

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 19-0839 RE
)	
)	
DEBORAH A. WALLACH)	
)	
Respondent.)	

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

On or about November 13, 2019, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Deborah A. Wallach*, No. 19-0839 RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Deborah A. Wallach’s real estate Broker license (license no. 1999003767) is subject to disciplinary action by the Missouri Real Estate Commission (“Commission”) pursuant to § 339.100.2, (15) RSMo.¹

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 February 5, 2020, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent’s license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

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 Ross Keeling. 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 Deborah A. Wallach*, Case No. 19-0839 RE, issued November 13, 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 Deborah A. Wallach as a real estate Broker, license number 1999003767. 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 November 13, 2019, in *Missouri Real Estate Commission v. Deborah A. Wallach*, Case No. 19-0839 RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated November 13, 2019, Respondent's real estate Broker license, number 1999003767, is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15) RSMo.

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

III.

ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate Broker license of Deborah A. Wallach (license no. 1999003767) is hereby **REVOKED**. All evidence of Respondent's licensure as well as a properly completed Closing of a Real Estate Brokerage/Sole Proprietorship form shall be 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 FEBRUARY, 2020.

MISSOURI REAL ESTATE COMMISSION


Jerry W. Moore, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE COMMISSION,)

Petitioner,)

v.)

DEBORAH A. WALLACH,)

Respondent.)

No. 19-0839

DEFAULT DECISION

On June 17, 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 personal service on September 28, 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 November 13, 2019.


PHILIP PREWITT
Commissioner

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

FILED
June 17, 2019
ADMINISTRATIVE
HEARING COMMISSION

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

Petitioner,)

v.)

DEBORAH A. WALLACH)
18226 Sheerin Rd.)
Pacific, MO 63069)
Telephone: (636) 375-6208)

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

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

2. Respondent, Deborah A. Wallach ("Wallach"), holds a real estate real estate broker license, no. 1999003767. The MREC issued Wallach's real estate broker license on July 1, 1994, 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 19, 2017, the MREC sent Wallach 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 19, 2017 letter.

5. On or about May 24, 2017, the MREC sent Wallach a second random audit letter to the addresses on file with the MREC. The Commission received no response to its May 24, 2017 letter. The letter also stated that Wallach 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 June 12, 2017, The MREC's examiner called Wallach's telephone number on record with the MREC and left a voicemail stating that

even if Wallach had no activity, she still needed to complete and return the Missouri Real Estate Questionnaire back to the MREC.

7. On or about May 25, 2017, the MREC's examiner spoke with Wallach 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. 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*;

9. 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.

10. 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.

11. Wallach's conduct, set forth above, shows that Wallach failed to respond within 30 days to MREC communications sent to her on April 19, 2017 and May 24, 2017, and did not make herself available to allow the MREC to audit her records when contacted. Thus, cause exists to discipline Wallach's license pursuant to § 339.100.2(15), RSMo, because Wallach 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 Wallach failed 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 Deborah A. Wallach's real estate real estate broker's license under Chapter 339, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

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