



Rules of Department of Commerce and Insurance

Division 2250—Missouri Real Estate Commission Chapter 2—General Rules

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2250—Missouri Real
Estate Commission
Chapter 2—General Rules**

20 CSR 2250-2.010 Definitions

PURPOSE: This rule defines the terminology used in the rules of the Missouri Real Estate Commission.

(1) Words defined in section 339.010, RSMo shall have the same meaning when used in these rules.

(2) The following words shall be defined as stated:

(A) Commission shall mean the Missouri Real Estate Commission;

(B) License law shall mean Chapter 339, RSMo;

(C) Association shall mean an unincorporated body of persons united and acting together for the prosecution of some common enterprise, but not a partnership; and

(D) Residential property shall mean all real property improved by a structure which is used or intended to be used primarily for residential living by human occupants and which contains not more than four (4) dwelling units or which contains single dwelling units owned as a condominium or in a cooperative housing association, and vacant land classified as residential property. The term cooperative housing association means an association, whether incorporated or unincorporated, organized for the purpose of owning and operating residential real property in Missouri, the shareholders or members of which, by reason of their ownership of a stock or membership certificate, a proprietary lease or other evidence of membership, are entitled to occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement.

(E) Commercial real estate shall mean any real estate other than real estate containing one to four (1-4) residential units, real estate on which no buildings or structures are located, or real estate classified as agricultural and horticultural property for assessment purposes as provided by section 137.016, RSMo. Commercial real estate does not include single family residential units including, condominiums, townhouses or homes in a subdivision when that real estate is sold, leased or otherwise conveyed on a unit-by-unit basis even though the units may be part of a larger building or parcel of real estate containing more than four (4) residential units.

(3) The singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

AUTHORITY: section 339.120, RSMo Supp. 1993. This rule originally filed as 4 CSR 250-2.010. Original rule filed Sept. 25, 1975, effective Oct. 15, 1975. Amended: Filed Aug. 16, 1976, effective Nov. 11, 1976. Rescinded and readopted: Filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-2.010, effective Aug. 28, 2006.*

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

20 CSR 2250-2.020 Commission Action

PURPOSE: This rule establishes how the commission may take action. It further restricts the staff from engaging in the real estate industry while in the commission's employment.

(1) Any act to be taken by the commission, pursuant to the license law or these rules, may be performed by such number of the commission's members or by the officers, employees, agents or representatives of the commission as is permitted by law and authorized by a majority of the commission's membership. The commission may take any authorized action by a mail ballot or by a conference telephone call and the action so taken shall be recorded in the minutes of the commission.

(2) Neither the director nor any other employee or agent of the commission, during the period of employment by the commission, shall engage in any act for which a license is required under the provisions of the license law or receive or become entitled to receive any fee or compensation of any kind, in any capacity whatsoever, either directly or indirectly, in connection with any real estate transaction. Nothing in this rule shall prohibit the executive director nor any employee or agent of the commission from being issued a license by the commission, so long as the license is held on an inactive status during the period of the holder's employment.

AUTHORITY: section 339.120, RSMo Supp. 1993. This rule originally filed as 4 CSR 250-2.020. Original rule filed Sept. 25, 1975, effective Oct. 15, 1975. Rescinded and readopted: Filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985,*

effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-2.020, effective Aug. 28, 2006.

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

20 CSR 2250-2.030 Records

PURPOSE: This rule establishes which records are public documents and those which are confidential. The impropriety of commissioners discussing, with the licensee, matters pending before the Administrative Hearing Commission is affirmed.

(1) All records kept in the office of the commission, under the authority of the license law shall be open to public inspection under such regulations as the commission may prescribe, provided that records compiled in connection with the investigation of a complaint against a licensee which could result in discipline of the license or compiled for the purpose of processing applications for licensure, are deemed to be confidential and therefore not subject to inspection by the public.

(2) It shall be improper for a real estate commissioner to discuss with a licensee or any other person, except members of the commission's staff or counsel, any matter which is confidential, including one of a disciplinary nature which is pending before the Missouri Real Estate Commission or the Administrative Hearing Commission.

AUTHORITY: section 339.120, RSMo Supp. 1993. This rule originally filed as 4 CSR 250-2.030. Original rule filed Sept. 25, 1975, effective Oct. 15, 1975. Rescinded and readopted: Filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-2.030, effective Aug. 28, 2006.*

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

20 CSR 2250-2.040 Disputes

PURPOSE: This rule defines the commissioner's limitations with regard to civil problems of licensees.

(1) The commission will not enter into disputes between licensees concerning matters of commissions. The license law and these rules are designed to regulate the business conduct of licensees in the interest of the public and to discipline licensees when warranted. The commission has no authority to



award money damages, but, as a condition of probation, may order restitution be made to injured parties.

AUTHORITY: sections 339.100.3., 339.120, and 339.205, RSMo Supp. 2012. This rule originally filed as 4 CSR 250-2.040. Original rule filed Sept. 25, 1975, effective Oct. 15, 1975. Rescinded and readopted: Filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Moved to 20 CSR 2250-2.040, effective Aug. 28, 2006. Amended: Filed July 26, 2012, effective Jan. 30, 2013.*

**Original authority: 339.100, RSMo 1941, amended 1978, 1993, 2004, 2005, 2006, 2007, 2008; 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999, 2004, 2008; and 339.205, RSMo 2007.*