

October 27, 2017

John F. Huggins, Non-Resident Broker
Kentucky

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Huggins attempted to insert himself into a real estate transaction where the two private parties were not represented by a real estate licensee. During the investigation, it was determined that his Mississippi non-resident license was on inactive status due to his failure to provide proof of E & O insurance. Huggins allowed one of his salespeople to misrepresent the listing and his authority to act for the owner.

Respondent Huggins entered into an Agreed Order on October 27, 2017, for violation of §73-35-1, specifically §73-35-21(1)(n) of the Mississippi Code and Part 1601, Chapter 3, Rule 3.1.A. and Chapter 9, Rule 9.2.A. of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing;

Rule 3.1.A. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamental of real estate practice, ethics of the profession and the Mississippi Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.

Rule 9.2.A. Active licensees not submitting the required premium or providing the required proof of acceptable independent coverage within 30 days after the due date of the premium shall be placed automatically on inactive status at the end of the 30 day period.

Respondent Higgins had his license suspended for one (1) month, held in abeyance. Following the suspension held in abeyance, his license was placed on probation for eleven (11) months. He was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of his license, must be from a different education provider than he previously used during the last two (2) renewal periods.

October 16, 2017

Rayford B. Hudson, III, Broker
Judy B. Hall, Salesperson
Hinds County

An investigation by the Real Estate Commission resulting from a formal complaint found the Respondents demanded a commission from customers after the customers negotiated a contract with a seller. Neither the customers nor the seller were represented by a real estate licensee. During the investigation, it was determined that Respondent Hall prepared a site analysis for the customers at a time when her real estate license was on inactive status due to a continuing education

deficiency. This was licensable activity and it was improper for Hall or Hudson to receive a commission. The demand for a commission compounded the violations committed by Hall.

The Respondents entered into an Agreed Order on October 16, 2017, for violation of §73-35-1, specifically §73-35-21(1)(n) of the Mississippi Code and Part 1601, Chapter 3, Rule 3.1.A. of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Salesperson Hall had her license suspended for three (3) months, held in abeyance. Following the suspension held in abeyance, her license was placed on probation for nine (9) months. She was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of her license, must be taken in a classroom setting, and must be from a different education provider than she previously used during the last two (2) renewal periods.

Broker Hudson was issued a Letter of Reprimand.

October 4, 2017

DeShawn Davis, Broker

The Davis Premiere Group, LLC, Company

Lamar County

The Respondent was issued Formal Letter of Reprimand on October 4, 2017, for violation of §73-35-11 of the Mississippi Code; and Part 1601, Chapter 3, Rule 3.1.C. of the MREC Administrative Rules:

§73-35-11 Nonresident may not act except in cooperation with licensed broker of state

. . . The Mississippi broker shall determine that the cooperating broker is licensed as a broker in another state.

All earnest money pertaining to a cooperative agreement must be held in escrow by the Mississippi broker unless both the buyer and seller agree in writing to relieve the Mississippi broker of his responsibility.” . . .

Rule 3.1.C. A licensed Mississippi broker may cooperate with a broker licensed in another state who does not hold a Mississippi license through the use of a cooperative agreement. . . .

A responsible (principal) nonresident broker described herein is defined as an active, licensed responsible real estate broker of another state who does not possess an active responsible non-residential real estate broker’s license issued by the Mississippi Real Estate Commission.

September 26, 2017

Jason Lovern, Broker

Dale Germany, Salesperson

Neshoba County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Germany did not have the Working With a Real Estate Broker Forms completed properly for the properties he was managing. The rents collected were deposited into an individual rental properties account maintained by Respondent Germany rather than the broker's account as required. Respondent Germany admitted to this.

Respondent Germany entered into an Agreed Order on September 26, 2017, for violation of §73-35-1, specifically §73-35-21(1)(l) and (n) of the Mississippi Code and Part 1601, Chapter 4, Rule 4.3.A. of the MREC Administrative Rules:

§73-35-21(1)(l) Accepting a commission or valuable consideration as a real estate salesperson for the performance of any of the acts specified in this chapter from any person, except his employer who must be a licensed real estate broker;

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Rule 4.3.A. In a single agency, a broker is required to disclose, in writing, to the party for whom the broker is an agent in a real estate transaction that the broker is the agent of the party. The written disclosure must be made before the time an agreement for representation is entered into between the broker and the party. This shall be on an MREC Agency Disclosure Form.

Specifically to Broker Lovern, Rule 3.1.A.:

Rule 3.1.A. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamental of real estate practice, ethics of the profession and the Mississippi Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.

Broker Lovern had his license suspended for one (1) month, held in abeyance. Following the suspension held in abeyance, his license was placed on probation for eleven (11) months. He was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of his license, must be taken in a classroom setting, and must be from a different education provider than he previously used during the last two (2) renewal periods.

Salesperson Germany had his license suspended for one (1) month. Following the full suspension, his license was placed on probation for eleven (11) months. He was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license

law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of his license, must be taken in a classroom setting, and must be from a different education provider than he previously used during the last two (2) renewal periods.

July 12, 2017

Allen Maurice Rouse, Broker
Hinds County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Rouse did not properly complete the Working With a Real Estate Broker form. No boxes were checked explaining what services were being provided by Rouse to the seller.

Respondent Rouse entered into an Agreed Order on July 12, 2017, for violation of §73-35-1, specifically §73-35-21(1)(n) of the Mississippi Code and Part 1601, Chapter 3, Rule 3.2.A. and B., and Chapter 4, Rule 4.2.G(1), 4.2.H(1)(b) and Rule 4.3.A. of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Rule 3.2.A. A real estate licensee shall **immediately (at the time of signing)** deliver a true and correct copy of any instrument to any party or parties executing the same.

Rule 3.2.B. All exclusive listing agreements shall be in writing, properly identify the property to be sold, and contain all of the terms and conditions under which the transaction is to be consummated; including the sales price, the considerations to be paid, the signatures of all parties to the agreement, and a definite date of expiration. No listing agreement shall contain any provision requiring the listing party to notify the broker of their intention to cancel the listing after such definite expiration date. An “Exclusive Agency” listing or “Exclusive Right to Sell” listing shall clearly indicate in the listing agreement that it is such an agreement.

Broker Rouse had his license suspended for three (3) months, held in abeyance. He was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of his license, must be taken in a classroom setting, and must be from a different education provider than he previously used during the last two (2) renewal periods.

June 28, 2017

Joyce Elaine Sones, Broker
Connie Keith Carver, Broker
Pearl River County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Sones and Carver did not have the seller amend the Property Condition Disclosure

Statement to show the property had been treated for infestation when both had knowledge that it had been.

The Respondents entered into an Agreed Order on June 28, 2017, for violation of §89-1-501 through 89-1-527 of the Mississippi Code, and Part 1601, Chapter 4, Rule 4.2.G(5) of the MREC Administrative Rules:

The licensees violated the statute requiring proper and accurate disclosures on the Property Condition Disclosure Statement. The original statement did not disclose any evidence of insect infestation or damage from it. When the powder post beetles were discovered and treated, the PCDS should have been amended and the buyer given the right to rescind her offer. The licensees were under a duty to deliver an accurately completed PCDS to the buyer.

Broker Sones had her license suspended for thirty (30) days. Following the suspension, her license was suspended an additional two (2) months, held in abeyance. Following the suspension held in abeyance, her license was placed on probation for nine (9) months. She was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of her license, must be taken in a classroom setting, and must be from a different education provider than she previously used during the last two (2) renewal periods.

Broker Carver was issued a Letter of Reprimand.

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Carver on September 18, 2017, for violation of §89-1-503(b) and §89-1-515 of the Mississippi Code:

§89-1-503 Delivery of written statement required; indication of compliance; right of transferee to terminate for late delivery

. . . If any disclosure, or any material amendment of any disclosure, required to be made by Section 89-1-501 through 89-1-523, is delivered after the execution of an offer to purchase, the transferee shall have three (3) days after delivery in person or five (5) days after delivery by deposit in the mail, to terminate his or her offer by delivery of a written notice of termination to the transferor or the transferor's agent.

Any disclosure made pursuant to Sections 89-1-501 through 89-1-523 may be amended in Rev. 10/2016 writing by the transferor or his agent, but the amendment shall be subject to the provisions of Section 89-1-503.

June 13, 2017

Ronnie V. Nowell, Salesperson
Madison County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Salesperson Nowell on June 13, 2017, for violation of Part 1601, Chapter 4, Rule 4.2.H.(3)(a) and (b) of the MREC Administrative Rules:

Rule 4.2.H.(3) In a real estate transaction in which the Broker is the agent for the buyer, first substantive meeting shall be at the initial contact with a seller or a seller's agent or before or just immediately prior to the first of any of the following:

(b) Eliciting any confidential information from a seller concerning their real estate needs, motivation, or financial qualifications.

June 12, 2017

Tiffany L. Burgess, Broker
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Salesperson Coleman on June 12, 2017, for violation of Part 1601, Chapter 4, Rule 4.3.B. of the MREC Administrative Rules:

Rule 4.3.B. In a single agency, a real estate broker is required to disclose, in writing, to the party for whom the broker is not an agent, that the broker is an agent of another party in the transaction. The written disclosure shall be made at the time of the first substantive meeting with the party for whom the broker is not an agent. This shall be on an MREC Agency Disclosure Form.

June 1, 2017

Terri Lynn Bowens, Broker
Royal Chateau Realty, LLC, Company
Madison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Bowens listed a property without any legal documents signed by the seller permitting her to do so, and without the knowledge or permission of the seller.

Respondent Bowens entered into an Agreed Order on June 1, 2017, for violation of §73-35-1, specifically §73-35-21(1)(a), (h) and (n) of the Mississippi Code and Part 1601, Chapter 3, Rule 4.3.A. of the MREC Administrative Rules:

§73-35-21(1)(a) Making any substantial misrepresentation in connection with a real estate transaction;

§73-35-21(1)(h) Displaying a “for sale” or “for rent” sign on any property without the owner’s consent.

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Broker Bowens had her license suspended for thirty (30) days. Following the suspension, her license was suspended an additional two (2) months, held in abeyance. Following the suspension held in abeyance, her license was placed on probation for nine (9) months. She was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of her license, must be taken in a classroom setting, and must be from a different education provider than she previously used during the last two (2) renewal periods.

With respect to Royal Chateau Realty, LLC:

The corporate license will be suspended for the same periods imposed on Respondent Bowens.

May 25, 2017

Debra Coleman, Salesperson

Marion County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Salesperson Coleman on May 25, 2017, for violation of Part 1601, Chapter 3, Rule 3.3.C. of the MREC Administrative Rules:

Rule 3.3.C. In addition to disclosing their licensed status, in advertisements, licensees are required to disclose their licensed status on all contracts for real estate in which they have an ownership interest.

May 25, 2017

Mary E. Frelix, Broker

Marion County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Frelix on May 25, 2017, for violation of Part 1601, Chapter 3, Rule 3.1.A. of the MREC Administrative Rules:

Rule 3.1.A. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamental of real estate practice, ethics of the profession and the Mississippi Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.

May 25, 2017

Bethany Purvis, Salesperson

Rankin County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Salesperson Purvis on May 25, 2017, for violation of §73-35-21(n) of the Mississippi Code and Part 1601, Chapter 4, Rule 4.2.G(5) of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing.

Rule 4.2.G. “Fiduciary Responsibilities” are those duties due the principal (client) in a real estate transaction are:

(5) ‘Reasonable skill, care and diligence’ – the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

May 25, 2017

Vickey P. Ward, Broker

Rankin County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Ward on May 25, 2017, for violation of §73-35-21(n) of the Mississippi Code and Part 1601, Chapter 4, Rule 4.2.G(5) of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing.

Rule 4.2.G. “Fiduciary Responsibilities” are those duties due the principal (client) in a real estate transaction are:

(5) ‘Reasonable skill, care and diligence’ – the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

May 24, 2017

Vickey P. Ward, Broker
Rankin County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Ward on May 24, 2017, for violation of Part 1601, Chapter 4, Rule 4.1. and Rule 4.3.A. of the MREC Administrative Rules:

Rule. 4.1. Purpose

Consumers shall be fully informed of the agency relationships in real estate transactions identified in Section 73-35-3. This rule places specific requirements on Brokers to disclose their agency relationship. This does not abrogate the laws of agency as recognized under common law and compliance with the prescribed disclosures will not always guarantee that a Broker has fulfilled all of his responsibilities under the common law of agency. Compliance will be necessary in order to protect licensees from impositions of sanctions against their license by the Mississippi Real Estate Commission. Special situations, where unusual facts exist or where one or more parties involved are especially vulnerable, could require additional disclosures not contemplated by this rule. In such cases, Brokers should seek legal advice prior to entering into an agency relationship.

Rule 4.3.A. In a single agency, a broker is required to disclose, in writing, to the party for whom the broker is an agent in a real estate transaction that the broker is the agent of the party. The written disclosure must be made before the time an agreement for representation is entered into between the broker and the party. This shall be on an MREC Agency Disclosure Form.

May 24, 2017

Mark Michael Graham, Broker/Salesperson
Lamar County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Graham on May 24, 2017, for violation of Part 1601, Chapter 4, Rule 4.1. and Rule 4.2.G(5) of the MREC Administrative Rules:

Rule. 4.1. Purpose

Consumers shall be fully informed of the agency relationships in real estate transactions identified in Section 73-35-3. This rule places specific requirements on Brokers to disclose their agency relationship. This does not abrogate the laws of agency as recognized under common law and compliance with the prescribed disclosures will not always guarantee that a Broker has fulfilled all of his responsibilities under the common law of agency. Compliance will be necessary in order to protect licensees from impositions of sanctions against their license by the Mississippi Real Estate Commission. Special situations, where unusual facts exist or where one or more parties involved are especially vulnerable, could require additional disclosures not contemplated by this rule. In such cases, Brokers should seek legal advice prior to entering into an agency relationship.

Rule 4.2.G. “Fiduciary Responsibilities” are those duties due the principal (client) in a real estate transaction are:

(5) ‘Reasonable skill, care and diligence’ – the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

May 23, 2017

Leland William Thompson, III, Broker

Core Alliance Realty, Company

Pearl River County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Thompson on May 23, 2017, for violation of §73-35-21(n) of the Mississippi Code and Part 1601, Chapter 4, Rule 4.2.G(5) of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing.

(5) ‘Reasonable skill, care and diligence’ – the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

May 23, 2017

Tammy Lynn Valente, Broker

Valente Real Estate, Company

Pearl River County

An investigation by the Real Estate Commission resulting from a formal complaint resulted in a Formal Letter of Reprimand being issued to Broker Valentine on May 23, 2017, for violation of §73-35-21(n) of the Mississippi Code and Part 1601, Chapter 4, Rule 4.2.G(5) of the MREC Administrative Rules:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing.

(5) ‘Reasonable skill, care and diligence’ – the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

May 22, 2017

Kenneth Ozelle Smith, Broker

Pamela Cecilia Presley, Salesperson

Jackson County

An investigation by the Real Estate Commission resulting from a formal complaint found Mississippi Property Management, LLC, advertising rental property in Gautier, MS. A search of the Commission files revealed the LLC did not have a real estate license. Respondent Presley was listed as the owner/manager and represented herself as an agent for Coldwell Banker/Smith Homes. Respondent Presley was transferring her license from one broker to Coldwell Banker/Smith homes at the time. When the advertisement was published, the transfer had not been completed. Therefore, Respondent Presley was operating without an active real estate license. A flyer with the name of Mississippi Property Management, LLC, was circulated on September 8, 2016, and the LLC was not licensed at that time. Respondents Smith and Presley did not respond to a letter requesting an explanation and documentation from Commission Administrator Praytor. When the Commission did receive a copy of the management agreement used by Presley in her management activities, it showed she did represent herself as an agent for Coldwell Banker/Smith Homes when that was not a fact. Respondent Smith stated he would obtain a branch office license where Respondent Presley worked. That did not happen in a timely fashion, leaving Respondent Presley to operate in an office that did not have a proper license or supervision. Respondent Presley admitted to the essential facts of the violations contained in this complaint by email on November 3, 2016.

The Respondents entered into an Agreed Order on May 22, 2017, for violation of §73-35-1, specifically §73-35-15(1) and §73-35-21(1)(a) and (n) of the Mississippi Code and Part 1601, Chapter 3, Rule 3.1.B., D., and F. of the MREC Administrative Rules:

§73-35-15(1) Every person, partnership, association or corporation licensed as a real estate broker shall be required to have and maintain a definite place of business, which shall be a room either in his home or an office elsewhere, to be used for the transaction of real estate business, or such business and any allied business. The certificate of registration as broker and the certificate of each real estate salesperson employed by such broker shall be prominently displayed in said office. The said place of business shall be designated in the license. In case of removal from the designated address, the licensee shall make application to the Commission before removal, or within ten (10) days after removal, designating the new location such office, whereupon the Commission shall forthwith issue a new license for the new location for the unexpired period.

§73-35-21(a) Making any substantial misrepresentation in connection with a real estate transaction;

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Rule 3.1.B. A real estate broker who operates under the supervision of a responsible broker must not at any time act independently as a broker. The responsible broker shall at all times be responsible for the action of the affiliated broker to the same extent as though that licensee were a salesperson and that affiliated broker shall not perform any real estate service without the full consent and knowledge of his employing or supervising broker.

Rule 3.1.D. A responsible broker must maintain an office and display the license therein. If the broker has more than one office, the broker shall display a branch office license in each branch office. The broker is responsible for the real estate practices of those licensees.

Rule 3.1.F. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication of who fails or neglects to abide by Mississippi Real Estate Commission's Rules and Regulations shall be deemed, prima facie, to be guilty of improper dealing.

Specifically to Broker Smith, Rule 3.1.A.:

Broker Smith has surrendered his license to the Commission and is not actively selling or transferring real estate.

Salesperson Presley had her license suspended for twelve (12) months. She was required to complete eight (8) hours of mandatory continuing education in a classroom setting: four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education must be taken from a different education provider than any he used in the last two (2) renewal periods. The education is in addition to that required for renewal of his license.

May 2, 2017

Kristy St. Germain Thompson, Salesperson
RE/MAX Real Estate Partners, Company
Forrest County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Thompson neglected to include the name of her broker or brokerage firm in a Facebook post, and posted the social media advertisement without the knowledge of her principal broker, nor was it presented to the broker prior to being published for review.

Salesperson Thompson was issued a Formal Letter of Reprimand on May 2, 2017.

February 7, 2017

Darouny Kommany, Broker

Rankin County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Kommany wrote an offer for a property and accepted an earnest money check made payable to her company Kommany Group, LLC, while it was not properly licensed with the Commission.

The Respondent entered into an Agreed Order on February 7, 2017, for violation of §73-35-1, specifically §73-35-21(1)(j) and (n) of the Mississippi Code, and Part 1601, Chapter 3, Rule 3.4.A. of the MREC Administrative Rules:

§73-35-21(1)(j) Paying any rebate, profit, or commission to any person other than a real estate broker or salesperson licensed under the provision of this chapter;

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Rule 3.4.A. The responsible broker is responsible at all times for earnest money deposits. Earnest money accepted by the broker or any licensee for which the broker is responsible and upon acceptance of a mutually agreeable contract is required to deposit the money into a trust account prior to the close of business of the next banking day. The responsible broker is required to promptly account for and remit the full amount of the deposit or earnest money at the consummation or termination of transaction. A licensee is required to pay over to the responsible broker all deposits and earnest money immediately upon receipt thereof. Earnest money must be returned promptly when the purchaser is rightfully entitled to same allowing reasonable time for clearance of the earnest money check. In the event of uncertainty as to the proper disposition of earnest money, the broker may turn earnest money over to a court of law for disposition. Failure to comply with this regulation shall constitute grounds for revocation or suspension of license.

Broker Kommany had her license suspended for thirty (30) days. Following the suspension, her license was suspended an additional sixty (60) days, held in abeyance. Following the suspension held in abeyance, her license was placed on probation for nine (9) months. She was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of her license, must be taken in a classroom setting, and must be from a different education provider than she previously used during the last two (2) renewal periods.

February 2, 2017
Sanrda Richardson, Broker
DeSoto County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Richardson failed to obtain an amended Property Condition Disclosure Statement on a new construction home that flooded before closing. Her response was the amendment was not necessary since it was new construction. The amendment was necessary as it was a material change in the condition of the property. The Respondent also did not respond to a request from her broker to obtain an amended Statement.

The Respondent entered into an Agreed Order on February 2, 2017, for violation of §73-35-1, specifically §73-35-21(1)(n) and §89-1-503(b) of the Mississippi Code:

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

§89-1-503(b) In the case of transfer by a real estate property sales contract, or by a least together with an option to purchase, or a ground lease coupled with improvements, as soon as practicable before execution of the contract. For the purpose of this paragraph, “execution” means the making or acceptance of an offer.

With respect to any transfer subject to paragraph (a) or (b), the transferor shall indicate compliance with this act either on the receipt for deposit, the real property sales contract, the lease, or any addendum attached thereto or on a separate document.

If any disclosure, or any material amendment of any disclosure, required to be made by sections 89-1-501 through 89-1-523, is delivered after the execution of an offer to purchase, the transferee shall have three (3) days after deliver in person or five (5) days after delivery by deposit in mail, to terminate his or her offer by delivery of a written notice of termination to the transferor or the transferor’s agent.

Broker Richardson had her license suspended for thirty (30) days, held in abeyance. Following the suspension, her license was placed on probation for eleven (11) months. She was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of her license, must be taken in a classroom setting, and must be from a different education provider than she previously used during the last two (2) renewal periods.

January 17, 2017

Gary H. Biddix, Broker
Krista Deering, Salesperson
Jackson County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Deering managed properties under company names not registered with the Mississippi Secretary of State and not licensed with the Commission. The records also showed the Respondent sent invoices to the property owner for repairs to the property which were substantially inflated beyond the actual charges by the vendors.

Salesperson Deering and Broker Biddix entered into an Agreed Order on January 17, 2017, for violation of §73-35-1, specifically §73-35-21(1)(a) and (n) of the Mississippi Code:

§73-35-21(1)(a) Making any substantial misrepresentation in connection with a real estate transaction;

§73-35-21(1)(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . improper dealing . . .

Specifically to Broker Biddix, Rule 3.1.A.:

Rule 3.1.A. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamental of real estate practice, ethics of the profession and the Mississippi Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.

Broker Biddix had his license suspended for four (4) months, held in abeyance. Following the suspension, his license was placed on probation for six (6) months. He was required to complete eight (8) hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education is in addition to that required for renewal of his license, must be taken in a classroom setting, and must be from a different education provider than he previously used during the last two (2) renewal periods.

Salesperson Deering had her license suspended for one (1) year. She was required to complete eight (8) hours of mandatory continuing education in a classroom setting: four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law prior to the completion of the suspension. The education must be taken from a different education provider than any he used in the last two (2) renewal periods. The education is in addition to that required for renewal of her license.