

2. Within Wilson's Application for a Real Estate License was a question (the "criminal history question"), which stated as follows:

Have you 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, or any other jurisdiction, 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). If yes, complete information below. Attach additional sheet if needed.**

Date of Conviction and/or Pleading _____
Nature of Offense _____
Court Location _____
Case Number _____

Was this a misdemeanor conviction(s) or pleading(s)?
Was this a felony convictions(s) or pleading(s)?

3. Wilson answered "Yes" to the criminal history question, "Yes" to the misdemeanor question, and "No" to the felony question. In further response, Wilson stated only that he was either found or pled guilty to a misdemeanor DWI offense in St. Louis County without providing the date, case number, or type of DWI offense, or disclosing a number of criminal offenses, or disclosing that one was a felony, as alleged hereafter.

4. As of the date Wilson submitted his Application for Real Estate License, Wilson had pled guilty in Case No. 12SL-CR09167-01 of the Circuit Court of St. Louis County, Missouri, to the class C felony of DWI – Alcohol –

Aggravated Offender. Thereafter, Wilson complied with the Court's drug program and was allowed to withdraw this guilty plea and the records were closed.

5. On or about August 15, 2014, Wilson pled guilty in Case No. 12SL-CR09167-02 of the Circuit Court of St. Louis County, Missouri, to the class D felony of DWI – Alcohol – Persistent Offender under § 577.010, RSMo, based on the following facts set forth in the Amended Information:

That Aaron Wilson, in violation of Section 577.010, RSMo, committed the class D felony of driving while intoxicated, . . . in that on or about August 17, 2012, on Southbound 141 South of Interstate 64, in the County of St. Louis, State of Missouri, the defendant operated a motor vehicle while under the influence of alcohol, and on or about January 24, 2011, defendant had pleaded guilty to driving while intoxicated, for events occurring on August 13, 2009, in the Circuit Court of St. Louis County, Missouri, and on or about February 19, 1997, defendant was convicted of driving while intoxicated, for events occurring on December 15, 1996, in the Municipal Court of the City of Springfield, Missouri[.]

6. On or about January 24, 2011, Wilson pled guilty in Case No. 10SL-CR06119-01 of the Circuit Court of St. Louis County, Missouri, to the class A misdemeanor of DWI – Alcohol – Prior Offender, based on Count 1 of the following Information In Lieu of Indictment:

That Aaron R. Wilson, in violation of Section 577.010, RSMo, committed the class A misdemeanor of driving while intoxicated, . . . in that on or about August 13th, 2009 at 8:26 PM, at Milldale And Mo 141, in the County of St. Louis, State of Missouri, the defendant operated a

motor vehicle while under the influence of alcohol and on or about February 19, 1997, defendant was convicted of driving while intoxicated, for events occurring on December 15, 1996, in the Municipal Court of the City of Springfield, Missouri[.]

7. On or about January 24, 2011, Wilson pled guilty in Case No. 10SL-CR06119-01 of the Circuit Court of St. Louis County, Missouri, to the class A misdemeanor of Driving While Revoked, based on Count 2 of the following Information in Lieu of Indictment:

That Aaron R. Wilson, in violation of Section 302.321, RSMo, committed the class A misdemeanor of driving while license was revoked, . . . in that on or about August 13th, 2009 at 8:26 PM, on Milldale at MO 141, in the County of St. Louis, State of Missouri, the defendant operated a motor vehicle on a highway, Milldale, during a time when his operator's license was revoked under the laws of this state, knew or was aware that his operator's license was revoked.

8. On or about January 24, 2011, Wilson pled guilty in Case No. 10SL-CR06119-01 of the Circuit Court of St. Louis County, Missouri, to the class C misdemeanor of Speeding, based on Count 3 of the following Information in Lieu of Indictment:

That Aaron R. Wilson, in violation of Section 304.010, RSMo, committed the class C misdemeanor of speeding, . . . in that on or about August 13, 2009 at 8:26 PM, Milldale and MO 141, in the County of St. Louis, State of Missouri, the defendant operated a motor vehicle on Milldale and MO 141, in the County of St. Louis, by driving at approximately 68 m.p.h. in a 50 m.p.h. zone.

CONCLUSIONS OF LAW

9. Section 339.080.1, RSMo, which authorizes the MREC to refuse to issue license, provides in part:

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

10. Section 339.100.2, RSMo Cum. Supp. 2013, which sets forth the grounds for discipline, provides in pertinent 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:

. . .

(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;

. . .

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important

information about which the commission should be informed and which may influence a licensing decision[.]

11. The offenses to which Wilson has pled guilty are reasonably related to the qualifications, duties, and functions of a real estate salesperson and/or involve moral turpitude, thus providing grounds to deny Wilson's Application for a Real Estate License pursuant to sections 339.080.1 and 339.100.2(18), RSMo.

12. Wilson's acknowledgement in his response to the criminal history question of only one misdemeanor DWI offense in St. Louis County Circuit Court and his failure to provide the date, description, location, and case number for each of his other offenses constitutes a material misstatement, misrepresentation, and/or omission, thus providing grounds to deny Wilson's Application for a Real Estate License pursuant to §§ 339.080.1 and 339.100.2(25), RSMo.

13. 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.

14. The MREC issues this Order in lieu of denial of Wilson'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
ORDER AND
TERMS AND CONDITIONS

15. **Wilson's license is on probation for five years.** Wilson's real estate salesperson license is hereby placed on PROBATION for a period of FIVE YEARS from the effective date of this Order. During the period of probation on his real estate salesperson license, Wilson shall be entitled to practice as a real estate salesperson provided he adheres to all the terms stated herein. The period of probation shall constitute the "disciplinary period."

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

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

B. If at any time during the disciplinary period Wilson wishes to transfer his license affiliation to a new broker/brokerage, he 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 his license. Wilson must obtain the Broker Acknowledgement form from the MREC.

C. Wilson shall timely renew his Missouri real estate salesperson license, timely pay all fees required for license renewal, and comply with all other requirements necessary to maintain his license in a current and active state. During the disciplinary period, Wilson shall not place his 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, Wilson may surrender his real estate license by submitting a letter to the MREC. If Wilson applies for a real estate license after surrender, Wilson 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.

D. Wilson 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.

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

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

G. Wilson 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. Any cause to discipline Wilson's license as a real estate salesperson under § 339.100.2, RSMo, as amended, that accrues during the disciplinary period shall also constitute a violation of this Order.

H. Random Alcohol Screening. During the first TWO YEARS of the disciplinary period, Wilson shall submit to random biological fluid testing (urine/serum) at his own cost, as required by the MREC. The presence of any alcohol whatsoever in a biological fluid sample obtained from Wilson shall constitute a probation violation. Within fifteen (15) days of the effective date of this order, Wilson shall provide the MREC with the names of three third party testing services to provide random witnessed

screening for alcohol and other drugs of abuse or serum screening for alcohol and other drugs of abuse at least once per quarter, i.e. four (4) times per year. The MREC will select the service Wilson shall use. Wilson shall be given no more than 24 hours' notice when a screen is to be performed. The random urine/serum screens shall be at the expense of Wilson. Written results of the screens shall be sent directly to the Missouri Real Estate Commission, P. O. Box 1339, Jefferson City, Missouri 65102 by the party administering the screen within ten (10) working days after the screen.

I. Quarterly Reports. Wilson shall obey and comply with all terms and conditions of probation for his criminal supervision. Wilson shall prepare and submit quarterly written reports to the MREC regarding the status of and compliance with his criminal probation, parole, and/or release, as well as his compliance with the terms and conditions of this Order. Wilson shall include in the quarterly written reports a written attestation that he has not consumed any alcoholic beverages. This written attestation shall be submitted with the quarterly reports referenced in the preceding paragraph. Wilson is responsible for ensuring that such quarterly reports and the required alcohol screening 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. Wilson shall submit the first such report so that the MREC receives it on or before April 10, 2015.

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

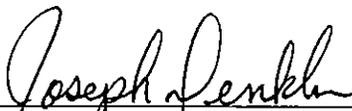
18. No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536, RSMo.

19. If the MREC determines that Wilson 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.

20. 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.

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

SO ORDERED AND EFFECTIVE THIS 23rd DAY OF February, 2015.



Joseph Denkler, Executive Director
Missouri Real Estate Commission