

JULY 2010

CRIMINAL CONVICTIONS & YOUR REAL ESTATE LICENSE

There are certain convictions that result in an automatic denial of a real estate license. These offenses are outlined in 339.100.5 and 556.061 (see below). Even if the conviction is not one that results in an automatic denial of a license, the Commission may deny a license for a criminal conviction. The sections of the statutes that are applicable to this situation are 339.110 and 339.100.2 (18).

If the applicant has been convicted of an offense other than those that result in an automatic denial of a license, the MREC will conduct a background investigation and gather information about the applicant such as education, work experience, and residence history. A statement will also be obtained regarding the circumstances that led up to the charges being filed, the court proceeding, and what the individual has done since being convicted of or pleading guilty to the charge. Certified copies of records will be obtained from the court, and the applicant's sponsoring broker will be contacted to ensure they are aware of the offense(s) and they are willing to continue sponsorship. The applicant's probation officer will

also be contacted if they are currently under or have been recently released from supervision.

The Commission makes its decision regarding criminal convictions on a case-by-case basis and it utilizes the information obtained during the investigation to assist it in making its determination of issuance or denial of the license.

RELEVANT STATUTORY REFERENCES:

339.100.5, RSMo

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061, RSMo, or murder in the first degree;

(2) Any of the following sexual offenses: rape, statutory rape in

the first degree, statutory rape in the second degree, sexual assault, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree, sexual abuse, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony,

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ANSWERING BUSINESS PHONES, WHETHER LANDLINE OR CELL

The Missouri Real Estate Commission has been receiving inquiries concerning agents answering their phones without including their company name.

When making or receiving a business call, be sure to identify yourself and your brokerage/ broker name. No one should ever have to ask if they've reached XYZ Realty.

Not only is it professional, it is also required by the Missouri Real Estate Commission statutes and regulations.



TEAM NAMES REMINDER

Licenses of a brokerage sometimes work together as a team. It is important to remember that such team names are not recognized as licensees, and it is not acceptable for a team name to be used in place of a required licensee name. Any advertisement of a team name must also include the licensed brokerage name.

A team name filed as a fictitious name with the Secretary of State must be filed by the licensed brokerage entity, whether it is a corporation, association, partnership, or individual broker. It is not permissible for a licensee/team member to file the fictitious name. Since this office will only accept fictitious names registered by the licensed brokerage entity, the fictitious name registration form must identify the individual broker or brokerage name as the 100% owner of the name, not a team member.

2008 RENEWAL STATISTICS

In 2008, the Commission mailed approximately 54,800 license renewals. The Commission received and processed 46,728, thus approximately 5,120 licensees let their licenses expire.

Even though renewal applications are mailed three months in advance of license expiration, a common problem every renewal period are those licensees that wait until the expiration date to submit their renewal application. On July 1st, 2008 only 76% of broker renewals had been received. As of September 12th, only 45% of sales renewals had been received. The early completion and return of your renewal application ensures that you can continue to conduct real estate activity without a lapse in licensure.

In addition, the renewals returned for correction contained 6,258 reasons for rejection. The top three reasons for return were: failure to sign the renewal application; failure to answer one or more of the questions; and insufficient/incorrect continuing education completion certificates – all of which could have been easily avoided by taking an extra few minutes to review the renewal form and its instructions.

Please help avoid these problems in the 2010 renewals.

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promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310, RSMo.

556.061 (8), RSMo

"Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and, abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, RSMo;

339.110, RSMo

The commission may refuse to issue a license to any person who is known by it to have been found guilty of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy to defraud, or other like offense, or to any association or partnership of which the person is a member, or to any corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

339.100.2 (18), RSMo

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, 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.

JANUARY 1, 2009 CHANGES IN THE MISSOURI BROKER EXAMINATION

On January 1, 2009, AMP changed the broker examination format from a multiple choice National examination to a simulation examination.

Simulations begin with a “scenario,” setting the scene with which the prospective real estate broker licensee is asked to interact. After reading the scenario, candidates are asked to collect appropriate information on which to base decisions about the case. In subsequent decision-making sections, candidates will be asked to see the information they have gathered to select the one best decision that needs to be made.

The overall pass rates for the broker simulation examination have been essentially the same as the pass rates for the broker multiple choice examinations.

Broker candidates can find a link at <http://www.goamp.com/repSimTests.aspx> to see three free sample problems. These free problems are intended to show candidates what a simulation problem looks like, so they can practice making selections and become familiar with the format. The content, although real estate related, is not intended to provide an idea of what a real broker simulation problem is like. Anyone can practice with these problems as often as they like.

After experimenting with the free problems, if you would like a better idea of what actual problems should be like, you can purchase a four-problem sample test at <http://store.lxr.com/product.aspx?id=337>. The National Real Estate Broker Sample examination is composed of four problems. The examination includes problems that are similar to those found on the real estate broker licensing examination for those states that offer this testing format and it’s also an excellent way for candidates to become familiar with the simulation testing software.

These problems have been reviewed by subject matter experts and provide a reasonable representation of what real problems would be like.

The Missouri Broker State examination will continue to be a multiple choice examination.

BROKER DISCLOSURE FORM

FYI – We have created a portrait style Broker Disclosure Form which is located on our web page, www.pr.mo.gov/realestate.asp.

When you click on Broker Disclosure Form you will have two options to choose from. The previous form (landscape printing format) is still available, but now there is a second option for printing the document using the portrait printing format.

In the previous newsletter there was a typographical error on the Broker Disclosure Form. The error has been corrected and a revised copy is included in this newsletter.

AMENDMENTS & BILLS

On May 20, 2008, the U.S. Senate Banking Committee passed an amendment, to amend the Federal Housing Finance Regulatory Reform Act of 2008. This requires real estate brokers to submit fingerprints to a national registry if they receive any compensation from lenders or mortgage brokers.

During the 2009 legislative session several bills were passed that affect either the Missouri Real Estate Commission or may be of interest to real estate practitioners. Those bills are:

- **House Bill 2188** defines mortgage fraud and allows the MREC to discipline licensees for engaging in, committing, or assisting any person in committing mortgage fraud;
- **Senate Bill 1009** requires certified funds for closing;
- **Senate Bill 788** fixes the discrepancy between 339.010.1 (10) and 339.010.6 (1) to allow employees to perform real estate activities on behalf of their employer. In commercial transactions only, non-Missouri licensees are allowed to enter into agreements with Missouri brokers and to perform real estate activity on these transactions without obtaining a Missouri license.
- **Senate Bill 2188** allows automatic revocation of any licensee convicted of mortgage fraud as defined under 443.930 RSMo and authorizes the Commission to seek court action for permanent or temporary injunction, restraining order, or declaratory judgment against a licensee believed to be involved in mortgage fraud.

Copies of these bills can be found at <http://www.moga.mo.gov/statutesearch>. The 2010 legislative session information will be provided in the next newsletter.

WHAT IS A BROKER PRICE OPINION?



A Broker Price Opinion (BPO) is not an appraisal, but as the name implies is an opinion of value.

A BPO is a tool used to obtain an estimated value of a property to determine a competitive listing price on a property. A real estate broker or salesperson may perform a BPO for the purpose of listing/selling a property. BPO's can be used to show sellers and buyers what similar homes have sold for in their neighborhood and to assist the seller in determining a price.

Licensees are able to perform this service as a part of their licensure activities. In order to be paid for their services, an agent must be paid for real estate activities by their broker.

SIGNATURES ON RIDERS TO A REAL ESTATE CONTRACT

While rule 20 CSR 2250-8.100 contains some general provisions governing signatures in a transaction, Missouri law does not clearly address whether signatures are required on a rider attached to the contract. In light of this ambiguity, the Missouri Real Estate Commission (MREC) would strongly urge licensees to continue to consult with legal counsel and their broker to determine whether additional signatures are necessary or appropriate.

The MREC shares your concern, however, regarding the potential legal dangers of unsigned riders. Of course, it would be difficult, if not impossible at times, to prove that an unsigned rider was intended to be part of the contract. Unsigned riders are easily altered and harder to authenticate. Additionally, a licensee or their client could potentially bear the risk of having the unsigned rider construed against their interest. From a regulatory standpoint, a licensee may also be unable to establish that he/she acted appropriately should the MREC receive a complaint regarding the transaction.

In light of these risks, the MREC would strongly caution against utilizing or attaching unsigned riders to a real estate contract. This practice is fraught with the potential for abuse and may give rise to consumer fraud.

JUDGE BANS TRANSACTION FEES AS RESPA VIOLATION

‘BROKERS USE FEE TO ADD TO COMPANY REVENUE’

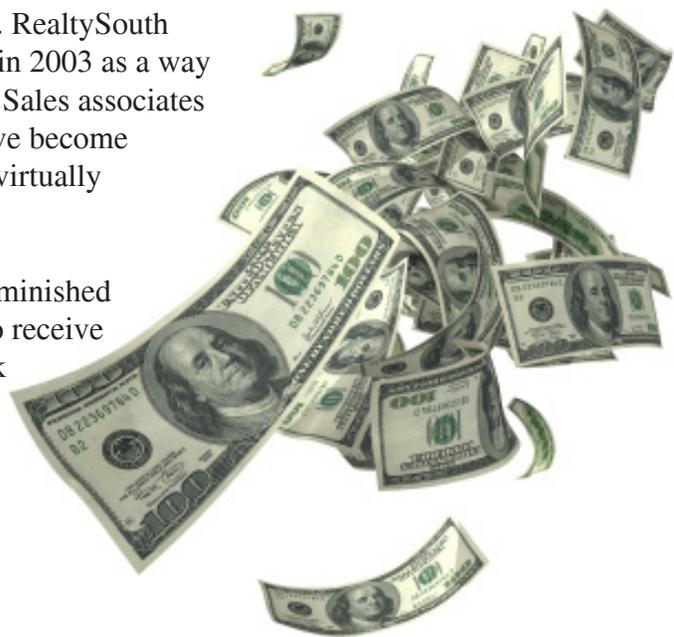
(Reprinted with permission, ALQ Real Estate Intelligence Report, Volume 20, No. 05, April 2009) Birmingham, Ala.

A federal judge in Alabama has ruled that a favorite tactic used by brokerages to improve the corporate dollar - charging transaction fees - is illegal under RESPA because consumers get no added service for their money.

A lawsuit claiming to represent some 30,000 customers of RealtySouth contended the \$149 fee charged by the company did nothing more than improve the corporation's bottom line. The size of the judgment has not been decided. In theory, each member of the class action could be entitled to their money back. Under federal law, the award could be tripled. RealtySouth began charging "Administrative Brokerage Commissions" in 2003 as a way to strengthen the amount of money going to the brokerage. Sales associates typically do not participate in transaction fees. The fees have become popular in the past several years among brokerage owners virtually nationwide.

Corporate executives say company revenues are being diminished by the rising number of so-called "100 percent" agents who receive all of their commissions and only pay their company's desk fees. Companies said they were forced to offer 100 percent commissions to agents to keep them from leaving to join companies such as RE/MAX and Realty Executives, who pioneered the full-commission concept.

The Real Estate Settlement and Procedures Act forbids brokerages from charging fees for which no services are performed. During the trial, RealtySouth executives testified the fees were used to offset company overhead and improve overall profits.



IMPORTANT NOTICE!

Licenses are to take notice that failure of a licensee to respond in writing, within thirty days from the date of the Commission's written request or inquiry, which is mailed to the licensee's address currently registered with the Commission, will be sufficient grounds for taking disciplinary action against that licensee. If the Missouri

Real Estate Commission (MREC) sends correspondence asking for a response and no response is received within thirty (30) days, the lack of a response would allow the Commission to seek disciplinary action against the licensee, ranging from a fine up to and including revocation.

CONTINUING EDUCATION CORNER

During the last license renewal period, the Missouri Real Estate Commission (MREC) received several faxed and/or mailed copies of licensees' completion certificates wanting the staff to match their completion certificates with their renewal. These certificates were returned to the licensee with the instructions to attach the completion certificates as directed by the instructions on the renewal application.

Many licensees will submit the Individual Request for Continuing Education Credit (ICE) form to request approval for non-preapproved continuing education classes. The ICE may be submitted to the MREC for possible approval of courses taken in Missouri or another state which have not been previously approved, however course content, instructor qualifications, and course delivery must be acceptable to the Commission. ICE applications for non-preapproved course credit must be postmarked as applied by the postal service or hand delivered to the MREC no later than ninety days prior to the licensee's renewal date. For brokers, the last date to submit the ICE is March 30 of every even-numbered year and for salespersons, the last date is June 30 of every even-numbered year.

20 CSR 2250-10.100 states that the following offerings will not be considered by the Commission to meet Missouri continuing education requirements even though these offerings may be approved by other states or jurisdictions:

- Training or education not applicable to Missouri real estate practice;
- Training or education in office and business skills such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology, and time management;
- Sales promotions or other meetings held in conjunction with general real estate brokerage activity;
- Meetings which are a normal part of in-house training;
- That portion of any offering devoted to meals or refreshments; and
- Any course or program that is less than three (3) hours in duration.



CE CLASSES FOR THE 2010 RENEWAL PERIOD

If you are wondering if a course has been approved by the Missouri Real Estate Commission (MREC), you can go to our website, www.pr.mo.gov/realestate.asp and check.

When arriving at our website, click on Continuing Education Courses and a list of all Missouri approved continuing education classes will be listed by the school that had the course approved. In addition, you can sort the list by school, course name, course type, number of hours, or method of delivery. When getting ready to take your continuing education classes go to the website and check it out.

CONTINUING EDUCATION CORE COURSE FOR 2010 RENEWAL

As authorized under 20 CSR 2250-10.100 (3) the Missouri Real Estate Commission has approved Representation Options in the State of Missouri, as the core subject for the 2010 renewal period. In order to renew your license in 2010, Representation Options in the State of Missouri will be the only course available to licensees to satisfy their core requirement. The course content will include agency, broker disclosure form, brokerage service agreements, and role play.

DO'S & DON'TS FOR REAL ESTATE LICENSEES UNDER THE REAL ESTATE SETTLEMENT PROCEDURES ACT

BY: PHILLIP L. SCHULMAN (REPRINTED WITH PERMISSION)

Real estate brokers and agents must comply with the Real Estate Settlement Procedures Act, or RESPA. Violators of RESPA may receive harsh penalties, including triple damages, fines, and even imprisonment. While the enforcement of RESPA by the U.S. Department of Housing and Urban Development, or HUD, has been dormant in the past, HUD has stepped up its efforts in this area in the last eighteen months. HUD hired new staff and entered into a contract with an investigation firm in Arlington, Virginia to conduct on-site reviews to monitor conformity with RESPA. Now, more than ever, real estate brokers and agents must ensure they are complying with RESPA.

1. Entities Subject to RESPA

Services that occur at or prior to the purchase of a home are typically considered "settlement services." These services include title insurance, mortgage loans, appraisals, abstracts, and home inspections. Services that occur after closing generally are not considered "settlement services."

RESPA covers, among others:

- Real Estate Brokers and Agents
- Mortgage Bankers and Mortgage Brokers
- Title Companies
- Home Warranty Companies
- Hazard Insurance Agents
- Appraisers
- Flood and Tax Service Providers
- Home and Pest Inspectors

RESPA, however, does not apply to:

- Moving Companies
- Gardeners
- Painters
- Decorating Companies
- Home Improvement Contractors

2. RESPA Prohibitions

RESPA prohibits a real estate broker or agent from receiving a "thing of value" for referring business to a settlement service provider, or "SSP," such as a mortgage banker, mortgage broker, title company, or title agent.

RESPA also prohibits SSP's from splitting fees received for settlement services, unless the fee is for a service actually performed.

3. Exceptions to RESPA's Prohibitions

Not all referral arrangements fall under RESPA's referral restriction. In fact, RESPA and its regulations feature a number of exceptions. Examples are:

• *Promotional and Educational Activities*

Settlement service providers, such as mortgage bankers, mortgage brokers, title insurance companies, and title agents, can provide normal promotional and educational activities under RESPA. These activities must not defray the expenses that the real estate broker/agent otherwise would have had to pay. The activity cannot be in exchange for or tied in any way to referrals.

• *Payments in Return for Goods Provided or Services Performed*

A real estate broker or agent must provide goods, facilities, and services that are actual, necessary, and distinct from what they already provide. The amount paid to a real estate broker or agent must commensurate with the value of those goods and services. If the payment exceeds market value, the excess will be considered a kickback and violates RESPA. The payments should not be "transactionally based." A payment for services rendered is transactionally based if the amount of the payment is determined by whether the real estate broker/agent's services resulted in a

successful transaction. Payments may not be tied to the success of the real estate broker/agent's efforts, but must be a flat fee that represents fair market value.

• *Affiliated Business Arrangements*

Real estate brokers and agents are permitted to own an interest in a settlement service company, such as a mortgage brokerage or title company, so long as the real estate broker/agent:

- Discloses its relationship with the joint venture company when it refers a customer to the mortgage broker or title company;
- Does not require the customer to use the joint venture mortgage broker or title company as a condition for the sale or purchase of a home; and
- Does not receive any payments from the joint venture company other than a return on its ownership interest in the company. These payments cannot vary based on the volume of referrals to the joint venture company;
- The joint venture mortgage broker or title company must be a bona fide, stand-alone business with sufficient capital, employees, separate office space, and must perform core services associated with that industry.

4. Examples of Permissible Activities and Payments

The following are permissible:

- A title agent provides a food tray for an open house, posts a sign in a prominent location indicating that the event was sponsored by the title agent, and distributes brochures about its services.
- A mortgage lender sponsors an educational lunch for real estate agents where employees of the lender are invited

to speak. If, however, the mortgage lender subsidizes the costs of continuing education credits, this activity may be seen as defraying costs the agent would otherwise incur, and may be characterized as an unallowable referral fee.

- A title company hosts an event that various individuals, including real estate agents, will attend and posts a sign identifying the title company's contribution to the event in a prominent location for all attending to see and distributes brochures regarding the title company's services.
- A hazard insurance company provides notepads, pens, or other office materials reflecting the hazard insurance company name.
- A mortgage brokerage sponsors the hole-in-one contest at a golf tournament and prominently displays a sign reflecting the brokerage's name and involvement in the tournament.
- A real estate agent and mortgage broker jointly advertise their services in a real estate magazine, provided that each individual pays a share of the costs in proportion with his or her prominence in the advertisement.
- A lender pays a real estate agent fair market value to rent a desk, copy machine, and phone line in the real estate agent's office for a loan officer to prequalify applicants.
- A title agent pays for dinner for a real estate agent during which business is discussed, provided that such dinners are not a regular or expected occurrence.
- A lender pays a real estate agent fair market value to take a loan application and collect credit documents (if allowed in the real estate agent's state).

5. Examples of Prohibited Activities and Payments

The following are prohibited:

- A title company hosts a monthly dinner and reception for real estate agents.
- A mortgage broker pays for a lock-

box without including any information identifying the mortgage broker on the lock-box.

- A mortgage lender provides lunch at an open house, but does not distribute brochures or display any marketing materials.
- A hazard insurance company hosts a "happy hour" and dinner outing for real estate agents.
- A home inspector pays for a real estate agent to go to dinner, but does not attend the dinner.
- A title company makes a lump-sum payment toward a function hosted by the real estate agent, but does not provide advertising materials or make a presentation at the function.
- A mortgage broker buys tickets to a sporting event for a real estate agent, or pays for the real estate agent to play a round of golf.
- A title company sponsors a "getaway" in a tropical location, during which only an hour or two is dedicated to education and the remainder of the event is directed toward recreation.
- A mortgage lender only pays a real estate agent for taking the loan application and collecting credit documents if the activity results in a loan.

Before you undertake any activity with a SSP or accept any payments, goods, or services from a SSP, you should speak with an attorney familiar with RESPA and make sure the activity complies with local and state laws, which may prohibit activities that are otherwise permissible under RESPA.



AUDITOR'S CORNER

Listed below are common problems the Missouri Real Estate Commission examiners find during a sales audit. Any list such as this will vary from time to time with changing market conditions and industry practices:

1. Failure to register fictitious names: Any name used other than the licensed name must be registered as fictitious with the Secretary of State, and a copy must be furnished to the Commission. (In the March 2008 newsletter, exceptions were provided for abbreviations of an individual broker's first name.) The fictitious name registration form must reflect the licensed brokerage name as the owner, or the registration will be rejected by the Commission. For example, if a licensed corporation is filing the fictitious name, the actual licensed corporation name must be reflected as the owner on the registration form.
2. Lack of office policy: Any broker with affiliated licensees must maintain a written office policy which **identifies and describes** the agency relationships offered by the brokerage. The descriptions provided on the Broker Disclosure Form are deemed acceptable descriptions of the agency relationships. The relationships identified in the office policy must mirror the choices marked on the company's Broker Disclosure Form.
3. Failure to notify Commission of changes: The Commission must be notified within 10 days of any change in the name or address of the brokerage entity.
4. Sales escrow accounts not registered with the Commission: Brokers must place all funds belonging to others in an escrow account that is properly registered with the Commission. The Commission must be notified of any closure or change to the account, including bank name and account number changes. Accounts may be registered, changed, or closed by using a Consent to Examine and Audit Escrow or Trust Account form, available on the website at www.pr.mo.gov/realestate.asp.
5. Sales escrow accounts not properly maintained:
 - a. A broker who holds funds of others must maintain such funds in a separate bank account registered with the Commission, and the broker is allowed to keep up to \$1,000 of personal funds in the account.
 - b. The broker must maintain records and documentation to adequately determine the accuracy of the account.
 - c. Overages and shortages will occur in the account if the broker does not hold escrow funds as dictated by the contracts, so periodic reconciliations of the account to liabilities is important to determine the accuracy of the account. Keep in mind that if a contract addendum signed by all parties contains ambiguous language as to the holder of the earnest money, then the addendum may override the contract and a violation could be cited for the contract not clearly specifying who is to hold earnest money.
6. Non-compliance with brokerage relationship confirmation: The licensee's brokerage relationship must be confirmed in writing by each person to the real estate transaction, and this confirmation must contain all the elements required by 20 CSR 2250-8.096.
7. Non-compliance with brokerage agreements: Listing agreements, buyer agency agreements, and transaction brokerage agreements must contain all the elements required by 20 CSR 2250-8.090.
8. Inadequate completion of forms: Leaving blanks in standard sales contracts or agency agreements might not be the best business practice. However, in many cases, these unaddressed terms have also led to audit violations.
9. Lack of licensee authorization to enter agency agreements: Brokers must provide written authorization for licensees to sign agency agreements on behalf of the broker. 339.780 RSMo states that "All written agreements for brokerage services...shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker."

The current statutes and regulations are available on the MREC website at www.pr.mo.gov/realestate.asp.

TEACHING BUYER AGENCY CONCEPTS

BY: LEE B. HARRIS (REPRINTED WITH PERMISSION)

Lee B. Harris served as general counsel to the Kentucky Real Estate Commission. Ms. Harris is a graduate of Princeton University and the University of Kentucky College of Law. She has served as the chair of ARELLO's Law and Regulation Monitoring Committee and the Louisville Bar Association's Real Estate Section. She has also taught numerous courses and seminars for consumers, licensees, and attorneys.



As everyone in the real estate industry knows, buyer agency has been a viable form of consumer relationship since the mid-1990s. In buyer agency, the buyer is represented by one agent, and the seller is represented by another agent. In some cases this takes place during a cooperative transaction between two companies, and in some instances, buyer agency occurs when a firm practices designated agency. Buyer agency relationships entail very specific duties and responsibilities, including fiduciary obligations to the buyer-client.

Surprisingly, many licensees are still stuck in an older or more traditional relationship known as seller's agency (or practiced as seller subagency), practiced by licensees almost exclusively until the mid-1990s when models of consumer relationships began to change.

The key to teaching buyer agency, then, is to try to get the students to think a little differently than they have in the past. It is important for the buyer's agent to think about the buyer's needs and interests whereas before the agent may have only considered the seller's needs and interests. Those needs and interests

often take their first and most critical shape with the creation of an offer to purchase. The following are numerous critical contract issues that a buyer's agent should understand and be able to perform in properly representing a buyer.

First of all, it is important to stress to your students that buyer's agents should be familiar with the contract forms that they are using. In fact, all licensees should read over their contracts and addenda from time to time to make sure there are no new amendments or revisions. Contracts are constantly changing, and agents need to know the precise language and nuances of the forms they are using. If they do not stay up-to-date with their contract forms, agents may find themselves in a difficult position, including one of legal liability. Moreover, the buyer's agent should make sure that the client understands the contract terms and is comfortable with them. Of particular concern to a buyer would be financing contingencies, for example. The buyer's agent should explain other issues of importance to the buyer-client, such as personal property included in the sale, appraisals, inspections, closing date, and so on. Buyers should know their choices, and

then their preferences should be written into the offer to purchase.

Second, the buyer's agent should make sure that the buyer understands the numerous deadlines that appear in most contracts and should ensure that the buyer abides by each and every one of those deadlines. For example, if the buyer contracts to apply for financing within 'x' number of days, the buyer's agent should make sure that the buyer knows this is the requirement and follows through on it. Likewise, if the buyer is to have an inspection within 'x' number of days, the buyer's agent should make sure that the inspection is performed within that time frame. If a list of repairs is to be delivered to the seller by a certain time, then the buyer's agent should ensure that the list is, in fact, delivered punctually.

"Time is of the essence" deadlines and the consequences of failing to adhere to those deadlines should be explained and emphasized to buyer-clients. An example of the use of this deadline is frequently found in the handling of earnest money agreed to in the purchase contract.

Typically these funds are collected and deposited or delivered to the seller's agent for deposit. If the buyer, for whatever reason, does not come through with the earnest money as promised, the buyer's agent must notify the seller or the seller's agent. If the buyer is going to pay the deposit at some time in the future, the buyer's agent should make sure this fact is reflected in the purchase contract. The buyer's agent should not use boilerplate language that states that the money has been deposited if, in fact, it is going to be deposited in a week's time. This could potentially put the buyer in immediate breach of the contract.

If deadlines, such as the original closing date, are missed, and there is a verbal agreement between the parties to extend those deadlines, the buyer's agent should always protect the buyer's interest by getting the extension in writing and should make sure that all parties sign the extension. The buyer's agent should not ever rely upon a verbal commitment to extend the agreement. Memories fade, but written documents stay the same over time.

Another responsibility of the buyer's agent is to make sure that every contract blank is either filled in or crossed out and/or initialed, dated and timed. The buyer's agent should never allow the buyer to leave paragraphs blank without crossing them out because there could be a question in the future as to whether that paragraph was intentionally left blank. In addition, if there are boxes to be checked, then the buyer's agent should check the appropriate boxes or cross out the section and initial, date and time it. The buyer's agent should also be careful to read the contract. If the instructions indicate that only one box should be checked out of several alternatives, then the buyer's agent should make sure that the buyer checks only one box or chooses only one option.

The buyer's agent must also be sure to obtain the signatures of all the parties on the purchase contract. The buyer's agent should never allow or rely upon the husband to sign for the wife or vice versa. If buyers have not actually signed the agreement or given their power of attorney to someone to sign on their behalf, then they are not bound and could protest the

agreement. Further, the buyer's agent should make sure all signatures on the contract are dated and timed. These facts can become important if a dispute arises.

An additional responsibility for the buyer's agent is to make sure that buyers receive copies of every document that they have signed. Then, the buyer's agent should go over each document with the buyers and make certain they understand them. The buyer's agent should properly complete and supply all required agency disclosure forms and seller disclosure forms. If the buyer has questions, the buyer's agent should pose them to the appropriate person or resource and relay the answers to the buyer in a timely manner. If the home was built prior to 1978, the buyer's agent must ensure that the buyer receives a lead-based paint disclosure.

Finally, the buyer's agent must make sure that the contract is complete. If there are items in the listing contract that the buyer would like to stay with the property, the buyer's agent must specifically outline each item in the purchase contract. The buyer's agent cannot assume that the seller will leave any item just because it is in the listing. In addition, if there is an obvious defect in the home, the buyer's agent must address that defect in the offer to purchase. The buyer's agent should not advise the buyer to wait until the inspection period to ask for repairs for something that was known about at the outset. The inspection is to uncover hidden or latent defects with the home, not obvious problems. If the buyer has a home to sell, the buyer's agent must include a contingency in the offer. The buyer's agent should not rely upon the financing provision to cover this situation. If the buyer is using VA or FHA financing, the buyer's agent should make that issue clear in the purchase contract. If buyers are receiving part of their money from gifts or stocks or retirement accounts, the buyer's agent should state that plainly in the contract. The buyer's agent should advise their clients that they cannot make a cash offer unless the buyer has the cash in his or her hand. The buyer's agent should take the time to then read over the contract to make sure everything is complete and that everything is included.

While many of these steps may seem obvious, they are all very important. A transaction can be consummated or broken based upon how carefully the buyer's agent filled out the contract or how diligent the buyer's agent was in assisting the buyer with meeting deadlines. Clients will be very happy with their agents if their contracts go smoothly and if there are not major problems created by a sloppy contract or a missed deadline. But by the same token, clients will be very unhappy if there are unchecked boxes, missed deadlines and the like. For ten years or longer, buyers' agents have had the opportunity to structure transactions by representing their buyer-clients' interests. It's important that they wield that responsibility wisely and often.

PERSONAL ASSISTANTS - LICENSED & UNLICENSED

The Missouri Real Estate Commission receives many inquiries asking what a personal assistant may and may not do. Questions from licensees usually fit into one of two categories: (1) What specific functions can be assigned to a secretary or other unlicensed assistant, and (2) What are the responsibilities of the supervising broker?

A secretary or unlicensed assistant can:

- Answer the phone and forward calls to a licensee;
- Submit listings and changes to a multiple listing service;
- Follow up on loan commitments after a contract has been negotiated;
- Assemble documents for closings;
- Secure documents (public information) from the courthouse, sewer district, water district, etc.;
- Have keys made for company listings;
- Write ads, flyers, and promotional materials for approval by licensee and supervising broker and place advertisements;
- Record and deposit earnest money, security deposits, and advance rents;
- Type contract forms for approval by licensee and supervising broker;
- Monitor licenses and personnel files;
- Compute commission checks;
- Place signs on listed property;
- Order items of routine repair as directed by licensee;
- Act as courier to deliver documents, pick up keys, etc.;
- Place routine telephone calls on late rent payments; and
- Schedule appointments for licensee to show listed property.

A secretary or unlicensed assistant CANNOT:

- Be licensed with one firm and conduct any real estate activities that require a license while working as a licensed assistant in another firm. A licensee who is moonlighting as an assistant in a second real estate company may do only the activities listed above when working for the second company;
- Host open houses, kiosks, home show booths or fairs, or hand out materials;
- Prepare promotional materials or ads without the review and approval of a licensee and the supervising broker;
- Show property;
- Answer any questions on listings, title, financing, or closing for anyone outside the firm;
- Discuss or explain a contract, listing, lease, agreement, or other real estate document with anyone outside the firm;
- Be paid on the basis of real estate activity, such as a percentage of commission, or an amount based on

volume of listings, sales, etc.; or

- Negotiate or agree to a commission, commission split, management fee, or referral fee on behalf of a licensee.

When employing any clerical assistant it is important to review the regulations governing broker supervision (20 CSR 2250-8.020). The commission will look at the following questions when reviewing a situation:

1. Was the broker physically available to supervise?
2. Had the broker contracted to avoid the responsibilities of supervision?
3. What type of activity was the licensed or unlicensed assistant engaged in?
4. Had the broker established written policies and procedures to guide both licensed and unlicensed personnel associated with the firm?
5. Did the broker try to prevent violation of the statutes or regulations?
6. Did the broker try to avoid learning about a violation?

INDUCEMENTS

Missouri statute 339.100.2 (13) RSMo, prohibits the use of inducements to secure customers or clients to purchase, lease, sell, or list property when the awarding of such inducement or other valuable consideration is conditioned upon the purchase, lease, sale, or listing. This statute further prohibits the offering of prizes for the purpose of influencing a purchaser or prospective purchaser of real estate.

Also, a licensee cannot credit any portion of their commission to an unlicensed buyer and/or seller. Payment or crediting of commission to an unlicensed person is in violation of 339.150.2 RSMo, as well as a possible inducement violation. Negotiating a commission reduction is allowable, but the payment and/or crediting of the commission to an unlicensed principal or individual are not. Furthermore, if the recipient of the payment and/or credit is an affiliate licensee of a real estate company, pursuant to 339.100.2 (12) RSMo, they must receive any commissions from the company or individual broker with whom their license is affiliated.

HOUSE BILL 600 SUSPENSIONS FOR FAILURE TO PAY STATE INCOME TAX

THE FOLLOWING PROFESSIONAL LICENSEES WERE SUSPENDED PURSUANT TO SECTION 324.010 RSMO FOR FAILURE TO FILE AND/OR PAY MISSOURI INCOME TAX. SOME LICENSEES HAVE TAKEN THE NECESSARY STEPS TO REINSTATE THEIR LICENSES. PLEASE GO TO WWW.PR.MO.GOV/REALESTATE.ASP AND USE THE MREC LICENSEE SEARCH ICON TO VERIFY WHETHER OR NOT THE LICENSE HAS BEEN REINSTATED. IF THE LICENSE HAS BEEN REINSTATED THE LICENSEE'S NAME WILL APPEAR AS AN ACTIVE LICENSEE ON THE WEBSITE.

Adams, Donald D. – Nevada, MO
Adams, Gretchen Marie – St. Louis, MO
Aiken, Sumalee M. – St. Louis, MO
Akridge, Mary Ellen – Fenton, MO
Albers, Michael D. – Edwards, MO
Albertson, Landon J. – Columbia, MO
Aldridge, Karen M. – Florissant, MO
Alexander, Herman L. – St. Louis, MO
Allen, Kathy Sue – Hawk Point, MO
Amelung, William R. – Dittmer, MO
Amsden, Joseph Aaron – House Springs, MO
Archable, Jerry D. – Florissant, MO
Ash, Sharon Kaye – Springfield, MO
Ayers, Don G. – St. Louis, MO
Bahn, Stephanie A. – St. Louis, MO
Baker, David Lee – St. Louis, MO
Baker, Sharon Marie – Ballwin, MO
Barken, Thomas L. – Frontenac, MO
Barnes, Gary E. – Overland Park, KS
Barnhart, Daniel R. – Washington, MO
Bastunas, Steven H. – St. Louis, MO
Beasley, Eric – St. Louis, MO
Beckley, Kristen Marie – Kansas City, MO
Beckner, Rebecca R. – Warrensburg, MO
Beeman, Troy Cameron – Liberty, MO
Bell, Deborah J. – St. Peters, MO
Belle, Antwone – St. Louis, MO
Benjamin, Dana – Leawood, KS
Beres, Jeremy P. – Webb City, MO
Bird, Lacrissa Marie – Florissant, MO
Blake, Karen Renee – Kansas City, MO
Blevins, Jerry Lee – Nixa, MO
Bongner, Charles E. – Florissant, MO
Boothe, Tammy J. – Springfield, MO
Borgard, Brett J. – Des Peres, MO
Boston, Ronald Duayne – Houston, MO
Botonis, Dennis – St. Louis, MO
Bowers, Albert E. – St. Louis, MO
Bowlin, Angela Torres – Kansas City, MO
Boyle, James M. – St. Louis, MO
Bradford, Kevin Andre – St. Louis, MO
Braeckel, David G. – Springfield, MO
Brandom, Dudley – Branson, MO
Britz, Christina A. – Platte City, MO
Brooks, Devona Shirelle – St. Charles, MO
Brotherton, Robert Edward – St. Louis, MO
Brown, Elisabeth – Branson, MO
Brown, Jeroline – Kansas City, MO
Brown, Julia H. – St. Louis, MO
Bruenger, Julie Ellen – St. Louis, MO
Burgess, Sally Lynn – Kansas City, MO
Burns, Melanie C. – St. Louis, MO
Burton, Pamela – St. Louis, MO

Butcher, Gary Gene – Ozark, MO
Butler, Tina Marie – Napoleon, MO
Caffey, Steven E. – Lee's Summit, MO
Callahan, Gail A. – Independence, MO
Canales-Mercer, Terre Dean – Benbrook, TX
Caradine, Lavaughn – St. Louis, MO
Cardini, George J. – Branson, MO
Carter, Faye K. – North Augusta, NC
Carrothers, Venetia – Florissant, MO
Caw, Leslie J. – Kansas City, MO
Cervantes, Lucius Criag – Clayton, MO
Clark, Stacy L. – St. Louis, MO
Clark, Wendy L. – St. Louis, MO
Cofer, Scott A. – Wentzville, MO
Cohen, Carolyn D. – Florissant, MO
Cohen, Joe Cephus – Florissant, MO
Cole, Charles Clifton – Florissant, MO
Collins, Frances S. – Kansas City, MO
Comp, Wylie R. – Springfield, MO
Cooper, Cheryl A. – St. Charles, MO
Creswell, Allen Wayne – Liberty, MO
Crews, James D. – Dardenne Prairie, MO
Crosley, Shaun – Springfield, MO
Crutcher, Cletis Jon – Lee's Summit, MO
Curtis, Jonathon Scott – Imperial, MO
Dalton, Douglas Keith – St. Louis, MO
Darthard, Winfred Gerald – Raytown, MO
Davis, Anita L. – Parker, CO
Davis, Lanita K. – Kansas City, MO
Decker, Kimberly J. – Springfield, MO
DeHas, Gregory S. – St. Peters, MO
DeMoss, Lisa Marlene – Osage Beach, MO
Dennis, Brett Harrison – Mansfield, MO
Denton, Kathy Michelle – Columbia, MO
Detz, Mary Maureen – Lake St. Louis, MO
Dixon, Richard L. – Kansas City, MO
Doty, Rhonda R. – Nixa, MO
Duke, Collin Lee – St. Louis, MO
Echols, Gregory A. – Black Jack, MO
Eggers, David M. – O'Fallon, MO
Eldridge, William – Joplin, MO
Elliott, Mina M. – Kansas City, MO
Ellis, Daniel J. – Branson, MO
Estep, Samuel Sunday – Washington, MO
Evans, Kimberly A. – Ashland, MO
Finley, Sylvia L. – Kansas City, MO
Fitzhugh, Marc – Hollister, MO
Foley, Rosalie – Grain Valley, MO
Fulgenzi, Joseph Raymond – Kansas City, MO
Furnari, Robert Edward – Gladstone, MO
Gabriel, Donald Gene – Overland Park, KS
Ghafoori, Teresa Estelle – Poughkeepsie, NY
Glaser, Cathy L. – Brentwood, MO

Gordon, Stephanie H. – Kearney, MO
Grandbouche, John Leroy – Kansas City, MO
Grandbouche, Linda D. – Kansas City, MO
Green, Kristen M. – St. Louis, MO
Green, Pamela S. – Peculiar, MO
Gregg, Richard Trevor – Springfield, MO
Greves, Sean – Battlefield, MO
Griffin, Oreata D. – Florissant, MO
Hadsell, Harry C. – Lee's Summit, MO
Hall, Donna T. – St. Louis, MO
Hall-Ries, Mary D. – Clayton, MO
Hampton, Willie J. – Kansas City, MO
Haney, Joseph Edgar – Independence, MO
Hansuld, Lisa Marie – Blue Springs, MO
Hargan, Celina J. – St. Louis, MO
Harp, Lori D. – Independence, MO
Harris, Monica Y – St. Ann, MO
Harris, Stephen Andre – St. Louis, MO
Harris, Yolanda J. – Florissant, MO
Hart, Michelle Renee – Harrisonville, MO
Hart, William Lanster – St. Louis, MO
Harvey, Tonie Fania – Florissant, MO
Hayes, Ernest William – Jennings, MO
Hayes, Melinda A. – Nixa, MO
Hayes, Michelle – St. Louis, MO
Heisserer, Jerrie Lyn – Cape Girardeau, MO
Hendrickson, Ralph – Cape Girardeau, MO
Henry-Porter, Diana L. – St. Louis, MO
Henson, Dennis Wayne – Liberty, MO
Hertel, Drew A. – Kansas City, MO
Higgins, Elythe P. – St. Peters, MO
Higgins, Tina – Hollister, MO
Holland, Daryl L. – Florissant, MO
Hook, Lesley A. – St. Charles, MO
Horner, Harald – St. Charles, MO
Hosto, Mary Michele – St. Louis, MO
House, Beverly Ann – Chesterfield, MO
House, Gerald J. – Chesterfield, MO
Hubbard, Cathy – Branson, MO
James, Jolynn T. – Independence, MO
Jamierson, Charlett A. – Kansas City, MO
Jenkins, Douglas R. – Valley Park, MO
Johnson, Julie Briggs – St. Louis, MO
Jones, Angelet O. – St. Louis, MO
Jones, Robert Bartholomew – Lee's Summit, MO
Jones-Harper, Lavon – St. Louis, MO
Jordan, John Jason – Jefferson City, MO
Kardon, Sam – Columbia, MO
Keiper, Deborah L. – Branson, MO
Kelly, Sandra Colleen – Pleasant Hill, MO
Kemper, Matthew Scott – Warrenton, MO
Kennon, Ronald Earl – Irondale, MO
Kensinger, Larry F. – Springfield, MO

Keys, William F. – St. James, MO
 Kohm, Lisa Kathryn – Ballwin, MO
 Koons, Jeffrey L. – Kansas City, MO
 Korn, Judith A. – St. Louis, MO
 Kim, Jin Hwan – St. Ann, MO
 Kramer, Beverly Ann – Jonesburg, MO
 Lambeth, Brenda Carol – Columbia, MO
 Lampton, Gary Lea – Lake Ozark, MO
 Landes, Tamara Alyene – Joplin, MO
 Lewis, Kyle J. – Webb City, MO
 Loethen, Brett Wesley - Springfield, MO
 Loyer, David Lane – Springfield, MO
 Lunnemann, David Francis – St. Louis, MO
 Luttrell, Nancy A. – Kansas City, MO
 Macon, Erika Eunese – St. Louis, MO
 Mair, Michael Barry – St. Peters, MO
 Malik, Yusef Sahib – Hazelwood, MO
 Manlin, Richard M. – St. Louis, MO
 Marshall, Ontario S. – Lee’s Summit, MO
 Martin, Connie R. – Sullivan, MO
 Martin, Dennis – Mountain Grove, MO
 Martin, Rodney K. – St. Louis, MO
 Marlo, Nathan Louis – St. Louis, MO
 Mason, Gary C. – St. Louis, MO
 Mayo, Robert W. – Belton, MO
 McCarthy, Linda Tobin – Chesterfield, MO
 McClain, Kelly Jean – St. Joseph, MO
 McClain, Nancy A. – St. Louis, MO
 Meadows, Glenn A. – St. Louis, MO
 Meeks, Stephanie Ann – Lee’s Summit, MO
 Michaud, Kenneth E. – Kimberling City, MO
 Miller, Christie Lynn – Florissant, MO
 Miller, Matt M. – Springfield, MO
 Miller, Timothy William - Ballwin, MO
 Milligan, Shawn Michael – Springfield, MO
 Montgomery, Robert A. – Rogersville, MO
 Moore, Andrew N. – Branson, MO
 Morgan, Leslie Ernest - Florissant, MO
 Morgan, Roger E. – Wentzville, MO
 Morris, Maureen Lucy – St. Louis, MO
 Morton, Paul Doug – Independence, MO
 Mosby, Frank Otis – St. Louis, MO
 Mozee, Billie – Raymore, MO
 Murphy, Kathleen Patricia – St. Louis, MO
 Nelson, George L. – O’Fallon, MO
 Newton, Peter – St. Louis, MO
 Nguyen Arnold, Nam T. – Columbia, MO
 Nichols, Connie – Springfield, MO
 Njuguna, Jayne W. – Kansas City, MO
 Nolting, Heather Joy – Des Peres, MO
 Novak, James A. – Overland Park, KS
 Noyes, Michelle M. – Blue Springs, MO
 Noyes, Scott A. – Blue Springs, MO
 Oakley, Maryetta Lee – Hollister, MO
 Ohl, Nicholas J. – St. Louis, MO
 Orr, April Lynn – Fenton, MO
 Ostermueller, John R. – Kansas City, MO
 Owens, William Andre – Florissant, MO
 Ownby, Kenneth – Springfield, MO
 Parienti, Nathan B. – St. Louis, MO
 Parker, Steven James – St. Louis, MO
 Parlin-Hanes, Sabrina A. – Osage Beach, MO
 Paszkiewicz, Frank J. – Lee’s Summit, MO
 Paszkiewicz, Laura E. – Lee’s Summit, MO
 Pate, Mike F. – Kansas City, MO
 Patterson, Steven L. – St. Louis, MO
 Payne, Richard O. – Pineville, MO
 Peabworth, Donald Ray – Sunrise Beach, MO
 Pechak, Barry Keith – Belton, MO
 Perkins, Jerry – Hazelwood, MO
 Pinkston, Paul Eugene – Farmington, MO
 Poole, Harold L. – St. Louis, MO
 Presko, Brett M. – Kansas City, MO
 Presley, Peggy M. – St. Louis, MO
 Propst, Christopher Scott – St. Louis, MO
 Pulley, Ryan E. – Kansas City, MO
 Pullium, Charles S. – Gladstone, MO
 Qualls, Temeshia L. – Florissant, MO
 Rader, Jim – Forsyth, MO
 Rahaman, Muhammad I. – St. Louis, MO
 Read, Michael W. – Cahokia, IL
 Redford, April L. – Saddlebrook, MO
 Renner, Jennifer Carol – Blue Springs, MO
 Reynolds, Christina Lavette – St. Louis, MO
 Rhoades, Bruce C. – Prairie Village, KS
 Richter, Amy E. – Kansas City, MO
 Roaseau, W. Dale – Ozark, MO
 Roberts, Angel K. – Berkeley, MO
 Roberts, Laura Ann – Nixa, MO
 Roberts, Ronnie – St. Charles, MO
 Rockers, Jeffrey D. – Garnett, KS
 Rodekopf, Gregg Alan – Branson West, MO
 Rodgers, Carl D. – Aurora, MO
 Rolph, Lynda Kay – St. Louis, MO
 Rosborough, Shonta N. – Raymore, MO
 Rosencranz, Debra Jean – Creve Coeur, MO
 Rousan, Marian J. – Creve Coeur, MO
 Russell, Julissa Mejia – Joplin, MO
 Sametz, Michael C. – St. Louis, MO
 Sams, Janette – St. Louis, MO
 Sauer, Rose Ann – Wentzville
 Scales, Marshea Y. – St. Louis, MO
 Schaible, James M. – Kansas City, MO
 Schantz, Patrice Ann – Lake St. Louis, MO
 Schierholz, William F. – Creve Coeur, MO
 Schierholz, William F. – St. Louis, MO
 Scott, Blake H. – Kansas City, MO
 Shaver, Howard David – Leawood, KS
 Shoemake, Julia Ann - Licking, MO
 Shoemake, Keith Wayne – Licking, MO
 Short, Diana Gayle – Joplin, MO
 Shuff, John E. – St. Louis, MO
 Silverberg, Yvonne Carrie - Rolla, MO
 Simmermon, Robert A. – Holden, MO
 Simons, Emmi Elizabeth - Warsaw, MO
 Simpson, Erin Joy – St. Louis, MO
 Skizas, Leonidas P. – Shawnee Mission, KS
 Smith, Edgar R – Overland Park, KS
 Smith, Karen Denise – O’Fallon, MO
 Smith, Kenneth E. – Kansas City, MO
 Smith, Kristin Nicole – Independence, MO
 Smith, Lorenzo C. – Kansas City, MO
 Smith, Lou Alice – St. Louis, MO
 Smith-Elliott, Loretta G. – St. Peters, MO
 Springer, Gary R. – Blue Springs, MO
 Steele, Charles Anthony – Kansas City, MO
 Stein, Gregory Gerald – St. Louis, MO
 Stewart, Tilmon – Kansas City, MO
 Stiles, Kimberly S. – Lenexa, KS
 Still, Michael Robert – Dawn, MO
 Strong, John R. – Rocky Mount, MO
 Sutton, Emerson – St. Louis, MO
 Tate, Larry Wayne - Spokane, MO
 Tatum, Andrea Marie – Fenton, MO
 Ten Broek, Patrice – Maplewood, MO
 Tennant, Deborah - Rolla, MO
 Thoma, Sandy - Blaine, MN
 Thomas, Angela V. - Florissant, MO
 Thompson, Artena L. – Kansas City, MO
 Thompson, Calvin – Florissant, MO
 Todd-McCarty, Lezlie Hope – Sturgeon, MO
 Trimble, Karen F. – Ozark, MO
 Trotter, C. Elizabeth – St. Louis, MO
 Trump, Victoria Elta – Arnold, MO
 Tuck, Lorrie Elaine – Marionville, MO
 Tumminia, Joseph E. – St. Louis, MO
 Vanderpool, Billy L. – Caruthersville, MO
 Vannatta, Garen L – Kansas City, MO
 Walker, Michelle Anntonette – Kansas City, MO
 Walls, Leroy R. – St. Charles, MO
 Walls, Sharlene – Steelville, MO
 Walsh, Cinda Lee – Kansas City, MO
 Walters, Robert W. – Kansas City, MO
 Ward, Robert A. – St. Louis, MO
 Warfield, Robin – Florissant, MO
 Warlick, Robert – Branson, MO
 Wedlow, Randy – Kansas City, MO
 Weiler, Thomas L. – Clayton, MO
 Werle, Linda K. – Camdenton, MO
 Wetzel, Debra S. – Platte City, MO
 White, Christy Y. – St. Louis, MO
 White, Remington T. – Louisiana, MO
 Whitson, Michael Henry – Kirkwood, MO
 Wilber, David B. – St. Louis, MO
 Willenbrink, Jeffrey L. – Scottsdale, AZ
 Williams, Coley – Lee’s Summit, MO
 Williams, Darryl Lynn – Grandview, MO
 Willner, Linda A. - Ozark, MO
 Wilson, Carol A. – St. Louis, MO
 Wilson, Charles A. – Kansas City, MO
 Wilson, Clara – St. Louis, MO
 Wilson, Gwen B. – Jefferson City, MO
 Wilson, Linda D. – Branson, MO
 Wisdom, Monica M. – Montgomery City, MO
 Woods, Lynette V. – Kansas City, MO
 Wright, Crystal Vernell - Ellisville, MO
 Yep, Raymond S. – Ozark, MO
 Yezza, Abdel K. – St. Louis, MO
 Young, Clifford G. – Lee’s Summit, MO
 Young, Jeffrey D. – Liberty, MO
 Young, Mary F. – St. Louis, MO
 Zaroor, Amy L. – Lake Ozark, MO
 Zibro, David John – Bates City, MO

DISCIPLINARY ACTIONS

Alco Realty Inc.
Donald H. Sneed
St. Robert, MO

By Order of the MREC, the licenses of Alco Realty Inc. and Sneed were revoked effective March 1, 2009.

Violations: 339.100.2 (1), (3), and (14) RSMo 2000, and 339.100.2 (1), (3), and (15) RSMo 2007

The MREC staff conducted an escrow audit on the records of Alco Realty Inc. and the following violations were found: 1) failed to have a written buyer's agency agreement; 2) failed to deposit earnest money into escrow account; 3) shortage in the escrow account; 4) failed to maintain adequate records for the escrow account; 5) late deposit of earnest money into the escrow account; 6) holding earnest money without written authorization; 7) disbursed funds from escrow without holding sufficient funds in the account for the transaction to cover the disbursement; 8) failed to note the related property or transaction on the check or check stub from the escrow account; 9) payment of an office expense was made from the escrow account; 10) managed property without a written property management agreement; 11) failed to disclose agency relationship in writing; 12) earnest money not held where specified by contract; 13) contract did not identify the earnest money amount or who was to hold it; and 14) listing agreements did not indicate whether or not the client consented to the licensee converting the relationship to dual agency or transaction brokerage.

Alco Real Property Management Inc.
Donald H. Sneed
St. Robert, MO

By Order of the MREC, the licenses of Alco Real Property Management Inc. and Sneed were revoked effective March 1, 2009.

Violations: 339.100.2 (1), (3), and (14) RSMo 2000, and 339.100.2 (1), (3), and (15) RSMo 2007

The MREC staff conducted an escrow audit on the records of Alco Real Property Management Inc. and the following violations were found: 1) property management agreements failed to accurately state the fee or compensation to be paid; 2) properties were being managed by the brokerage without a written property management agreement; 3) shortages were found in the property management escrow account; 4) failure to timely account for all money and property received; and 4) the corporation license was renewed after the company had been administratively dissolved by the Missouri Secretary of State's office.

American Dream Properties Inc.
Yang, Hwai Li
St. Louis, MO

By Settlement Agreement with the MREC, the license of American Dream Properties Inc. was revoked effective August 13, 2009. Yang's license will immediately be placed on five years probation upon its activation.

Violations: 339.100.2 (15), (16), and (19) RSMo

The MREC staff conducted an audit of American Dream Properties Inc.'s records and the following violations were found: 1) the written office policy did not identify or describe the agency relationships of seller agents or dual agents; 2) the broker disclosure form did not mirror the company's written office policy; 3) affiliates acted as buyer's agents without a written brokerage service agreement; 4) the company had been administratively dissolved by the Missouri Secretary of State and the MREC was not notified of the change in the company's status; 5) the seller did not date the written

brokerage disclosure; 6) all of the terms and conditions of the sale were not included in the sales contract; 7) the buyers and/or sellers failed to initial changes made to documents of the transaction; 8) legible copies of the settlement statements were not retained; 9) the buyer's signature was not obtained on the closing statement; 10) failure to retain records; 11) licenses could not be displayed upon request; and 12) Yang failed to respond to correspondence from MREC and/or its staff in writing and within 30 days.

Baskind, Jennifer L.

Olathe, KS

By Settlement Agreement with the MREC, Baskind's license was revoked on October 11, 2008.

Violations: 339.100.2 (16), (18), (19), and (20) RSMo

On or about September 11, 2007, Baskind's real estate license in the state of Kansas was revoked. Baskind's Kansas real estate license was disciplined because she failed to respond to the KREC's inquiries about allegations that she had taken credit cards from a home that she had shown and used them. Baskind had reportedly admitted to the allegation to the local police. On or about May 16, 2008, Baskind pled guilty to two counts of identity theft.

Baum, Brandon L.

Joplin, MO

By Order of the MREC, Baum's license was revoked effective April 26, 2009.

Violations: 339.100.2 (2), (16), and (18) RSMo

On or about April 3, 2007, Baum was convicted in the U. S. District Court of six counts of aiding and abetting wire fraud, and seven counts of aiding and abetting engaging in a monetary transaction in criminally derived property.

Beverly, Willie

Florissant, MO

By Order of the MREC, Beverly's license was revoked on March 3, 2008.

Violations: Terms of probation

Beverly was issued a probated license with special conditions on February 28, 2006. Pursuant to a term of the Probated License Order, Beverly was to submit quarterly reports to the MREC addressing compliance of his criminal supervision. Beverly violated this term of his probation.

Braden, Janet

Farmington, AR

By Order of the MREC, Braden was fined \$500 on February 29, 2008.

Violations: 339.100.2 (15) and (23) RSMo 2000

In or around April 2004, the MREC staff conducted an escrow audit on the records of a company of which Braden was the designated broker and the following violations were found: 1) Braden failed to notify the MREC that the company had opened a branch office; 2) allowed affiliates of the company that were only licensed in the state of Arkansas to conduct activity in Missouri that required a license; 3) failed to obtain a written buyer's agency agreement; 4) used expired forms; and 5) failed to verify the accuracy of the settlement statement.

Braden, Ronald W. II

Troy, MO

Violations: 339.100.2(2), (14), (15), (16), and (24) RSMo

By Order of the MREC, Braden's real estate license was revoked effective November 15, 2008.

Between the approximate dates of August 17, 2004 and October 29, 2004, Braden transferred his license to a different brokerage. Braden failed to prepare and provide his new brokerage 14 real estate listings. Between November 10, 2004 and November 17, 2004, Braden transferred his license to a different broker and failed to prepare and provide his new brokerage 13 real estate listings. Between January 15, 2006 and March 7, 2006, Braden transferred his license to a different brokerage and failed to prepare and provide his new brokerage 9 real estate listings. Braden assigned, sold, or otherwise transferred a listing agreement without the express written consent of all parties to the agreement.

Brewer, Stephen B.

Lee's Summit, MO

By MREC's Order, Brewer's license was revoked effective January 21, 2009.

Violations: 339.100.5 (4) RSMo

On or about May 28, 2008, Brewer was found guilty of, pled guilty to, or pled nolo contendere to four counts of production of child pornography. This offense is one identified in 339.100.5 (1) – (4) RSMo, which results in an automatic denial or revocation of a real estate license.

Brumble, Judith E.

Lee's Summit, MO

By Settlement Agreement with the MREC, Brumble's license was revoked effective December 25, 2008.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about January 7, 2008, Brumble pleaded guilty to one count of conspiracy to commit bank fraud and money-laundering.

Caldwell, Robert Shelton

Montgomery City, MO

By Order of the MREC, Shelton's license was revoked effective September 9, 2008.

Violations: Terms of probation

Caldwell was issued a probated license with special conditions on November 4, 2005. Pursuant to a term of the Probated License Order, Caldwell was to submit quarterly reports to the MREC addressing compliance of his criminal supervision and the Probated License Order. Caldwell violated this term of his probation.

Cedar Branch Realty Inc. and

Altis, Cheryl A.

Forsythe, MO

By Order of the MREC, the licenses of Cedar Branch Realty Inc. and Altis were revoked effective June 29, 2008.

Violations: 339.100.2 (15) and (16) RSMo

Altis failed to make the records of Cedar Branch Realty Inc. available for inspection by MREC staff.

Chancellor, Timothy Lee
Columbia, MO

By Order of the MREC, Chancellor's license was revoked effective June 28, 2009.

Violations: Terms of probation

Chancellor was issued a probated license with special conditions on June 15, 2005. Pursuant to a term of the Probated License Order, Chancellor was to submit quarterly reports to the MREC addressing compliance of his criminal supervision and the Probated License Order. Chancellor violated this term of his probation.

Claar, Terry L.
Joplin, MO

By Joint Stipulation with the MREC, Claar's real estate license was suspended for three years beginning February 20, 2008, followed by three years probation.

Violations: 339.100.2 (3), (5), and (15) RSMo 2000

On or about April 10, 2000 through April 10, 2004, Claar conducted property management services. Claar failed to adequately account for money on a monthly basis to a management client. He also failed to pay net amount of funds due a client on a monthly basis. Upon termination of management agreements Claar failed to forward or adequately account for lease agreements or security deposits to the client or their new manager. Claar failed to respond to correspondence sent to him by the MREC office and also failed to timely notify the MREC of a change in his address.

Cova, Robert
St. Louis, MO

By Order of the MREC, Cova's license was revoked effective September 9, 2008.

Violations: Terms of probation

Cova was issued a probated license with special conditions on July 5, 2006. Pursuant to a term of the Probated License Order, Cova was to submit quarterly reports to the MREC addressing compliance of his criminal supervision and the Probated License Order. Cova violated this term of his probation.

Crum, Ray E.
Jackson, MO

By Order of the MREC, Crum's license will be suspended for one year followed by one year probation upon its activation.

Violations: Terms of probation

Crum was issued a probated license with special conditions on February 28, 2007. Pursuant to a term of the Probated License Order, Crum was to submit quarterly reports to the MREC addressing compliance of his criminal supervision. He was also to submit proof of his child support payments. Crum violated these terms of his probation.

Cunningham, Randy E.
Basehor, KS

By Settlement Agreement with the MREC, Cunningham's license was revoked on April 4, 2008.

Violations: 339.100.2 (15) RSMo

The MREC staff conducted an escrow audit on the records of Cunningham and the following violations were found: 1) Cunningham failed to adopt a written policy that identified and described the agency relationships in which he and his affiliates could engage with a seller, landlord, buyer, or tenant; 2) an affiliate entered into a brokerage service agreement with a buyer without written authorization from Cunningham; 3) failed to have a current effective written listing with a property owner; 4) the fee to be paid was not noted in the brokerage service agreement; 5) the brokerage service agreement did not contain all of the terms and conditions of the agreement; 6) source of compensation was not identified in the written agency relationship confirmation; 7) failure to maintain a settlement statement; 9) an offer did not specify whether home warranty was being paid for by the seller or buyer; 10) Cunningham failed to respond to correspondence from the Commission.

Demba, Ernest A.

Ballwin, MO

By Order of the MREC, Demba's license was suspended effective April 26, 2009, for a maximum term of three years. Suspension will terminate upon submission of proof that the 48-hour broker course has been completed.

Violations: Terms of probation

On March 11, 2006, Demba's real estate license was placed on probation for a period of four years. Within the first sixty days of the probation period, Demba was to attend the 48-hour broker course and submit proof of completion. Also, within the first fifteen days of the probation period, Demba was to have provided the MREC with the names of three CPA firms to conduct quarterly audits on his real estate brokerage activity. Demba violated these terms of his probation.

De Shaies, John David

Hannibal, MO

By Order of the MREC, De Shaies was issued a two-year probated license on June 19, 2009.

Violations: 339.020 and 339.100.2 (2), (16), (19), (24), and (25) RSMo Cum. Supp. 2008

De Shaies represented himself as a real estate licensee and showed listed property to a prospective buyer prior to being issued a work permit or license by the MREC.

Dillon, James Lee

Fair Grove, MO

By Settlement Agreement with the MREC, beginning August 18, 2009, Dillon's license was placed on probation until April 15, 2013.

Violations: 339.100.2 (18) RSMo

On or about April 15, 2008, Dillon pled guilty to Possession of a Controlled Substance.

Elkins, Stephen

Hollister, MO

By Order of the MREC, Elkins was issued a five-year probated real estate license on August 28, 2008.

Violations: 339.100.2 (15), (17), and (18) RSMo

On or about October 14, 1994, Elkins was adjudicated and found guilty of the crime of Arson.

Engelmeyer, Don J.
St. Louis, MO

By Order of the MREC, Engelmeyer's license was revoked effective December 11, 2008.
Violations: 339.100.5 (2) RSMo

On or about February 4, 1997, Engelmeyer was found guilty of sexual misconduct in the first degree. Sexual misconduct in the first degree is one of the offenses identified in 339.100.5 (1) – (4) RSMo, which results in an automatic revocation of a real estate license.

Fresh Start Property Management
Kansas City, MO

By Order of the MREC, the partnership license of Fresh Start Property Management was revoked effective September 9, 2008.

Violations: Terms of probation

Fresh Start Property Management was issued a probated license with special conditions on August 24, 2005. Pursuant to a term of the Probated License Order, Kimberly Luaces, the designated broker of the company, was to comply with the terms of the Probated License Order issuing her a broker-partner license. Luaces failed to adhere to the terms of her Probated License Order by failing to submit quarterly reports and quarterly drug screenings, and failing to renew her broker-partner license. Luaces also failed to timely renew the license of Fresh Start Property Management and notify the MREC office of the change in business address.

Grady, Shane O.
Branson, MO

By Settlement Agreement with the MREC, Grady's license was placed on five years probation beginning December 6, 2008.

Violations: 339.100.2 (15), (17), and (18) RSMo 2000

On or about July 12, 2007, Grady pleaded guilty to two counts of failure to file federal income tax returns.

Gray, Colby Lane
Independence, MO

By Order of the MREC, Gray was issued a three-year probated license beginning February 28, 2008.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about April 6, 2004, Gray pleaded guilty to trafficking in drugs in the second degree, possession of a controlled substance, and possession of marijuana.

Greater Springfield Realty LLC
Gardner, Richard T. Jr.
Springfield, MO

By Settlement Agreement with the MREC, both Gardner and Greater Springfield Realty LLC were fined \$500 each.

Violations: 339.100.2 (15) and (23) RSMo Cum. Supp. 2007

An individual submitted a transfer application to affiliate their license with Greater Springfield Realty LLC. Gardner, the designated broker of Greater Springfield Realty LLC, allowed the individual to conduct real estate activity through the company for approximately fourteen months without ensuring the processing of the individual's transfer application had been completed and a license issued.

Hargis, Jonathan Andrew

Columbia, MO

By Settlement Agreement with the MREC, beginning August 7, 2009, Hargis' license was placed on probation until September 8, 2013.

Violations: 339.100.2 (10), (15), (16), (18), and (19) RSMo

On or about February 15, 2007, Hargis pled guilty to Possession of Drug Paraphernalia and failed to disclose this offense to the MREC on a transfer application he submitted to the MREC in November 2007. On or about September 8, 2008, Hargis pled guilty to Possession of a Controlled Substance.

Harris, Stephen T.

Lee's Summit, MO

By Order of the MREC, Harris was issued a two-year probated license beginning February 28, 2008.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about July 27, 2000, Jones pleaded guilty to felony DWI, and on or about June 23, 2003, he pled guilty to DWI – Persistent Offender.

Hastings, Diane M.

Liberty, MO

By Joint Stipulation with the MREC, Hastings' license was placed on two years probation beginning May 29, 2008.

Violations: 339.100.2 (2), (4), and (14) RSMo 2000, and 339.100.2 (15) RSMo Supp. 2004

In or about June 2003, Hastings entered into a listing agreement as a seller's agent. Hastings introduced a buyer to the property, a contract was executed, and Hastings signed the agency disclosure addendum disclosing as a buyer's agent. The legal counsel approval of the listing agreement and sales contract and addendum forms used had expired, thus she was not using forms approved by legal counsel. Hastings failed to ensure that the closing statements provided to the parties of the transaction were complete and accurate. Hastings failed to respond in writing within thirty days to MREC correspondence.

Hickam, Jacqueline T.

Rogersville, MO

By Settlement Agreement with the MREC, Hickam's license was placed on two years probation beginning August 6, 2009.

Violations: 339.100.2 (15), (16), (17), and (19) RSMo

Hickam entered into a listing agreement with a property owner. The owner was not given a copy of the listing agreement. The owner verbally authorized the lowering of the list price on two occasions. Hickam was unable to confirm that written

authorization was obtained from the owner for the price reductions. Negotiations of a sales contract were conducted verbally. The owner verbally agreed to accept terms of the sale but was not provided with any documentation about the sale, nor presented with the offer or counteroffers to sign. Hickam could not confirm that the appropriate signatures were obtained for the contract. The transaction fell through and the list price of the property was increased without the knowledge and consent of the owner and/or without the owner signing an addendum to the listing for the price increase.

Hometown Property LLC
St. Louis, MO

By Order of the MREC, Hometown Property LLC was issued a two-year probated real estate license on February 29, 2008.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about March 16, 2004, a real estate association license was issued to Hometown Property LLC. The license was not renewed by June 30, 2006, and therefore, it expired. Real estate transactions were conducted through this company in 2006 and 2007, while the company did not hold a valid real estate license.

Hometown Property LLC
Torneten, Scott Charles
St. Charles, MO

By Settlement Agreement with the MREC, both the licenses of Hometown Property LLC and Torneten were fined \$500 each.

Violations: 339.100.2 (15) RSMo

The licenses of Torneten and Hometown Property LLC lapsed from June 2006 until January 2008, during which time Torneten conducted activity through the company.

Hopkins, Jamie R.
Elsberry, MO

By Order of the MREC, Hopkins' salesperson license was revoked effective September 9, 2008.

Violations: Terms of probation

Hopkins was issued a probated license with special conditions on May 31, 2006. Pursuant to a term of the Probated License Order, Hopkins was to submit quarterly reports to the MREC addressing compliance of her criminal supervision and the Probated License Order. Hopkins violated this term of her probation.

Howell, Michelle
Licking, MO

By Order of the MREC, Howell's license was revoked effective June 29, 2008.

Violations: 339.100.2 (10), (16), and (18) RSMo

On or about October 4, 2004, Howell made application for a real estate salesperson license. Howell failed to disclose on her application that in or about August 2002, prior to submitting her application, she had pled guilty in the federal court system to knowingly conspiring to transport interstate commerce goods of the value of \$5,000 or more knowing the same to have been stolen, and also to conducting a transaction with the intent to conceal the nature of the proceeds knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

Johnson, Yvette
Kansas City, MO

By Order of the MREC, Johnson was issued a two-year probated license beginning December 18, 2007.

Violations: 339.100.2 (15), (17), and (18) RSMo Cum. Supp. 2000

In or about November 1986, Johnson pleaded guilty to the crime of stealing; in or about November 1988, Johnson pleaded guilty to the crime of stealing – third offense; and in or about February 1999, Johnson pleaded guilty to stealing – prior offender and persistent offender. Johnson failed to disclose some of these offenses on her initial application that was received in or about August 2006, and that application for licensure was denied. Johnson then re-applied for licensure in October 2007.

Jones, Rebekah Lynn
Rogersville, MO

By Order of the MREC, Jones was issued a two-year probated license beginning February 28, 2008.

Violations: 339.100.2 (10), (16), (18), and (19) RSMo Cum. Supp. 2007

On or about July 14, 1995, Jones pleaded guilty to burglary, stealing, and fraudulent use of a credit device. Jones failed to disclose these offenses on her application.

Kemp, John R.
Columbia, MO

By Order of the MREC, Kemp was issued a three-year probated license beginning December 18, 2007.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2006

On or about February 1997, Kemp pleaded guilty to the crime of arson in the second degree. Kemp failed to disclose this offense on his initial application that was submitted to the MREC in or about November 1999, and that application for licensure was denied.

John A. Krugh Realty LLC
Eric Simpson Krugh
Kansas City, MO

By Order of the MREC, the licenses of John A. Krugh Realty LLC and Eric Simpson Krugh were placed on probation for a period of one year beginning April 27, 2009. The license of John A. Krugh Realty LLC was also fined \$1,000.

Violations: 339.100.2 (1), (2), and (15) RSMo

On or about May 24, 2005, the MREC staff conducted an audit on the records of John A. Krugh Realty LLC. The designated broker of the company at the time of this audit was John A. Krugh. The audit revealed the following violations: multiple instances of John A. Krugh Realty LLC paying operating expenses from the property management escrow account; several checks from the escrow account were missing; voided checks from the escrow account were not retained; management fees were not withdrawn from the escrow account monthly; and holding security deposits without written authorization. On or about January 17, 2007, the MREC staff conducted a second audit on the records of John A. Krugh Realty LLC. The designated broker of the company at the time of this audit was Eric Simpson Krugh. This audit revealed the following violations: John A. Krugh Realty LLC was charging its management clients more than the actual amount of maintenance invoices and the clients had not agreed to or authorized the increased amount in the property management agreements; a personal/operational expense was paid from the escrow account; and holding security deposits without written authorization from the client.

Lamar, Scott I.
Catawissa, MO

By Joint Stipulation with the MREC, Lamar's license was placed on probation for an additional five years effective December 11, 2008.

Violations: Terms of probation

Lamar was issued a probated license with special conditions on or about May 13, 2002. Lamar violated the special conditions of his probation.

Luttrull, Cynthia Lucille
Jackson, MO

By Order of the MREC, Luttrull was issued a two-year probated license on December 17, 2008.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2006

On or about March 17, 2003, Luttrull pleaded guilty to possession of a controlled substance.

Mary One Johnson Home Team Realty LLC
Johnson, Mary A.
St. Louis, MO

By Settlement Agreement with the MREC, the licensees were fined a total of \$2,000 on July 30, 2009.

Violations: 339.100.2 (3), (15), and (24) RSMo

Johnson, as the designated broker of Mary One Johnson Home Team Realty LLC, failed to timely return the licenses of affiliates transferring from Mary One Johnson Home Team Realty LLC and failed to timely submit an application of a new affiliate. Johnson also represented to be a member of the Better Business Bureau when she was not affiliated with that organization.

Martin, Jody John
Columbia, MO

By Order of the MREC, Martin was issued a three-year probated license on August 17, 2009.

Violations: 339.100.2 (15), (16), (19), and (23) RSMo

Martin previously held a real estate salesperson license but allowed it to expire on October 1, 2006. Martin continued to conduct real estate activity subsequent to the expiration of his license.

May, Anthony Blake
Springfield, MO

By Order of the MREC, May was issued a two-year probated license on August 17, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo

On or about October 5, 2004, May pled guilty to Possession of Methylenedioxy Amphetamine with Intent to Distribute, and Aiding and Abetting.

Mays, Reginald B.

St. Louis, MO

By Order of the MREC, Mays' license was suspended for one year. However, the suspension was stayed and his license was placed on probation for a term of five years beginning June 28, 2009.

Violations: 339.100.2 (16) and (18) RSMo

On or about April 17, 2006, Mays pled guilty to one count of conspiracy to commit wire fraud.

McCall, Leslie G.

St. Louis, MO

By Settlement Agreement with the MREC, McCall's license was placed on three years probation beginning August 18, 2009.

Violations: 339.100.2 (16) and (18) RSMo

On or about September 18, 2006, McCall pled guilty to Criminal Non-support. On or about December 6, 2007, McCall pled guilty to violating the probation for his conviction.

McIntosh, Maurice J.

Jennings, MO

By Order of the MREC, McIntosh's license was revoked effective January 31, 2009.

Violations: 339.100.2 (2), (16), and (19) RSMo

On or about October 6, 2004, McIntosh pleaded guilty to violating Title 18, United States Code, Section 1010. McIntosh reportedly made false representations on a loan application for a loan that was going to be insured by the United States Department of Housing and Urban Development.

Memhardt Realty & Insurance Company

Memhardt, Karen

House Springs, MO

By Order of the MREC, the license of Memhardt was placed on three years probation effective January 31, 2009. The license of Memhardt Realty & Insurance Company was placed on three years probation if/when the company obtains a valid license in the future.

Violations: 339.100.2 (1), (14), and (15) RSMo 2000 and 339.100.2 (15) RSMo 2004

The MREC staff conducted an escrow audit on the records of Memhardt Realty & Insurance Company and the following violations were found: 1) a bank statement for the company's escrow account was not retained; 2) MREC was not notified of changes to the escrow account; 3) MREC was not notified that Memhardt Realty & Insurance Company had been administratively dissolved; and 4) Memhardt failed to respond to correspondence from the MREC.

Moore, Dennis Daniel

Springfield, MO

By Order of the MREC, Moore's license will be suspended for one year followed by one year probation upon its activation.

Violations: Terms of probation

Moore was issued a probated license with special conditions on July 5, 2006. Pursuant to a term of the Probated License Order, Moore was to submit quarterly reports to the MREC addressing compliance of his criminal supervision. He was also to submit proof of his court-ordered restitution payments. Moore violated these terms of his probation.

Moore, C. Steven

Harrisonville, MO

By Order of the MREC, Moore's license was revoked on November 5, 2008.

Violations: 339.100.2 (15) RSMo

On or about December 10, 2004, Moore completed an application to renew his broker-salesperson license wherein he asserted that he had "met the appropriate continuing education requirements." Moore was requested to provide proof of his education, but failed to respond to the request.

Myer, Scott Douglas

Springfield, MO

By Order of the MREC, Myer's license was placed on probation for a period of three years effective January 31, 2009.

Violations: 339.100.2 (16) RSMo Cum. Supp. 2004

In or about 2004, Myer sold two homes that he had built. He was the builder and also acted as a real estate licensee in the transactions. Myer represented that the debts related to these properties had been paid, but he did not provide lien waivers. Subsequent to the closings, mechanic liens were recorded against the properties claiming money was owed for materials used to build the homes.

Moore, Starr R.

Kansas City, MO

By Order of the MREC, Moore's license was revoked effective June 28, 2009.

Violations: 339.100.2 (16) and (18) RSMo

On or about October 25, 2005, Moore pled guilty to conspiracy to use another's identity to commit identity theft and to use unauthorized access devices to defraud.

Morgan, Stephanie

Kidder, MO

By Order of the MREC, Morgan's license was revoked effective June 28, 2009.

Violations: 339.100.2 (10), (16), and (18)

On or about November 20, 2000, Morgan pled guilty to the crime of credit card fraud. Morgan failed to disclose this conviction to the MREC.

Nalls, Kurt A.

St. Louis, MO

By Order of the MREC, Nalls was issued a two-year probated license on February 24, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2008

Nalls failed to disclose the following on his application: on or about March 1995 he was convicted of unlawful use of a weapon; on or about June 7, 2001, he pled guilty to the crime of attempted stealing; and on or about March 1, 2000, he had been denied a real estate license by the MREC.

Olson, Carol

Branson West, MO

By Settlement Agreement with the MREC, Olson's license was suspended for one year, however, the suspension was stayed and her license was placed on probation for three years on January 24, 2009.

Violations: 339.100.2 (18) and (19) RSMo Cum. Supp. 2008

On or about October 21, 2005, Olson pleaded guilty to two counts of stealing.

Onstott, Rick W.

St. Louis, MO

By Order of the MREC, Onstott's license was revoked effective June 29, 2008.

Violations: Terms of probation

Onstott's real estate license was placed on probation from June 29, 2006 to April 12, 2008, pursuant to the terms of a Joint Stipulation he entered into with the MREC. A condition of the Joint Stipulation required Onstott to submit quarterly reports to the MREC addressing compliance of his criminal supervision. Onstott violated this condition of his probation.

Perryman, Donna M.

St. Louis, MO

By Order of the MREC, Perryman's license was revoked on March 3, 2008.

Violations: Terms of probation

Perryman was issued a probated license with special conditions on February 28, 2006. Pursuant to a term of the Probated License Order, Perryman was to submit quarterly reports to the MREC addressing compliance of her criminal supervision. Perryman violated this term of her probation.

Peters, Daniel

Springfield, MO

By Order of the MREC, Peters was issued a one-year probated license on February 24, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2008

On or about March 1, 1996, Peters pled guilty to the crime of stealing. On or about December 2, 1999, Peters pled guilty to the crime of driving while intoxicated. Peters failed to disclose on his application that on or about October 21, 2002, he pled guilty to the crime of possession of a controlled substance.

Rabicoff, Eric M.

Kansas City, MO

By Order of the MREC, Rabicoff's license was revoked effective June 28, 2009.

Violations: 339.100.2 (10), (16), and (18) RSMo

On or about May 8, 2006, Rabicoff pled guilty to practicing as an unregistered security broker and to theft by deception. Rabicoff failed to disclose the conviction to the MREC.

Ross, Sheldon
St. Louis, MO

By Order of the MREC, Ross was issued a three-year probated real estate license on August 28, 2008.

Violations: 339.100.2 (10), (14), and (15) RSMo 2000

Ross was previously licensed as a salesperson. In or about September 2000, Ross renewed his salesperson license by submitting an application in which he attested that he had taken the required continuing education courses. Ross failed to respond to correspondence sent to him by the MREC requesting proof of his continuing education courses. On or about December 2001, the Administrative Hearing Commission deemed that Ross failed to submit a written response to correspondence sent to him by the MREC and also that he falsified his renewal application. Ross' salesperson license was revoked by the MREC on February 9, 2002.

Sanders, Mary L.
Kansas City, MO

By Order of the MREC, Sanders was issued a two-year probated license on February 24, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2008

On or about August 3, 2000, Sanders pled guilty to conspiracy to distribute a controlled substance and criminal forfeiture of property.

Schott, David G.
St. Louis, MO

By Settlement Agreement with the MREC, Schott's license was suspended for two years, however, the suspension was stayed and his license was placed on five years probation on February 18, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about October 17, 2006, Schott pleaded guilty to the criminal offenses of forgery and stealing.

Short, Kenneth Lee
Galena, MO

By Order of the MREC, Short's license was revoked on March 3, 2008.

Violations: Terms of probation

Short was issued a probated license with special conditions on July 5, 2006. Pursuant to a term of the Probated License Order, Short was to submit quarterly reports to the MREC addressing compliance of his criminal supervision. Short violated this term of his probation.

Smith, Daniel
Gardner, KS

By Settlement Agreement with the MREC, Smith's license was revoked on September 11, 2008.

Violations: 339.100.2 (10), (16), (19), and (20) RSMo

On or about June 3, 2003, Smith's real estate license in the state of Kansas was suspended for two 30-day terms, and he was fined \$2,000. Smith's Kansas real estate license was disciplined because he failed to submit two earnest money deposits to his broker and converted the money for his personal use. Smith failed to disclose the disciplinary action imposed upon his Kansas real estate license on subsequent renewals and/or transfer applications he submitted to the MREC on or about February 26, 2007. On or about June 5, 2007, Smith's Kansas real estate license was revoked. Smith was found to have again accepted earnest money from a buyer for a transaction and converted the funds for his personal use. He reportedly then altered the earnest money amount on the contract and the amount of certified funds the buyer would need to bring to closing.

Sommerville, Donnye
St. Louis, MO

By Settlement Agreement with the MREC, Sommerville's licenses were suspended for two years, effective April 22, 2009, immediately followed by three years probation.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

On or about March 2, 2007, Sommerville pled guilty to conspiracy to commit mail fraud.

Spears, Stanley R.
Eldon, MO

By Settlement Agreement with the MREC, Spears' license was placed on three years probation beginning June 16, 2009.

Violations: 339.100.2 (16), (18), and (25) RSMo Cum. Supp. 2008

On or about December 20, 2004, Spears was convicted of Possession of Drug Paraphernalia and Distribution/Delivery/Manufacturing of a Controlled Substance. Spears failed to disclose this offense on the application he submitted to the MREC in 2006 to renew his broker license.

Stephenson, Mark W.
Chillicothe, MO

By Order of the MREC, Stephenson was issued a five-year probated license beginning April 22, 2008.

Violations: 339.100.2 (16) and (19) RSMo Cum. Supp. 2007

Stephenson previously held an individual broker license and also a broker-associate license, but allowed the broker license to lapse in or about June 2000 and the broker-associate license lapsed in or about June 2002. At the time Stephenson allowed the licenses to lapse, the MREC was seeking disciplinary action against his licenses and a complaint had been filed with the Administrative Hearing Commission on behalf of the MREC. Stephenson allegedly made misrepresentations to an individual regarding promissory notes being secured by a deed of trust, and also allegedly misrepresenting that a property was free of encumbrances. Stephenson re-applied for licensure in February 2008.

Stickney, Timothy R. Jr.
St. Louis, MO

By Order of the MREC, Stickney's license was revoked effective September 9, 2008.

Violations: Terms of probation

Stickney was issued a probated license with special conditions on January 16, 2004. Pursuant to a term of the Probated License Order, Stickney was to submit quarterly reports to the MREC addressing compliance of his criminal supervision

and the Probated License Order. Stickney was also to undergo random quarterly drug screenings and have the results submitted directly to the MREC. Stickney violated these terms of the Probated License Order.

Thomas, Angela
Independence, MO

By Settlement Agreement with the MREC, Thomas' license was placed on three years probation beginning April 10, 2009.

Violations: 339.100.2 (18) RSMo

On or about January 28, 2008, Thomas pled guilty to seven counts of fraudulently attempting to obtain a controlled substance.

Tune, Gary Robert, Jr.
West Plains, MO

By Order of the MREC, Tune was issued a one-year probated license on June 19, 2009.

Violations: 339.100.2 (10), (16), (18), and (19) RSMo Cum. Supp. 2008

On or about May 7, 2003, Tune pled guilty to distribution/delivery/manufacturing/producing or attempting to possess with the intent to distribute/deliver/manufacture/produce a controlled substance. On or about May 19, 2003, Tune pled guilty to the same offense in another county, but failed to disclose this conviction on his application.

Unique Sales Associates Inc.
Davis, Roger Keith
Forsythe, MO

By Settlement Agreement with the MREC, the licenses of Davis and Unique Sales Associates Inc. were revoked effective March 24, 2009.

Violations: 339.100.2 (15), (16), and (19) RSMo

The MREC staff conducted an escrow audit on the records of Unique Sales Associates Inc., and the following violations were found: failure to maintain earnest money in the escrow account and failure to obtain a written brokerage relationship agreement.

Ward, Jeremy W.
Marshall, MO

By Order of the MREC, Ward's license was revoked on April 16, 2008.

Violations: Terms of probation

Ward was issued a probated license with special conditions on April 27, 2005. Pursuant to a term of the Probated License Order, Ward was to submit quarterly reports to the MREC addressing compliance of his criminal supervision. Ward violated this term of his probation. Ward also failed to timely notify the MREC of address changes during the probation period, and, in or about October 2007, he pleaded guilty to the felony criminal offenses of possession of a controlled substance and resisting/interfering with a felony arrest.

Willard, Kenneth D.
Springfield, MO

By Order of the MREC, Willard was issued a three-year probated license on August 17, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo

On or about May 8, 2007, Willard pled guilty to Simple Robbery and Hit & Run Driving.

Williams, Jared
Springfield, MO

By Order of the MREC, Williams was issued a seventeen-month probated real estate license on March 10, 2008.

Violations: 339.100.2 (15), (16), and (19) RSMo Cum. Supp. 2007

On or about October 15, 1999, Williams executed a Joint Stipulation of Facts, Waiver of Hearings before the Administrative Hearing Commission and Missouri Real Estate Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusion of Law with the MREC. This document placed Williams' real estate broker license on probation for a period of three years. Williams failed to renew his license by June 30, 2000, and therefore, it expired before the disciplinary period was completed. Williams re-applied for licensure in January 2008.

Wine, Kyle Jordan
Kansas City, MO

By Settlement Agreement with the MREC, upon Wine's activation of his license, it will be placed on three years suspension followed by three years probation.

Violations: 339.100.2 (10), (14), (15), (17), and (18) RSMo 2000

On or about March 1, 2002, Wine pled guilty to distribution/delivery/manufacturing a controlled substance, driving while intoxicated – prior offender, resisting/interfering with arrest, and possession of drug paraphernalia. On July 9, 2004, Wine pled guilty to resisting arrest by fleeing/creating substantial risk of serious injury/death to any person, driving while intoxicated, and careless and imprudent driving. On or about April 3, 2006, Wine pled guilty to excessive BAC – persistent offender, resisting/interfering with arrest, and assault/attempted assault of a law enforcement officer. Wine failed to make full and complete disclosure of his criminal convictions and/or guilty pleadings to the MREC.

Winslow, John Coleman
Independence, MO

By Settlement Agreement with the MREC, Winslow's license was revoked effective March 3, 2009.

Violations: 339.100.2 (9) and (19) RSMo Cum. Supp. 2008

Winslow held a real estate license in the state of Kansas, but it was revoked on or about March 3, 2008. The MREC office attempted to correspond with Winslow regarding the disciplinary action imposed against his Kansas real estate license. Winslow failed to respond to the correspondence sent to him by the MREC office.

Yacovelli, John A.
St. Charles, MO

By Settlement Agreement with the MREC, Yacovelli's license was suspended for one year beginning May 6, 2008, followed by three years probation beginning May 6, 2009.

Violations: 339.100.2 (16), (18), and (19) RSMo Cum. Supp. 2007

In or about December 2005, Yacovelli pleaded guilty to two felony counts of sale of a controlled substance.

Yacovelli, John A.

O'Fallon, MO

By Order of the MREC, Yacovelli's license was revoked effective July 2, 2009.

Violations: Violated terms of Settlement Agreement

Yacovelli entered into a Settlement Agreement that suspended his license for a period of one year beginning May 6, 2008, which was to be followed by three years probation. Pursuant to a term of the Settlement Agreement, Yacovelli was to submit quarterly drug screenings to the MREC. Yacovelli violated this term of his probation.

Zornes, Jeffrey T.

St. Louis, MO

By Joint Stipulation with the MREC, Zornes' license was placed on probation for one year beginning November 7, 2007.

Violations: 339.100.2 (1), (14), (15), and (22) RSMo 2000

Zornes was the designated broker of a real estate company. The MREC staff conducted an escrow audit on the records of the company and the following violations were found: 1) an unlicensed individual executed property management agreements on behalf of the brokerage; 2) provided inaccurate listing of all escrow accounts under control of the brokerage, failing to register all escrow accounts; 3) shortages were noted in escrow accounts; 4) failed to allow access to all escrow accounts; 5) held funds of others without authorization; 6) failed to retain records necessary to determine the adequacy of the escrow accounts; 7) provided management services without having a current written property management agreement; and 8) failed to ensure that a licensee, who was also a buyer, completed a written confirmation of their agency relationship to the seller.

