
)
) v.)
)
TAMI TILLER)
201 County Road 451)
New Franklin, MO 65274)
Telephone: (660) 537-9938)
)
) Respondent.)

Case No.:

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through the Attorney General of the State of Missouri, for its cause of action against Respondent, states the following:

1. The MREC is an agency of the State of Missouri, created and established pursuant to Section 339.120, RSMo,¹ for the purpose of executing

¹ All statutory citations are to the 2016 Revised Statutes of Missouri, as amended, unless otherwise noted.

and enforcing the provisions of Chapter 339, RSMo, Real Estate Agents, Brokers, Appraisers, and Escrow Agents.

2. Respondent, Tami Tiller ("Tiller"), holds a real estate real estate broker license, no. 2007008056. The MREC issued Tiller's real estate broker license on March 6, 2007, and expired on June 30, 2018.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045, and 339.100, RSMo.

4. On or about April 5, 2017, the MREC sent Tiller a letter, stating that she had been selected randomly for an audit of her business, to the addresses on file with the MREC. The letter included the Missouri Real Estate Questionnaire form for the audit, along with instructions to return the completed form to the MREC within thirty days of the date of the letter. The MREC received no response to its April 5, 2017 letter.

5. On or about May 15, 2017, the MREC sent Tiller a second random audit letter to the addresses on file with the MREC. The Commission received no response to its May 15, 2017 letter. The letter also stated that Tiller had thirty days to respond to the MREC, and that her failure to do so could result in discipline to her real estate license.

6. On or about May 16, 2017, Tiller closed the brokerage license with the MREC.

7. On or about May 25, 2017, the MREC's examiner spoke with Tiller and notified her that although she was closing the brokerage, she still needed to complete and return the Missouri Real Estate Questionnaire back to the MREC.

8. On or about June 21, 2017, the MREC's examiner spoke with Tiller to extend the deadline for returning the Missouri Real Estate Questionnaire. Tiller stated that she had real estate activity in the prior 12 months, but it was only for transactions in which she was a buyer or seller. She stated that she did not conduct property management, and had no open contracts. Tiller stated multiple times that she would not allow the MREC access to her records, and would not allow the audit. Tiller also stated that she would call the police if someone from the MREC came to her home, and requested no additional contact be made.

9. Section 339.100.2, RSMo, setting forth the grounds for discipline, 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:

(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*;

10. 20 CSR 2250-8.160(1), states:

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

11. 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.

12. Tiller's conduct, set forth above, shows that Tiller failed to respond within 30 days to MREC communications sent to her on April 5, 2017 and May 15, 2017, and refused to allow the MREC to audit her records when requested. Thus, cause exists to discipline Tiller's license pursuant to § 339.100.2(15), RSMo, because Tiller has failed to respond in writing to the MREC's written requests or inquiries, in violation of 20 CSR 2250-8.170(1), and because Tiller refused to make her business records available to the MREC, in violation of 20 CSR 2250-8.160(1).

WHEREFORE, Petitioner prays this Administrative Hearing Commission to conduct a hearing in this case pursuant to Sections 621.015 to 621.205, RSMo, and thereafter issue its findings of fact and conclusions of law that the Petitioner may discipline Respondent Tami Tiller's real estate real estate broker's license under Chapter 339, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

ERIC S. SCHMITT
Attorney General

/s/ Ross Keeling
ROSS KEELING
Assistant Attorney General
Missouri Bar No. 65361

207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: (573) 751-1337
Facsimile: (573) 751-5660

Attorneys for Petitioner