

MISSOURI REAL ESTATE COMMISSION
COMPLAINT FORM

NOTICE

This office is in receipt of communications that indicates you may wish to file a complaint with the Missouri Real Estate Commission regarding a real estate licensee. We are enclosing a Sworn Statement of Compliant form for your use in setting forth the facts relating to this matter. Section 339.100.1, RSMo., and 20 CSR 2250-0.010(1) require that complaints be submitted to the Commission in writing, on forms provided by the Commission. Please carefully follow the instructions printed on this form, provide your signature at the bottom of the form, and return the original. Enclose copies of all pertinent documents, front and back, including any copies of documents that are being returned with this letter, that are related to your complaint (i.e. contracts, closing statements, listing agreements, correspondence, etc.).

In filing this complaint, keep in mind that you may be asked to appear before the Commission or in court as a complaining witness in this matter. You will be kept informed of the status of the complaint.

Please be aware that the Missouri Real Estate Commission is a licensing agency and does not have the legal authority to cause the return of an earnest deposit, enforce or cancel a contract for the sale of property or an agency agreement, set aside any instrument conveying an interest, or to settle disputes over commissions or fees. The commission also does not have jurisdiction over inspection companies, pest control companies, mobile home communities, condominiums, timeshares, lending institutions, or property owners. If your complaint involves any of these matters, you may wish to consult your own attorney in order that your individual rights may be protected in a court of law independently of any action by this Commission.

You may access the Missouri Real Estate commission Statutes and Rules by going to the following web page: <http://pr.mo.gov/realestate-rules-statutes.asp>.

COMPLAINT RELATED QUESTIONS

- 1. How do I file a complaint?** You may file a complaint by completing the form, which can be downloaded at <http://pr.mo.gov/boards/realestate/reccomplaintform.pdf>. If you are unable to download the form, you may call our office at 573/751-2628, to have a form mailed or faxed. Section 339.100.1, RSMo., and 20 CSR 2250-9.010(1) require that complaints be submitted to the Commission in writing on forms provided by the Commission.
- 2. What if there is not enough space on the complaint form for my complaint summary?** If there is not enough space for your complaint summary on our form, you may attach additional pages and mark the box that specifies that your complaint is attached on separate sheets.
- 3. What documentation needs to be attached to the complaint?** A complaint needs to include any and all documents that are pertinent and/or support the allegations of your complaint. Please send copies of your documents, and retain the originals for your personal files.
- 4. Can I fax the complaint form?** Because we need your complaint form to read as legible as possible, and due to the number of documents that must be submitted with the complaint, it is best to mail your complaint form and supporting documentation to: Missouri Real Estate Commission, PO Box 1339, Jefferson City MO 65102. You can also hand-deliver or overnight your complaint to: Missouri Real Estate Commission, 3605 Missouri Blvd, Jefferson City MO 65109.
- 5. What is the complaint process?** Once a completed complaint form has been submitted to our office, we send a letter to the subject(s) of your complaint, requesting that they respond within 30 days. Once a response is received, the documents are prepared for the Commission to review. The complaint will then be reviewed by the Commission at their bi-monthly meeting to determine if the complaint warrants further investigation.
- 6. What if the subject(s) of my complaint do not submit a response to the Commission?** If a response is not received from the subject(s) of your complaint, the Commission will review the case without the benefit of their response.
- 7. How long does the complaint process take?** Because the Commission only meets every other month, and because the licensee is allowed 30 days to respond, the process for the Commission to consider a complaint takes a minimum of two months.
- 8. When will I be notified of the Commission's decision regarding my case?** You will typically be notified within 10 business days after the bi-monthly Commission meeting.
- 9. What are the possible outcomes of filing a complaint?** All complaints and responses are reviewed by the Commission and will either be dismissed or investigated. When a case is dismissed without further investigation, the Commission will sometimes direct a letter of

caution be sent to the licensee. A letter of caution is not a form of discipline or a public record. A complaint may also be dismissed with a notation to the complainant that the issue appears to be of a civil nature and that they may want to consult with their personal attorney.

If the complaint is investigated, an investigator will contact the parties and a formal report will be submitted to the Commission at a future meeting to determine if disciplinary action should be sought.

Note: Complaints received in which there is ongoing civil litigation may be placed on hold pending the outcome of the civil case.

- 10. What could happen to the licensee's real estate license if disciplined?** A license can be placed on probation, suspended, revoked, and/or the licensee could be required to pay a fine.
- 11. Can the Missouri Real Estate Commission help me get my money back?** No. This is a civil matter that should be handled in civil court. Please contact an attorney for further guidance.
- 12. Can the Missouri Real Estate Commission help me get out of a contract?** No. This is a civil matter that should be handled in civil court. Please contact an attorney for further guidance.
- 13. Can the Missouri Real Estate Commission handle disputes over commissions?** The MREC is prohibited from becoming involved in commission disputes (see 20 CSR 2250-2.040). Please contact an attorney for further assistance.
- 14. Can I withdraw a complaint that I have already filed?** You may submit a letter of withdrawal. However, the Commission will still review the case to determine if further investigation is warranted.
- 15. How can I check the status of a pending complaint?** If you are a party to the complaint, you may call our office at 573/751-2628. The complaint department can be reached by pressing number 4 on the automated system.
- 16. What if I am unable to respond to a complaint filed against me within the 30-day timeframe?** Your response must be postmarked within 30 days from the date of our letter requesting a response. This is a requirement established by 20 CSR 2250-8.170 (1), which states, "Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee."
- 17. Can I fax my response?** Because we need your response to read as clear as possible, and due to the number of documents that must be submitted, it is best to mail your response and supporting documentation to: Missouri Real Estate Commission, PO Box 1339, Jefferson City

MO 65102. You can also hand-deliver or overnight your response to: Missouri Real Estate Commission, 3605 Missouri Blvd, Jefferson City MO 65109.

18. Will I need to be present at the Commission meeting when my case is reviewed? No.

The Commission will determine during their closed-session portion of the bi-monthly meeting whether the case is to be investigated further or if it will be dismissed.

19. Are complaints public information? No, information concerning complaints and investigations are not public information; however, disciplinary action resulting from a complaint or investigation is public (324.001.8 and 324.017 RSMo.).

20. Can I file a complaint so the Commission can review my earnest money disputes or commission issues? Filing a complaint will not resolve either earnest money or commission issues. The Commission does not have authority to resolve either the disbursement of earnest money or commission obligation issues. Many issues such as these require the involvement of an attorney and possibly pursuing legal action.

21. A broker won't return my earnest money. What can I do? The MREC cannot mandate the return or forfeiture of earnest money. Typically a real estate licensee will not release the earnest money until they receive a fully executed document directing them how to disburse the funds. In the absence of a mutual release signed by all parties, the broker "may" choose to exercise the option available to them under 20 CSR 2250-8.130 to disburse the funds from their escrow account. A broker is not required to follow this regulation as it does not relieve them from civil liability. If a broker chooses not to exercise this option, then they are required pursuant to 339.105.4 RSMo to turn the funds over to the Unclaimed Properties Division of the Missouri Treasurer's office within 365 days of the initial projected closing date.



STATE OF MISSOURI
DIVISION OF PROFESSIONAL REGISTRATION
MISSOURI REAL ESTATE COMMISSION
SWORN STATEMENT OF COMPLAINT

3605 MISSOURI BOULEVARD
PO BOX 1339
JEFFERSON CITY, MO 65102
(573) 751-2628
FAX: (573) 751-2777
www.pr.mo.gov/realestate.asp

FOR OFFICE USE ONLY

#

INSTRUCTIONS

- Provide your name, address, and contact numbers, as well as the full name and complete address of the individual(s) and/or company being complained against.
- State facts briefly and clearly.
- Attach **copies** of all documents that pertain to your complaint—**DO NOT** send the original documents. Do not highlight the documents with colored markers, as the highlighted areas turn black when photocopied.
- Provide complete names, addresses, and contact phone numbers of all witnesses.
- Mail the original complaint form and supporting documentation, along with one complete copy, to the Missouri Real Estate Commission at P.O. Box 1339, Jefferson City, MO 65102.

COMPLAINANT INFORMATION

NAME(S)		ARE YOU LICENSED TO SELL REAL ESTATE IN THE STATE OF MISSOURI? ☐ Yes ☐ No
ADDRESS		
HOME PHONE	WORK PHONE	CELLULAR PHONE

SUBJECT(S) OF COMPLAINT

1. PERSON AND/OR COMPANY NAME	ADDRESS	PHONE
2. PERSON AND/OR COMPANY NAME	ADDRESS	PHONE
3. PERSON AND/OR COMPANY NAME	ADDRESS	PHONE
4. PERSON AND/OR COMPANY NAME	ADDRESS	PHONE

COMPLAINT

MY COMPLAINT IS

☐ Typed or Printed on the back of this form ☐ Attached on separate sheets

By signature below, I attest that I am the person named as the complainant on this form. I have verified that all information provided is true and correct, and I have read the instructions and have complied with all requested actions. I am aware that by making a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty may result in being guilty of a Class B misdemeanor according to 575.060 RSMo.

SIGNATURE OF COMPLAINANT	DATE
--------------------------	------

[illegible]

Missouri Statute 575.060 — False Official Statements. *Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty may be guilty of a Class B misdemeanor.*