

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

MISSOURI REAL ESTATE COMMISSION

APPELLANT,

v.

KENNETH G. RAYFORD

RESPONDENT.

DOCKET NUMBER WD70723

DATE: April 13, 2010

Appeal From:

Cole County Circuit Court
The Honorable Richard G. Callahan, Judge

Appellate Judges:

Division Four: Thomas H. Newton, Chief Judge, James M. Smart, Jr., and Cynthia L. Martin,
Judges

Attorneys:

Craig H. Jacobs, Jefferson City, MO, for appellant.

Mark S. Bryant, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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Cole County

Before Division Four Judges: Thomas H. Newton, Chief Judge, James M. Smart, Jr., and Cynthia L. Martin, Judges

Missouri Real Estate Commission appeals from the Missouri Administrative Hearing Commission's decision holding that Kenneth Rayford was entitled to retain his real estate salesperson's license. The Commission contends that section 339.100.5, which became effective in 2006, mandates the revocation of Rayford's license, which he secured in 2003 or 2004, because of a 1970 conviction for second degree murder.

AFFIRMED.

Division Four holds:

Section 339.100.5 cannot be applied retroactively to mandatorily revoke a real estate license held at the time the statute became effective based on a plea or finding of guilt predating the effective date of the statute as such an application would violate the ban against retrospective laws set forth in article I section 13 of the Missouri Constitution.

Opinion by: Cynthia L. Martin, Judge

April 13, 2010

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