



**Rules of
Department of Economic
Development**

**Division 250—Missouri Real Estate Commission
Chapter 9—Disciplinary Proceedings**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 250—Missouri Real
Estate Commission
Chapter 9—Disciplinary Proceedings**

4 CSR 250-9.010 Complaints

PURPOSE: This rule requires that a complaint against a licensee be in writing on forms provided by the commission. The commission may initiate a complaint on its own motion.

(1) A complaint against a licensee shall be in writing setting forth in clear and concise language the alleged violation, on forms provided by the commission, sworn to by the person making the complaint and submitted to the commission. Upon its own motion, the commission may initiate a complaint against a licensee.

(2) Each complaint received under this rule will be logged and maintained by the commission. The log will contain a record of each complainant's name and address (if given), the name and address of the subject(s) of the complaint, the date each complaint is received by the commission, a notation whether the complaint resulted in its dismissal by the commission or in formal charges being filed with the Administrative Hearing Commission, and the final disposition of the complaint. The log shall be a closed record of the commission.

(3) Each complaint received under this rule shall be acknowledged in writing to the complainant (if known). The complainant (if known) shall be notified of the final disposition of the complaint.

(4) This rule shall not be deemed to limit the commission's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation, whether any complaint exceeds the scope of the acts charged in a preliminary complaint filed with the commission and whether any complaint has been filed with the commission.

(5) The commission interprets this rule to exist for the benefit of those members of the public who submit complaints to the commission. This rule is not deemed to protect or benefit those licensees, or other persons against whom the commission has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 339, RSMo.

AUTHORITY: sections 339.120, RSMo 2000 and 620.010.15(6), RSMo Supp. 2001.* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993 and 620.010.15(6), RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993.

4 CSR 250-9.020 Investigation

PURPOSE: This rule proclaims the commission's procedure regarding investigations of a complaint.

(1) Upon receipt of a complaint in proper form, the commission shall investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission, in its discretion, may request the licensee under investigation to answer the charges in writing and to produce relevant documentary evidence and may request the licensee to appear before it. A copy of any written answer of the licensee shall be furnished to the complainant.

AUTHORITY: section 339.120, RSMo Supp. 1993.* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

4 CSR 250-9.030 Dismissal of Complaint

PURPOSE: This rule advises all of dispositions of a complaint or the withdrawal of one.

(1) If an investigation reveals that a complaint does not involve a violation of the license law or these rules of the commission, the complaint will be dismissed by the commission and the parties involved will be so advised.

(2) Withdrawal of a valid, legitimate complaint against a licensee as the result of restitution of money or property to the complainant, or other corrective action by the licensee, shall not be grounds for dismissal of a complaint by the commission except at its discretion.

AUTHORITY: section 339.120, RSMo Supp. 1993.* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

4 CSR 250-9.040 Violations

PURPOSE: This rule provides for the commission's decision to refer licensees' acts to the Administrative Hearing Commission.

(1) If an investigation discloses a probability that the acts of the licensee may be those to justify disciplinary action, the matter will be presented to the Administrative Hearing Commission for determination.

AUTHORITY: section 339.120, RSMo Supp. 1993.* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

4 CSR 250-9.050 Action by the Commission

PURPOSE: This rule stipulates that, upon receipt of a ruling by the Administrative Hearing Commission that a licensee has violated the license law, the Missouri Real Estate Commission has authority to suspend, revoke, place on probation or take whatever action necessary against the licensee.

(1) Upon final ruling by the Administrative Hearing Commission that the acts of a licensee constitute a violation of the license law or these rules, the commission shall proceed to revoke or suspend the license of the offending licensee or take other authorized action as it shall deem appropriate.

(2) The commission may require a person who formerly held a license but had the license placed on probation, suspended or revoked, to meet and perform certain conditions before reinstating or reissuing a license to this person. These conditions may include, but shall not be limited to, satisfactory completion of certain educational requirements, passage of a written examination of the type given to applicants for licensure, personal appearances before and periodic reports to the commission and restitution of money or property.

AUTHORITY: section 339.120, RSMo Supp. 1993.* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979.

*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.