

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

MISSOURI REAL ESTATE COMMISSION,)	
Petitioner,)	
v.)	Case No.15-1576 RE
ERIC S. TURNER)	
Respondent.)	

DISCIPLINARY ORDER

AMENDMENT # 1

Comes now Eric S. Turner ("Turner") who requests the Missouri Real Estate Commission ("Commission") amend the April 19, 2016 Disciplinary Order to permit Mr. Turner to pay a civil penalty of \$4,000 rather than the \$7,500 ordered by the Commission. After review of the official request by Mr. Turner and the information presented, the Commission amends the Disciplinary Order as follows:

Section III, under ORDER, is amended to read as follows:

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 Eric S. Turner is hereby ordered to pay a civil penalty of \$4,000 by certified check made payable to the "Missouri Real Estate Commission" and mailed to the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102-1339. Said check must be postmarked or hand delivered within 60 days of the date of this Order. Funds received pursuant to this Order shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution and Section 339.205.8, RSMo.

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

All other Sections and Items in the April 19, 2016 Disciplinary Order shall remain in effect.

SO ORDERED, EFFECTIVE THIS 3RD DAY OF JUNE, 2020.



Terry W. Moore, Executive Director
Missouri Real Estate Commission

Date 06-22-2020

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 15-1576RE
)	
ERIC S. TURNER)	
)	
Respondent.)	

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

On or about December 22, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Eric S. Turner*, No. 15-1576RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Eric S. Turner¹ is subject to civil penalty by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.200.1 RSMo.²

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on April 13, 2016, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate civil penalty against Respondent. All of the members of the Commission were present throughout the meeting.

¹ The Missouri Real Estate Commission revoked Turner’s real estate broker license on February 23, 2012

² All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Brian Weisel. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Eric S. Turner*, Case No. 15-1576RE, issued December 22, 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 failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Eric S. Turner as a real estate broker, license number 1999010435. Respondent's broker license was not current at all times relevant to

this proceeding. On February 23, 2012 Respondent's broker license was revoked. After that date Respondent conducted real estate business without a license giving rise to this action

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 December 22, 2015, in *Missouri Real Estate Commission v. Eric S. Turner*, Case No. 15-1576RE, 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 December 22, 2015, Respondent is subject to a civil penalty by the Commission pursuant to § 339.200.1 RSMo.

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

III.

ORDER

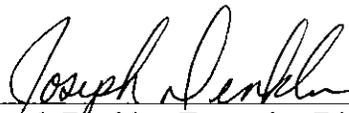
Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that Eric S. Turner is hereby **ordered to pay a civil penalty of \$7,500 by certified check made payable to the "Missouri Real Estate Commission"** and mail to the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City MO 65102-1339. Said check must be postmarked or hand delivered within 60 days of the date of this Order. Funds received pursuant

to this Order shall be handled in accordance with Section 7 of Article IX of the Missouri Constitution and § 339.205.8, RSMo.

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 19th DAY OF April, 2016.

MISSOURI REAL ESTATE COMMISSION



Joseph Denkler, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)
)
Petitioner,)
)
vs.)
)
ERIC TURNER,)
)
Respondent.)

No. 15-1576 RE

DEFAULT DECISION

On October 14, 2015, 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 October 26, 2015.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on December 22, 2015.



BRETT W. BERRI
Commissioner

FILED

OCT 14 2015

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

ADMINISTRATIVE HEARING
COMMISSION

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

Petitioner,

v.

ERIC TURNER,
490 Washington Street
P.O. Box 783
Chillicothe, MO 64601

Respondent.

Case No.: _____

COMPLAINT

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

1. The MREC is an agency of the State of Missouri created and existing pursuant to Section 339.120, RSMo, for the purpose of executing and enforcing the provisions of Sections 339.010 to 339.180 and Sections 339.710 to 339.860, RSMo, relating to real estate salespersons and brokers.
2. Eric Turner, Respondent, was previously licensed by the MREC as a real estate broker, license no. 1999010435.

3. On November 18, 2011, the Administrative Hearing Commission ("AHC") issued an order finding that Turner's broker license (as numbered above) was subject to discipline under Section 339.100.2(15), (16), and (19), RSMo. On December 18, 2011, the November 18, 2011 order became final.

4. On February 28, 2012, the MREC issued an order revoking Turner's real estate broker and broker associate licenses (as numbered above) for the reasons set forth in the AHC's order and decision.

5. Despite his license being revoked, Turner has continued to perform activities individually that require a license from the MREC under Chapter 339.

6. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Sections 621.045 and 339.200, RSMo.

7. Section 339.200, RSMo, states in relevant part:

1. It shall be unlawful for any person not holding the required license from the commission to perform any act for which a license is required by sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission may cause a complaint to be filed with the administrative hearing commission, as provided in chapter 621, against any unlicensed person who:

(1) Engages in or offers to perform any act for which a license is required by sections 339.010 to 339.180 and sections 339.710 to 339.860;

...

2. If the commission files a complaint with the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 1 of this section for action are met, the commission may, either singularly or in combination with other provisions of this chapter, impose a civil penalty against the person named in the complaint in an amount not to exceed the limit authorized by section 339.205.

8. In January 2013, Dana Macoubrie and Robin Fender ("Complainants") purchased a home through Respondent, who represented himself as their agent.

9. Respondent showed the property, wrote the offer, and negotiated the acceptance.

10. In the sale, Respondent received a commission of nine thousand, six hundred dollars (\$9,600).

11. Respondent was present at closing and given the commission check at that time.

12. Respondent answered a call from Complainants, complaining about a leak in the basement of the property, but did not respond.

13. Respondent also represented himself as an agent with an active license to Mike Sanders in the sale of a commercial property in November of 2012.

14. Respondent also represented himself as an agent with an active license to Jonathan Cooper in the sale of a commercial property in December 2012.

15. Section 339.200.1, RSMo, makes it unlawful for any person not licensed under Chapter 339, RSMo to perform any act for which a real estate license is required.

16. Section 339.020, RSMo, makes it unlawful for a person or limited liability company to act as a real estate broker, real estate broker-salesperson, or real estate salesperson, or to "advertise or assume to act a such" as such without a license from the MREC.

17. Section 339.010, RSMo, defining real estate broker, states in part:

1. A **"real estate broker"** is any person, partnership, limited partnership, limited liability company, association, professional corporation, or corporation, foreign or domestic who, for another, and for a compensation or valuable consideration, does, or attempts to do, any or all of the following:

(1) Sells, exchanges, purchases, rents, or leases real estate;

(2) Offers to sell, exchange, purchase, rent or lease

real estate;

- (3) Negotiates or offers or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate;
- (4) Lists or offers or agrees to list real estate for sale, lease, rental or exchange;
- (5) Buys, sells, offers to buy or sell or otherwise deals in options on real estate or improvements thereon;
- (6) Advertises or holds himself or herself out as a licensed real estate broker while engaged in the business of buying, selling, exchanging, renting, or leasing real estate;
- (7) Assists or directs in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate;
- (8) Assists or directs in the negotiation of any transaction calculated or intended to result in the sale, exchange, leasing or rental of real estate;
- (9) Engages in the business of charging to an unlicensed person an advance fee in connection with any contract whereby the real estate broker undertakes to promote the sale of that person's real estate through its listing in a publication issued for such purpose intended to be circulated to the general public;
- (10) Performs any of the foregoing acts on behalf of the owner of real estate, or interest therein, or improvements affixed thereon, for compensation.

18. Based on the services provided by Respondent, as alleged herein, Respondent engaged in the activities of a real estate broker without a license in violation of Sections 339.020 and 339.200.1, RSMo.

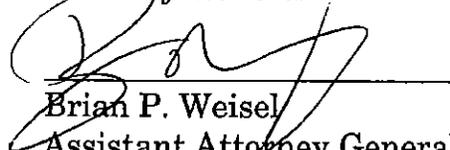
19. Respondent is subject to a civil penalty under Section 339.200.1, RSMo, because he was engaged in unlicensed activity.

WHEREFORE, Petitioner prays the Administrative Hearing Commission to conduct a hearing in this case pursuant to Chapter 621, RSMo, and thereafter issue its findings of fact and conclusions of law determining that Petitioner may impose a civil penalty against Respondent Turner pursuant to Section 339.200, RSMo.

Respectfully submitted,

CHRIS KOSTER

Attorney General



Brian P. Weisel
Assistant Attorney General
Missouri Bar No. 66590

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