September 19, 2013
EVERETT B. GREER, Broker
Jackson County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Greer entered into a rental management agreement with the complainants. Greer did not obtain the signatures of the complainants on a Working With a Real Estate Broker form nor did he send the form to them for signatures. A security deposit from a prospective tenant was forfeited but it was not tendered to the complainants.

Respondent Greer entered into an Agreed Order on September 19, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule 4.3.E. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 4.3.E. In the event one of more parties are not available to sign one or more of the Disclosure Forms, the disclosure will be accomplished orally. The applicable form will be so noted by the Broker and said forms will be forwarded for signature(s) as soon as possible. Written electronic transmission will fulfill this requirement.

Broker Greer had his license suspended for ninety (90) days, held in abeyance. Prior to the completion of the suspension, he is required to complete six (8) additional hours of mandatory continuing education. The education is in addition to that required for renewal of his license.

September 16, 2013
DAVID L. NORMAN, Broker
Hinds County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Norman had employed an unlicensed assistant at his management company and the assistant was involved in licensable real estate activity. In particular, the unlicensed assistant was showing property for lease.

Respondent Norman entered into an Agreed Order on September 19, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Guidelines for Unlicensed Personal Assistants:

Section 73-35-21(1)(m) 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 . . .

Unlicensed Assistants may NOT:

Guideline 1 Independently show properties that are for rent or sale.

Guideline 8 Open properties for viewing by prospective purchasers, appraisers, home inspectors, or other professionals.

Guideline 11 Represent themselves as being a licensee or as being engaged in the business of buying, selling, exchanging, renting, leasing, managing, auctioning, or dealing with options on any real estate or the improvement thereon for others.

Broker Norman had his license suspended for thirty (30) days, held in abeyance. Prior to the completion of the suspension, he is required to complete six (8) additional hours of mandatory continuing education within ninety (90) days of the Agreed Order. The education is in addition to that required for renewal of his license.

July 23, 2013
DAN WES BREWER, Broker
Forrest County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Brewer had not completed a Working With A Real Estate Broker form during a contract.

Respondent Brewer entered into an Agreed Order on July 23, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule 4.3.A of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 4.3.A. In 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.

Broker Brewer had his license suspended for ninety (90) days. After completing thirty (30) days of full suspension, the balance of sixty (60) days was held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

July 18, 2013
APRIL DAWN WHITE, Broker
PHILLIP MICHAEL CLARK, Salesperson

VERNON KEITH BLACK, Broker
Lafayette County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Clark entered into a contract for the sale of a home of which he was the builder and seller. None of the documents indicated Clark was an active real estate salesperson. A Property Condition Disclosure Statement was not presented to the buyers, and the Working With A Real Estate Broker form was not properly completed. The contract indicated the broker was a dual agent, which was not correct.

The Respondents entered into an Agreed Order on July 18, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) and Section 89-1-503(a) of the Mississippi Code; and Rules 3.2.E., 3.3.C., 4.3.A., and 3.1.A. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 . . .

Section 89-1-503 Delivery of written statement. The transferor of any real property subject to Sections 89-1-501 through 89-1-523 shall deliver to the prospective transferee the written property condition disclosure statement required by Sections 89-1-501 through 89-1-523 as follows:

Rule 3.2.E. Every real estate contract must reflect whom the broker represents by a statement over the signatures of the parties to the contract.

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.

Rule 4.3.A. In 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.

Broker White had her license suspended for three (3) months, held in abeyance. Following the suspension, her license will be placed on probation for nine (9) months, held in abeyance. Prior to the completion of the suspension, she was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of her license.

Salesperson Clark had his license suspended for three (3) months, held in abeyance. Following the suspension, her license will be placed on probation for nine (9) months, held in abeyance. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

Broker Black had his license suspended for six (6) months, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months, held in abeyance. Prior to the completion of the suspension, she was required to complete eight (8) additional hours of mandatory continuing education, four (4) hours in agency law, two (2) hours in license law, and two (2) hours in contract law. The education is in addition to that required for renewal of his license.

July 18, 2013
HENRY A. BOOTH, JR., Non-resident Broker
Tennessee

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Booth operated a property management company that was not licensed to operate in the Mississippi, and had unlicensed persons operating as agents for the company.

Respondent Booth entered into an Agreed Order on July 18, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule 3.1.A of the MREC Rules and Regulations:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate a broker or real estate salesperson as provided for in this chapter.

Section 73-35-21(1)(m) 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 fundamentals 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 Booth had his license suspended for ninety (90) days, held in abeyance. Following the suspension, his license will be placed on probation for six (6) months. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

June 17, 2013
CRYSTAL TATE, Broker
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Tate was operating her business account with funds that should have been placed in an escrow account.

Respondent Tate entered into an Agreed Order on June 17, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and Rules 3.4.A. and 3.4.A. of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 . . .

Monies received in a trust account on behalf of clients or customers are not assets of the broker; however, a broker may deposit and keep in each escrow account or rental account some personal funds for the express purpose of covering service charges and other bank debits related to each account.

Broker Tate had her license suspended for one hundred and eighty (180) days. After completing ninety (90) days of full suspension, the balance of ninety (90) days of suspension will be held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. Prior to the completion of the suspension, she was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of her license. Tate was also required to provide the Commission a copy of her business operating account bank statements and trust account bank statements each month for a period of one (1) year from the date of the Order.

June 12, 2013
DANNY F. SATCHFIELD, Broker
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Satchfield continued to practice real estate while his license had been placed on inactive status due to his continuing education deficiency, In addition he continued to represent buyers on a contract which did not reflect whom Broker Satchfield was representing.

Respondent Satchfield entered into an Agreed Order on June 12, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule 3.2.E of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 3.2.E. Every real estate contract must reflect whom the broker represents by a statement over the signatures of the parties to the contract.

Broker Satchfield had his license suspended for ninety (90) days, held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. Prior to the completion of the suspension, he was required to complete eight (8) additional hours of mandatory continuing education. The education is in addition to that required for renewal of his license.

June 12, 2013
LISA DREW AUTHEMENT, Broker
Jackson County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Authement had increased the contract sales price in order to add funds which were to be given from the seller to the buyer at the closing of the transaction.

Respondent Authement entered into an Agreed Order on June 12, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule 3.2.F. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 3.2.F. No licensee shall represent to a lender or any other interested party, either verbally or through the preparation of a false sales contract, an amount in excess of the true and actual selling price.

Broker Authement had her license suspended for ninety (90) days, held in abeyance. Following the suspension, her license was placed on probation for nine (9) months. Prior to the completion of the suspension, she was required to complete eight (8) additional hours of mandatory continuing education. The education was in addition to that required for renewal of her license.

June 10 2013
WALTER V. TUTT, Non-Resident Broker
TUTT REAL ESTATE LLC DBA TUTT LAND COMPANY
Alabama

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Tutt and licensees under his supervision who were only licensed in the state of Alabama entered into a listing agreement in Mississippi while the license for the Respondent and the company were on inactive status due to a continuing education deficiency.

Respondent Tutt entered into an Agreed Order of June 10, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.A.1. and IV.E.3.a of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 4.3.A. In 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.

Broker Tutt had his license suspended for ninety (90) days. After completing thirty (30) days of full suspension, the balance of sixty (60) days was held in abeyance. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education was in addition to that required for renewal of his license. The suspension began July 8, 2013.

April 15, 2013
CON ALAN WEAVER, Salesperson
CHARLES G. TAYLOR, III, Broker
THE FOUNDATION GROUP LLC
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Weaver failed to have the Working With A Real Estate Broker form signed by the seller of the property.

Respondents Weaver and Taylor entered into an Agreed Order on April 15, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.E.3. and IV.A.1. of the MREC Rules and Regulations:

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

Rule IV.E.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 done on an MREC Agency Disclosure Form.

Rule IV.A.1 It shall be the duty of the responsible broker to instruct the licensees licensed under that broker tin the fundamentals of real estate practice, ethics of the profession and the Mississippi Real Estate Law and to exercise supervision of their real estate activities for which a license is required.

Salesperson Weaver had his license suspended for ninety (90) days, thirty (30) to serve and sixty (60) held in abeyance. Following the suspension, his license was placed on probation for nine (9) months. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

Broker Taylor had his license suspended for ninety (90) days, held in abeyance. Following the suspension, his license was placed on probation for nine (9) months. Prior to the completion of the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

March 26, 2013
JULIA (JULIE) DAVIS, Salesperson
Rankin County

Salesperson Davis was issued a Formal Letter of Reprimand on March 26, 2013, for violation of Section 89-1-503(b) of the Mississippi Code for failing to have her seller client properly date the Property Condition Disclosure Statement.

Section 89-1-503(b) . . . 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 delivery 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.

March 26, 2013
JILL A. DAVIS, Salesperson
Madison County

Salesperson Davis was issued a Formal Letter of Reprimand on March 26, 2013, for violation of Section 89-1-503(b) of the Mississippi Code for failing to have her seller client properly date the Property Condition Disclosure Statement.

Section 89-1-503(b) . . . 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 delivery 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.

March 19, 2013
ERIC SCOTT PALMER, Broker
JOHN OWEN BOUTWELL, Salesperson
Scott County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent (salesperson) Boutwell was operating a property management company in Oxford through a separate LLC, although he was licensed to his broker in Forest. There was evidence he conducted business through the LLC from August – October 2012, and the LLC was not licensed by the Mississippi Real Estate Commission.

Respondents Palmer and Boutwell entered into an Agreed Order on March 19, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate a broker or real estate salesperson as provided for in this chapter.

Section 73-35-21(1)(m) 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 . . .

Broker Palmer had his license suspended for thirty (30) days, held in abeyance. Following the suspension, his license will be placed on probation for five (5) months. Prior to the suspension, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education was in addition to that required for renewal of his license. If Palmer does not complete the additional education before the end of the suspension held in abeyance, the suspension will become a full suspension until the continuing education has been completed.

Salesperson Boutwell had his license suspended for thirty (30) days. Following the suspension, his license was placed on probation for five (5) months. Prior to the completion of the suspension and prior to the reactivation of the license, he was required to complete six (6) additional hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of his license.

March 11, 2013
TENA M. TAYLOR, Broker

SIERRA M. CANNON, Salesperson
MARGARET ELIZABETH LANEY, Salesperson
Lafayette County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Laney was the mother-in-law of the builder/seller. The relationship was not disclosed until late in the transaction. A Property Condition Disclosure Statement was not delivered to the buyer until three (3) days after the contract was entered into by all parties. The Working With A Real Estate Broker form was also signed the same day as the delivery of the Property Condition Disclosure Statement. The buyer was not made aware of his rescission period. Respondents Laney and Cannon were salespersons licensed under the supervision of Broker Taylor. A Dual Agency Confirmation Form was not signed.

Respondents Taylor and Cannon entered into an Agreed Order on March 11, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) and Section 89-1-503 of the Mississippi Code; and Rule IV.E.3.(a) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 . . .

Section 89-1-503 . . . 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 delivery 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.

Rule IV.E.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 done on an MREC Agency Disclosure Form.

Respondent Taylor was also found in violation of Rule IV.A.1 of the MREC Rules and Regulations:

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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.

All respondents had their respective licenses suspended for thirty (30) days, held in abeyance. Following the suspension, their licenses were placed on probation for five (5) months. The licensees were required to complete six (6) hours of mandatory continuing education, four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of their licenses.

March 5, 2013
GEORGE (MIKE) ADAMS, Broker
TANJA ELIZABETH ADAMS, Salesperson
Hinds County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Tanja Adams did not properly complete the required agency forms and Respondent George (Mike) Adams failed to properly supervise a salesperson licensed with him.

Respondent Tanja Adams entered into an Agreed Order on March 5, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.B.5. and IV.E.3.(c)(1)(2) and (3) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.B.5. Every contract must reflect whom the broker represents by a statement over the signatures of the parties to the contract.

Rule IV.E.3.(c). Brokers operation in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency.

Salesperson Tanja Adams had her license suspended for ninety (90) days. Following the suspension, her license was placed on probation for nine (9) months. Prior to the completion of the suspension period, Adams was required to complete eight (8) hours of mandatory continuing education. The education was in addition to that required for renewal of her license.

Respondent George (Mike) Adams entered into an Agreed Order on March 5, 2013, for violation of Rule IV.A.1. of the MREC Rules and Regulations:

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 George (Mike) Adams had his license suspended for ninety (90) days, held in abeyance. Following the suspension, his license was placed on probation for nine (9) months. Prior to the completion of the suspension period, Adams was required to complete eight (8) hours of mandatory continuing education. The education was in addition to that required for renewal of his license.

February 28, 2013
LORETTA E. DAVEY, Salesperson
Madison County

Salesperson Davey was issued a Formal Letter of Reprimand on February 28, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d) of the Mississippi Code:

> Section 73-35-21(1)(d) Any misleading or untruthful advertising;

February 21, 2013
DAROUNY KOMMANY, Broker
Rankin County

Following an Administrative Hearing, Broker Kommany was issued a Formal Letter of Reprimand on February 21, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.B.1. and IV.E.2.(g)(5) of the MREC Rules and Regulations.

Section 73-35-21(1)(m) 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 IV.B.1. 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 IV.E.2.(g)(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.

February 21, 2013
JULIA (JULIE) DAVIS, Salesperson
Rankin County

Salesperson Davis was issued a Formal Letter of Reprimand on February 21, 2013, for violation of Rule IV.C.2 of the MREC Rules and Regulations:

Rule IV.C.2 . . . All advertising must be under the direct supervision and in the name of the responsible broker or in the name of the real estate firm.

January 22, 2013
CONSTANCE GILLEY, Broker
Union County

Broker Gilley was issued a Formal Letter of Reprimand on January 22, 2013, for violation of Rule IV.A.1 of the MREC Rules and Regulations:

Rule IV.A.1 It shall be the duty of the responsible broker to instruct the licensees licensed under that broker tin the fundamentals of real estate practice, ethics of the profession and the Mississippi Real Estate Law and to exercise supervision of their real estate activities for which a license is required.

January 22, 2013
KATHY CHISM, Salesperson
Union County

Salesperson Chism was issued a Formal Letter of Reprimand on January 22, 2013, for violation of Rule IV.C.2 of the MREC Rules and Regulations:

Rule IV.C.2 . . . All advertising must be under the direct supervision and in the name of the responsible broker or in the name of the real estate firm.

January 15, 2013
MAUD SAULSBERRY, Salesperson
DeSoto County

An investigation by the Real Estate Commission found Respondent Saulsberry had provided Broker Price Opinions for several companies and had received compensation paid directly to her at her home address. Such compensation for performing Broker Price Opinions violates MREC regulations and her acceptance of compensation from a source other than her broker further evidenced her violation of those regulations.

Respondent Saulsberry entered into an Agreed Order on January 15, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) and (m) of the Mississippi Code; and Rule IV.A.7 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.7. A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further, no compensation, fee, or other consideration shall be charged for such opinion other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

Salesperson Saulsberry had her license suspended for thirty (30) days beginning January 15, 2013. During the suspension, she was allowed to close any listing under contract at the time of suspension. Saulsberry was required to complete a Broker Price Opinion instructional course and provide the Commission with evidence of satisfactory completion of the course prior to July 1, 2013.

January 10, 2013
BOBBY F. FISHER, JR., Broker
Leflore County

An investigation by the Real Estate Commission resulting from an informal complaint found Respondent Fisher entered a plea of guilty on or about November 3, 2011, to federal charges of conspiracy and engaging in monetary transactions in property derived from unlawful activity. He was sentenced to be imprisoned and pay restitution.

Respondent Fisher entered into an Agreed Order on January 10, 2013, for violation of Section 73-35-1, specifically Section 73-35-21(1)(g) and (m) of the Mississippi Code:

Section 73-35-21(1)(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state, or any other state of the United States of any felony;

Section 73-35-21(1)(m) 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 . . .

Broker Fisher had his license revoked.

November 16, 2012
Robert A. Knight, Salesperson
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Knight offered to show a property listed by another licensee to prospective buyers during the time his salesperson license had been returned to the Commission to transfer to another broker. Therefore, his legal standing to sell real estate had ceased until the Commission could issue a current license to the new broker.

Respondent Knight entered into an Agreed Order on November 16, 2012, for violation of Section 73-35-1, specifically Section 73-35-15(2) and Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-15(2) . . . Upon termination of salesperson's agency, the responsible broker shall within three (3) days return the salesperson's license to the Commission for cancellation. It shall be unlawful for any real estate salesperson to perform any of the acts contemplated by this chapter either directly or indirectly after his agency has been terminated and his license has been returned for cancellation until his license has been reissued by the Commission.

Section 73-35-21(1)(m) 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 . . .

Salesperson Knight had his license suspended for ninety (90) days, with the last sixty (60) days held in abeyance. Following the suspension, his license will be on probation for nine (9) months. Before the probation period is complete, he is required to complete four (4) hours of agency law and two (2) hours of license law. The education is in addition to that required for renewal of his license.

November 7, 2012
Joey Glenn Smith, Broker
Lowndes County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Smith entered into an arbitration agreement with another broker over a commission. After the arbitration was settled, the Commission began its investigation. The documents Smith provided related to the transaction did not include a Working With a Real Estate Broker form.

Respondent Smith entered into an Agreed Order on November 7, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule IV.E.3.a. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.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.

Broker Smith had his license suspended for twelve (12) months, with ten (10) months held in abeyance. Smith was required to complete four (4) hours of agency law, two (2) hours of contract law, and two (2) hours of license law. The education is in addition to that required for renewal of his license.

November 1, 2012
Harold Blockman, Non-resident Broker
Memphis, Tennessee

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Blockman entered into an agreement with a seller in Olive Branch to sell a home. The home failed to sell within a six month period. The agreement was terminated, but Blockman brought a lease to purchase contract to the seller with a non-refundable $3,000 security deposit. The seller accepted the lease contract. The tenants ultimately decided not to purchase the home, and forfeited the security deposit. Blockman requested and received a fee of $1,500 in the contract for purchase agreement of the property with the tenant buyers. He cashed the check rather than having the check made to his brokerage firm or payable to his brokerage firm. Both the seller and the buyers signed a Working

With a Real Estate Broker form as a "client only", and did not indicate they would consider dual agency. The seller was asked to sign a confirmation of dual agency form, but it was never changed on the Working With a Real Estate Broker form. The Buyer Agency Agreement signed by the buyers did not allow for fifteen days written notice for cancellation as required. The Buyer Agency Agreement also stated that in situations where the company is the listing agent and is showing the property, the company will be a "Transactional Broker", which is a violation of the Mississippi agency rule. The Working With a Real Estate Broker forms were not dated, and Blockman used a Home Inspection Addendum which is a Tennessee form.

Respondent Blockman entered into an Agreed Order on November 1, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.B.3. and IV.E.3.b. and c.(1)(2) and (3) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.B.3.....**The buyer may terminate the agreement upon fifteen (15) calendar days written notice to the buyer's exclusive agent**. An Exclusive Buyer Representation agreement shall clearly indicate in the body of the document that it is such an agreement.

Rule IV.E.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.

Rule IV.E.3.(c). Brokers operation in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency. Informed written consent to disclosed dual agency shall be deemed to have been timely obtained if all of the following occur:

Respondent Blockman had his license suspended for ninety (90) days, with the last sixty (60) days held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. Prior to the end of the suspension period, Blockman is required to complete four (4) hours in agency law and two (2) hours in license law. The courses must be taken in a classroom setting. The education is in addition to that required for renewal of his license.

October 11, 2012
Chuck Roberts, Broker
Desoto County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Roberts negotiated a contract with a seller for acreage in Southaven, MS. The buyer was a company in which Roberts was a member of. The contract stated earnest money would be deposited with Chuck Roberts Commercial Real Estate within three days of acceptance of the contract. However, no

earnest money was ever deposited in connection with the transaction. The sales agreement did not disclose that Roberts was negotiating on his own behalf as a member of the buyer company. Roberts also did not present the seller with a Working With a Real Estate Broker form. On the day of closing, the seller asked Roberts if the City of Southaven was interested in the property, to which Roberts said no. However, the property was sold later that day to the City of Southaven by Roberts' company, and was publicized in the press.

Respondent Roberts entered into an Agreed Order on October, 8, 2012 for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and Rules IV.C.2., IV.D.1., and IV.E.3.a of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.C.2. . . . In addition to disclosing their license status in advertisements, licensees are required to disclose their licensed status on all contracts for real estate in which they have an ownership interest.

Rule IV.D.1. The responsible broker is responsible at all times for 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 money over to a court of law for disposition. Failure to comply with this regulation shall constitute grounds for revocation or suspension of license.

Rule IV.E.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.

Broker Roberts had his license suspended for one (1) year. Following the suspension, his license will be placed on probation for one (1) year. Roberts was required to complete a thirty (30) hour broker post license course prior the end of his license suspension. During the suspension, no real estate company in Mississippi can list the name of Chuck Roberts. Also during the suspension, Roberts will not participate in any transactions with Mississippi properties through cooperative agreements with Mississippi licensed brokers based on his Tennessee license.

October 8, 2012
Melissa Honea, Broker
Madison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Honea had returned earnest money to her buyers prior to the complete termination of the contract or with consideration to the sellers' entitlement to the earnest money.

Respondent Honea entered into an Agreed Order on October, 8, 2012 for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule IV.D.1. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.D.1. The responsible broker is responsible at all times for 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 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 Honea had her license suspended for three (3) months, held in abeyance. Following the suspension, her license was placed on probation for nine (9) months. She was required to complete four (4) hours of agency law and two (2) hours of license law prior to the end of the suspension held in abeyance. The education is in addition to that required for renewal of her license.

September 20, 2012
James L. Franklin, Salesperson
Harrison County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Franklin had been managing property and received payment directly from the consumer instead of from his responsible broker. Franklin denied the payment. The MREC was unable to discuss the payments with the consumer. Franklin was also late in his response to the Commission in regards to the complaint.

Respondent Franklin entered into an Agreed Order on September 6, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) and (m) of the Mississippi Code; and Rule IV.A.2. of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.A.2. 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 full consent and knowledge of his employing or supervising broker. However, should the responsible broker agree that a broker under his supervision may perform certain real estate services outside the responsible broker's supervision or direction, the responsible broker shall notify the Commission in writing as to the exact nature of such relationship and the names of the broker or brokers involved. The responsible broker shall immediately notify the Commission in writing up on the termination of such relationship.

Salesperson Franklin had his license suspended for thirty (30) days, and an additional sixty (60) days following, but held in abeyance. Following the complete suspension, his license was placed on probation for nine (9) months. Franklin was required to complete four (4) hours of agency laws and two (2) hours of license law before thirty (30) day expiration. The education is in addition to that required for renewal of his license.

September 6, 2012
Julia (Julie) A. Davis, Salesperson
Rankin County

Salesperson Davis was issued a Formal Letter of Reprimand on September 6, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d) of the Mississippi Code:

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

August 28, 2012
Judith G. Kitchens, Broker
Desoto County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Kitchens had completed a Working With a Real Estate Broker form indicating that she was acting as a

disclosed dual agency when she was not acting in that capacity and reported to the buyer's agent that a chimney on the property had been cleaned when, in fact, it had not.

Respondent Kitchens entered into an Agreed Order on August 28, 2012, for violation of Section 73-35-1, specifically Section 73-35-18(1) and Section 73-35-21(1)(a) and (m) of the Mississippi Code:

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

Section 73-35-21(1)(m) 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 . . .

Respondent Kitchens had her license suspended for ninety (90) days, held in abeyance. She is required to complete four (4) hours of mandatory continuing education in agency law. The education is in addition to that required for renewal of her license.

July 25, 2012
O.B. Triplett, Broker,
Nell Boykin Tadlock, Salesperson
Scott County

An investigation by the Real Estate Commission resulting from a formal complaint found Respondent Tadlock practiced real estate while her license was on inactive status. She represented a buyer in a purchase contract without providing a Working With a Real Estate Broker form. She was also operating under a different name than the name by which she was licensed.

Respondent Tadlock entered into an Agreed Order on July 25, 2012, for violation of Section 73-35-1, specifically Section 73-35-18(1) and Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.B.5. and IV.E.3.(a) of the MREC Rules and Regulations:

Section 73-35-18(1) Each individual applicant for renewal of a license issued by the Mississippi Real Estate Commission shall, on or before the expiration date of his license, or at a time directed by the Commission, **submit proof of completion** of not less than sixteen (16) clock-hours of approved course work **to the Commission**. . .

Section 73-35-21(1)(m) 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 IV.B.5. Every contract must reflect whom the broker represents by a statement over the signatures of the parties to the contract.

Rule IV.E.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.

Respondent Triplett entered into an Agreed Order on July 25, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.A.1. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 Triplett had his license suspended for thirty (30) days, held in abeyance.

Salesperson Tadlock had her license suspended for ninety (90) days, held in abeyance. She was required to complete six (6) additional hours of mandatory continuing education: four (4) hours in agency law and two (2) hours in license law. The education is in addition to that required for renewal of her license.

June 6, 2012
Edwin Noel Scruggs, Jr., Non-Resident Broker
James Wachob, Non-Resident Broker/Salesperson
Tennessee

An investigation by the Real Estate Commission resulting from an informal complaint found Respondent Wachob met with prospective buyers, negotiated a contract, and had the buyers sign the disclosed dual agency disclosure and Working With a Real Estate Broker forms while his license was on inactive status.

Respondent Wachob entered into an Agreed Order on June 6, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.A.6 and IV.E.1 of the MREC Rules and Regulations:

Section 73-35-1 . . . [I]t shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Section 73-35-1(1)(a) Making an substantial misrepresentation in connection with a real estate transaction;

Section 73-35-21(1)(m) 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 IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

Rule IV.E.1. Consumers shall be fully informed of the agency relationships in real estate transactions…

Broker/salesperson Wachob had his license suspended for ninety (90) days. Following the suspension, his license will be placed on probation for nine (9) months. He was required to complete eight (8) hours of mandatory continuing education before the ninety (90) day suspension was complete. The education is in addition to that required for renewal of his license. If Wachob violates any real estate law or rule for one (1) year from the date of the Agreed Order, the Commission will notify the Prosecuting Attorney of Desoto County of the violation for action on the pending charge of practicing real estate without a license in the State of Mississippi as the Prosecuting Attorney deems appropriate under the circumstances.

Broker Scruggs entered into an Agreed Order on June 6, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rules IV.A.1, IV.A.6, IV.B.7, and IV.E.1 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 IV.B.7. A real estate broker must keep on file for three years following its consummation, complete records relating to any real estate transaction. This includes, but is not limited to: listings, options, leases, offers to purchase, contracts of sale, escrow records, and copies of closing statements.

Rule IV.E.1. Consumers shall be fully informed of the agency relationships in real estate transactions…

Broker Scruggs had his license suspended for ninety (90) days, held in abeyance. He is required to complete four (4) hours of education in agency law and two (2) hours in license law before the ninety (90) day suspension is complete. The education is in addition to that required for renewal of his license.

May 14, 2012
Jordan Bankhead, Broker, Lafayette County
Blake Cannon, Broker, Desoto County
Bill Russell Flowers, Non-Resident Broker, Alabama
Lafayette County

An Administrative Hearing was conducted on May 13, 2012, in response to a complaint filed against the Respondents. The Respondents were notified of the date and time and location of the hearing, and appeared with counsel. A quorum of the Commissioners heard evidence in the cases, received documents into the record, and heard argument of counsel. An investigation by the Commission found the Respondents had bought a home from Broker Bankhead which he both owned and acted as the real estate agent. He also served as the closing attorney for the transaction when it ultimately closed. During Bankhead's sworn testimony he was uncertain as to his role representing himself, and further testified he did not have documentation of Dual Agency Confirmation, or the Working With a Real Estate Broker form, or the Property Condition Disclosure Statement as required by the Commission's rules and regulations.

The evidence did not support any violations against Respondents Cannon and Flowers, and the complaint against them was dismissed.

The Commission ordered that Jordan Bankhead's license shall be suspended for a period of six (6) months from the effective date of the order, but the suspension will be held in abeyance. Following the suspension and during the period of suspension held in abeyance, Bankhead may practice real estate insofar as he complies with the laws and regulations of the State of Mississippi. Bankhead was also required to complete eight (8) additional hours of mandatory education, which shall include Agency Law, License Law, and Contract Law from classroom instruction within three (3) months from the effective date of the order. The education is in addition to that required for renewal of his license.

April 17, 2012
Dorian M. Bennett, Non-Resident Broker
Louisiana

Non-Resident Broker Bennett was issued a Formal Letter of Reprimand on April 17, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d) of the Mississippi Code:

> Section 73-35-21(1)(d) Any misleading or untruthful advertising;

March 29, 2012
Rebecca J. Elliott, Salesperson
Lee County

Salesperson Elliott was issued a Formal Letter of Reprimand on March 29, 2012, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) and (m) of the Mississippi Code; and, Rule IV.E.3.a. and b., of the MREC Rules and Regulations:

Section 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 form any person, except his employer who must be a licensed real estate broker;

Section 73-35-21(1)(m) 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 IV.E.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.

Rule IV.E.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.

March 5, 2012
Carl William Merck, Broker
Rankin County

Broker Merck was issued a Formal Letter of Reprimand on March 5, 2012, for violation of Rule IV.A.1. of the MREC Rules and Regulations:

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals of real estate practice, ethics of the profession and the Mississippi Real Estate Law and to exercise supervision of their real estate activities for which a license is required.

Broker Merck was found to have failed to supervise Salesperson Susan Dorroh pertaining to her advertising.

March 5, 2012
Susan Bradford Dorroh, Salesperson
Rankin County

Salesperson Dorroh was issued a Formal Letter of Reprimand on March 5, 2012, for violation of Rule IV.C.2. of the MREC Rules and Regulations:

Rule IVC.2. . . . Every licensee, when advertising real estate in any publication, shall indicate that the party advertising is licensed in real estate. All advertising must be under the direct supervision and the name of the responsible broker or in the name of the real estate firm.

Dorroh was required to complete an additional two (2) hours in licensing law. Dorroh agreed to complete these hours by May 1, 2012.

January 19, 2012
Andrea Spring Woods, Broker
Winston County

Broker Woods was issued a Formal Letter of Reprimand on January 19, 2012, for failure to fulfill fiduciary obligations to a client by acting as a dual agent, but failing to state that specific relationship on the Working With a Real Estate Broker form.

Woods was required to complete an additional four (4) hours of continuing education in agency law within ninety (90) days. The education is in addition to that required for renewal of her real estate license.

December 1, 2011
LURETHA OLIVER BIVINS, Broker
Jackson County

An Administrative Hearing was conducted on November 21, 2011. Two complaints on Respondent Bivins were combined for one hearing. A quorum of the Commissioners heard evidence in the cases, received documents into the record, and heard argument of counsel. The two complainants appeared as witnesses. The complaint was handled by the investigators in a manner routine to the investigative process by the Commission. Respondent Bivins was unresponsive to the Commission with requests for documents sufficient to conduct the investigations of the complaints. Bivins was abusive to the Commission investigators attempting to complete their official duties. She has refused to accept service of a complaint by the Commission investigators acting in their official capacities. Bivins has used abusive language unacceptable to address the regulator holding her real estate license. Her behavior is so extreme that the Commission cannot assure the public that it can properly regulate Bivins as one of its licensees.

Respondent Bivins was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(i) and (m) of the Mississippi Code; and, Rule IV.A.6., IV.D.1., and IV.E.3.a., of the MREC Rules and Regulations:

Section 73-35-21(1)(i) Failing to furnish voluntarily, at the time of signing, copies of all listings, contracts and agreements to all parties executing the same;

Section 73-35-21(1)(m) 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 IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

Rule IV.D.1. .....**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.**

Rule IV.E.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.

Respondent Bivins had her license suspended for a period of one (1) year; and, within five (5) working days from receipt of the Order, will return the $500.00 earnest money to the buyer. Should Bivins fail to return the $500.00 earnest money to the buyer within that time, Bivins' license shall be revoked. The Order is effective thirty (30) days from service of the Order on Bivins.

December 1, 2011
Douglas W. Maselle, Broker
Rebecca Ann Hathcock, Salesperson
John F. Gussio, Jr., Broker
Gregory Joseph Gussio, Broker/Salesperson
Gussio Realty, Inc., Company
Madison County

An Administrative Hearing was conducted on November 21, 201, in response to a complaint filed against the Respondents. The Respondents were notified of the date and time and location of the hearing, and appeared with counsel. A quorum of the Commissioners heard evidence in the cases, received documents into the record, and heard argument of counsel.

The Commission found the failure to cooperate with the investigation by the Respondents to be a serious violation of the relationship between the Commission and its licensees. A valid complaint by the Commission must be investigated and in this case, the investigations was blocked and delayed because of the failure of cooperation. The evidence was also clear and convincing that Greg Gussio continued to indicate to Salesperson Hathcock and her buyers that their contract would be honored whether or not it was an enforceable contract. The failure of the licensees involved to achieve an unambiguous meeting of the minds permitted the misrepresentations to take place. It became apparent from the testimony that neither Greg Gussio nor Becky Hathcock was adequately supervised by their respective brokers.

The Respondents were found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rules IV.A.1., IV.A.2., and IV.A.6., of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 IV.A.2. 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 full consent and knowledge of his employing or supervising broker.

Rule IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

The Commission ordered on December 1, 2011, that John F. Gussio, Jr.,'s license to be suspended for sixty (60) days with the second thirty (30) days held in abeyance. Following the suspension and during the period of suspension held in abeyance, John F. Gussio, Jr., may practice real estate insofar as he complies with the laws and regulations of the State of Mississippi. Within ninety (90) days from the date of the expiration of the sixty (60) days suspension, John F. Gussio, Jr., shall complete four (4) additional hours of continuing education in contract/license law. The education is in addition to that required for renewal of his license.

The Commission ordered on December 1, 2011, that Gregory Joseph Gussio's license was suspended for sixty (60) days with the second thirty (30) days held in abeyance. Following the suspension and during the period of suspension held in abeyance, Gregory Joseph Gussio may practice real estate insofar as he complies with the laws and regulations of the State of Mississippi. Within ninety (90) days from the date of the expiration of the sixty (60) days suspension, John F. Gussio, Jr., shall complete four (4) additional hours of continuing education in contract/license law. The education is in addition to that required for renewal of his license.

Broker/Salesperson Tammy Jean Nutt was issued a Formal Letter of Reprimand on March 5, 2012, for violation of Rule IV.A.1. of the MREC Rules and Regulations:

Salesperson Rebecca Ann Hathcock was issued a Formal Letter of Reprimand on March 5, 2012, for violation of Rule IV.E.2.(g)(5) of the MREC Rules and Regulations:

The order is currently under appeal by John F. Gussio, Jr., and Gregory Joseph Gussio.

October 16, 2011
BETTIE M. BRITT, Salesperson
DeSoto County

The Commission found that Salesperson Britt failed to have a fully executed Dual Agency Confirmation Agreement in her possession before an offer to purchase was presented to the seller. In addition, both Salesperson Britt and the Seller were licensees with the same real estate brokerage firm.

Salesperson Britt entered into an Agreed Order on October 16, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.E.3(c) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.3(c) Brokers operation in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency.

The Agreed Order stated: Respondent Britt will have her license placed on probation for three (3) months, and is required to complete four (4) hours of continuing education. The education is in addition to that required for renewal of her license.

October 13, 2011
LYNN FILLINGHAM, Broker
FONDA LESTER, Salesperson
Madison County

The Commission received information that a branch office of Marketplace Real Estate was being maintained at 6265 Pear Orchard Road in Jackson, Mississippi. The Commission issued a subpoena and investigators went to the location to observe the business activity. During the visit the Commission Investigators discovered that salesperson licensees Jill A. Davis and Julia A. Davis were operating at the location. Additionally, no Branch Office license had been issued by the Commission for that location. Respondent Lester had personally leased the space at the Pear Orchard location and agreed to allow licensees Jill A. Davis and Julia A. Davis to use the space at Pear Orchard for their real estate activities. There was a sign on the door indicating a real estate office. Lester was also working from the location before the branch office was issued a license by the Mississippi Real Estate Commission. The original complaint was filed against responsible broker Lynn Fillingham, Jill A. Davis, and Julia A. Davis, along with Respondent Fonda Lester. Fillingham, Davis, and Davis entered into Agreed Orders essentially admitting the facts. Lester refused to enter into an agreed order, requested a hearing, and then neither she nor her counsel appeared for the hearing. Testimony was given by a Commission Investigator from the licensing and investigative file of Respondent Lester.

There had been two previous formal complaints against Lester, both resulting in disciplinary action. Lester was on probation at the material times of the instant complaint.
An Administrative Hearing was conducted on October 11, 2011, and the Respondent was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-21(1)(m) 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 . . .

Salesperson Lester had her license suspended for one hundred eighty (180) days, with one hundred twenty (120) days held in abeyance.

October 11, 2011
JACK P. HOLLEMAN, Broker
Lee County

Respondent Holleman notified the Commission by a letter dated May 16, 2011, that he had entered a plea in the United States District Court for the Northern District of Mississippi to the charge of defrauding the United States to evade income taxes. The crime is a felony and, as such, subjects the licensee disciplinary actions. The Respondent was served notice of the hearing but neither he nor legal counsel appeared at the hearing.

An Administrative Hearing was conducted on October 11, 2011, and the Respondent was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(g) of the Mississippi Code:

Section 73-35-21(1)(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state or any other state or the United States of any felony.

Broker Holleman had his license suspended for the entire period of his incarceration plus an additional thirty (30) days. He was ordered to complete eight (8) hours of continuing education. This education is in addition to that required for renewal of his license. Following the suspension of his license, his license will be placed on probation for a period of one (1) year.

September 16, 2011
JOYCE ELAINE SONES, Broker
Pearl River County

The Commission opened an investigation of Respondent Sones after receiving confidential anonymous information regarding to possible mismanagement of property, and commingling of escrow funds handled by Sones. The Commission subpoenaed the documents. However, before the subpoena was served on Sones' office, the building where her office was located caught fire, and burned to the ground. Respondent Sones notified the Commission she was relocating to 1403 South Main Street, Suite B; Poplarville, Mississippi 39470. The Respondent was requested to send copies of her business and escrow accounts. Sones responded by providing the Commission with a copy of

monthly statements from Poplarville Realty, Inc., Trust Account with Hancock Bank and from her business account. In response, Respondent Sones stated she transferred money between her trust account and her operating account because of financial distress. She stated no one lost any money because, when someone requested their money to be refunded, she did so. The Commission subpoenaed the bank account records from Respondent Sones' accounts and an examination of those accounts reflected improper transfers, overdrafts and commingling of personal and escrow funds held in trust.

Broker Sones entered into an Agreed Order on September 16, 2011 for violation of Section 73-35-1, specifically Section 73-35-21(1)(f) and (m) of the Mississippi Code; and Rule IV.D.3 of the MREC Rules and Regulations:

Section 73-35-21(1)(f) Failing, within a reasonable time, to account for or to remit any monies coming into his possession which belong to others, or commingling of monies belonging to others with his own funds. Every responsible broker procuring the execution of an earnest money contract or option or other contract who shall take or receive any cash or checks shall deposit, within a reasonable period of time, the sum or sums so received in a trust or escrow account in a bank or trust company pending the consummation or termination of the transaction. "Reasonable time" in this context means by the close of business of the next banking day;

Section 73-35-21(1)(m) 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 IV.D.3. . . . Monies received in a trust account on behalf of clients or customers are not assets of the broker . . .

Broker Sones had her license suspended for ninety (90) days. Following the suspension, her license will be suspended for an additional ninety (90) days, with the suspension held in abeyance. Following the suspension held in abeyance, her license will be placed on probation for six (6) months. She is required to complete four (4) hours of education in agency and two (2) hours of education in license law. The education must be completed by the end of the full suspension and prior to reinstatement of her license. The education is in addition to that required for renewal of her license.

September 14, 2011
GLEN HUGH REED, Broker
Hancock County

An investigation by the Real Estate Commission resulting from a sworn complaint found Respondent Reed agreed to manage two properties owned by the complainant. The owner complained of mismanagement of the properties stated that Reed failed to furnish a signed Management Agreement and complained of delays in receiving payment from the tenants through Mr. Reed's Property Management. Respondent Reed responded to the document request by furnishing an Agency Management Contract that had been signed by him (broker), but not by the owner. He also furnished lease agreements with the tenants for each of the two properties, copies of checks which

reflected payments during the material times to the owner and he provided a copy of a Working With a Real Estate Broker form signed by the tenants. He failed to furnish the important Working With a Real Estate Broker form signed by the owner.

Broker Reed entered into an Agreed Order on September 14, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule IV.E.3.a.of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.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.

Broker Reed had his license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for five (5) months. He is required to complete four (4) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of his license.

September 14, 2011
MARK R. WARREN, Broker
DIANE L. GRAHAM, Salesperson
Madison County

Following the receipt by the Real Estate Commission of a sworn statement of complaint, the MREC investigation revealed that salesperson Graham represented a prospective purchaser who insisted that the sellers/owners vacate a residence prior to closing and the sellers/owners complied with the buyer's wishes. However, the buyers had previously been denied loan approval, a second application for a mortgage loan had not been approved (and was never approved) and the buyers could not (failed) close on the property. The initial rejection of loan approval for the buyers for a mortgage loan was not communicated to the seller.

An Administrative Hearing was conducted on September 13, 2011. The Respondents were informed of their right to have counsel representing them at the hearing, but chose to appear without counsel. Testimony from sworn witnesses and evidence exhibits were received by the Commission. The Respondents were found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(a & m) of the Mississippi Code; and, Rules IV.A.1 and IV.A.2 of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 IV.A.2. . . . 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. . . .

Broker Warren had his broker license suspended for ninety (90) days with the suspension held in abeyance; and, was ordered to complete four (4) hours of continuing education, two (2) in agency and two (2) in license law. The education is in addition to that required for renewal of his license.

Salesperson Graham had her license suspended for ninety (90) days with the suspension held in abeyance; and, was ordered to complete four (4) hours of continuing education, two (2) in agency and two (2) in license law. The education is in addition to that required for renewal of her license.

September 8, 2011
MARY ELROD, Non-Resident Salesperson
Tennessee

An investigation by the Real Estate Commission found Respondent Elrod performed a broker price opinion for a property in Hernando, Mississippi. She received compensation in the amount of $200.00 less a portion which was shared with her brokerage firm for a net fee of $150.40. Elrod stated this was the only BPO she had ever performed.

Non-Resident Salesperson Elrod entered into an Agreed Order on September 8, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m); and, Rule IV.A.7 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.7. A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further, no compensation, fee, or other consideration shall be charged for such opinion other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

The Agreed Order stated: Respondent Elrod will have her license suspended for thirty (30) days beginning November 1, 2011, to November 30, 2011. Her license will be placed on probation for six (6) months as follows: October 1, 2011, through October 30, 2011, and December 1, 2011, through April 30, 2012. She is required to complete a course on BPO approved by MREC before December 31, 2011. The education is in addition to that required for renewal of her license.

September 7, 2011
NANCY C. HALFACRE, Broker
Madison County

The Real Estate Commission received notification from Halfacre's previous broker Lynn Fillingham that Halfacre was no longer associated with Marketplace Realty. Fillingham further notified the Commission that she had released any claims or commission proceeds for any transaction involving Halfacre; effective January 7, 2011. The Commission conducted an investigation associated with Respondent Halfacre's involvement in a transaction concerning property located on Saratoga Drive in Jackson, Mississippi. On January 7, 2011, Halfacre made an application for a transfer of licensure in order to establish a personal brokerage firm named Nancy C. Halfacre Real Estate and the firm was to be located in her home on Springhill Drive in Madison, Mississippi. After tendering her license to the Commission, she was contacted by a couple who stated they had found a home located on Saratoga Drive in Jackson, Mississippi, and would like to see it. Even though Halfacre had not received her transfer and new license from the Commission, she proceeded to show the property to the couple, opening it first on January 8, 2011, and twice more during the following week. Respondent Halfacre stated she did not receive her license as expected because there was an issue associated with issuing her a brokerage (firm) license in a residential neighborhood. The City of Madison would require a business permit in order to establish a home-based business. The continuation of her brokerage activities without the license was a violation of the law and regulations. Halfacre was issued a new license on February 15, 2011. The property which was the subject of the transaction with the couple was settled on January 20, 2011.

Broker Halfacre entered into an Agreed Order on September 7, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1) and (m) of the Mississippi Code:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Section 73-35-21(1)(m) 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 . . .

Broker Halfacre had her license suspended for ninety (90) days. Following the suspension, her license will be placed on probation for nine (9) months. She is required to complete eight (8) hours of continuing education. The education is in addition to that required for renewal of her license.

September 6, 2011
JAMES L. ALDRIDGE, Broker
Alcorn County

An investigation by the Real Estate Commission resulting from a sworn complaint found that Respondent Aldridge originally communicated to a prospective purchaser's agent (Broker) that the buyer's offer had been accepted by the seller; with the necessary paperwork and proper documentation from a foreclosure company to be delivered on/before January 24, 2011. When no paperwork had been received by January 26, Aldridge's wife told the buyer's broker that the offer had been rejected. A rejection letter was submitted to the buyer's broker but the rejection letter was not for the property on which the offer had been tendered. The buyer complained directly to Aldridge after being told the offer was rejected. Aldridge then offered to write a new contract for the buyer on the exact same parcel of property. The buyer agreed and the contract was presented and accepted. The transaction was finalized on February 15, 2011. Upon receipt of the complaint, the Commission requested all documents associated with the transaction between Aldridge and the buyer. Aldridge failed to produce either the Working With a Real Estate Broker form or the Dual Agency Confirmation Agreement; as requested. The buyer stated that on March 9, 2011, Broker Aldridge attempted to have her execute the missing documents and requested that she backdate the documents to January 28, 2011.

Broker Aldridge entered into an Agreed Order on September 6, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rules IV.A.6 and IV.E.3(c)(1)(2) and (3) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

Rule IV.E.3(c) Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency. Informed written consent to disclosed dual agency shall be deemed to have been timely obtained if all of the following occur:

1. The seller, at the time an agreement for representation is entered into between the broker and seller, gives written consent to dual agency by signing the Consent to Dual Agency portion of MREC Form A.

2. The buyer, at the time an agreement for representation is entered into between the broker and buyer, gives written consent to dual agency by signing the Consent to Dual Agency portion of MREC Form A.

3. The Broker must confirm that the buyer(s) understands and consents to the consensual dual agency relationship prior to the signing of an offer to purchase. They buyer shall give his/her consent by signing the MREC Dual Agency Confirmation Form which shall be attached to the offer to purchase. The Broker must confirm that the seller(s) also understands and consent to the consensual dual agency relationship prior to presenting the offer to purchase. The seller shall give his/her consent by signing the MREC Dual Agency Confirmation Form attached to the buyer's offer. The form shall remain attached to the offer to purchase regardless of the outcome of the offer to purchase.

The Agreed Order stated: Respondent Aldridge will have his license suspended for thirty (30) days; and, following the suspension, his license will be placed on probation for eleven (11) months. He is required to complete four (4) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of his license.

September 1, 2011
GREGORY RYAN, Principal Broker
MIKE WAYNE ANDERSON, Broker/Salesperson
DEAN HARRIS, Salesperson
CANDACE "PAIGE" ANDERSON, Salesperson
Desoto County

A sworn statement of complaint was filed with the Commission and the ensuing investigation found that Respondent "Paige" Anderson had, without permission, placed her client's (seller) initials indicating a price reduction on an exclusive listing agreement, she failed to deliver an offer in a timely fashion based on the time-frame in which the offer was executed, she failed to deliver true copies of all documents to her client and, further, she failed to have the Dual Agency Confirmation Agreement executed confirming that Mr. Mike Anderson and Ms. Paige Anderson represented both the buyer and the seller in a real estate transaction.

Broker Ryan, Broker/Salesperson Mike Anderson, and Salesperson Anderson entered into an Agreed Order on September 9, 2011 for violation of Section 73-35-1 of the Mississippi Code.
Broker Ryan was specifically found to be in violation of Rule IV.A.1 of the MREC Rules and Regulations:

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 Ryan had his broker license suspended for ninety (90) days, with the suspension held in abeyance; and, his license will be placed on probation for nine (9) months following the suspension. He was ordered to complete four (4) hours of education in agency. The education is in addition to that required for renewal of his license.

Broker/Salesperson Mike Anderson was specifically found to be in violation of Section 73-35-21(1)(m) of the Mississippi Code, and Rule IV.E.2.g.(3) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.2.g. "Fiduciary Responsibilities" are those duties due the principal (client) in a real estate transaction are:

(3) 'Disclosure' – the agent must disclose to the principal any information the agent becomes aware of in connection with the agency.

Broker/Salesperson Anderson had his license suspended from October 1, 2011, to December 31, 2011; and, after the suspension period, his license will be placed on probation for twenty-one (21) months beginning on January 1, 2012. He was ordered to complete a total of eight (8) hours of continuing education in agency, contract, and license law. The education is in addition to that required for renewal of his license.

Salesperson Candace "Paige" Anderson was specifically found to be in violation of Section 73-35-21(1)(a), (i), and (m) of the Mississippi Code, and Rule IV.E.2.g.(1) of the MREC Rules and Regulations:

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

Section 73-35-21(1)(i) Failing to furnish voluntarily, at the time of signing, copies of all listings, contracts and agreements to all parties executing the same;

Section 73-35-21(1)(m) 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 IV.E.2.g. "Fiduciary Responsibilities" are those duties due the principal (client) in a real estate transaction are:

(1) 'Loyalty' – the agent must put the interests of the principal above the interest of the agent or any third party.

Salesperson Candace "Paige" Anderson had her license suspended for eighteen (18) months beginning January 1, 2012 and concluding on June 30, 2013. After the suspension, her license will be placed on probation for six (6) months.

August 30, 2011
SONIA HARRIS-CARTER, Broker
CARTER REAL ESTATE COMPANY
Hinds County

The Real Estate Commission received information that Respondent Harris-Carter had made an offer as an owner occupant of a HUD property and then leased (rented) the residence. The Commission opened an investigation to determine if there had been a real estate violation. The investigation found that HUD property (foreclosure) located on Decelle Street in Jackson, Mississippi was bid on and purchased by a real estate broker during the owner-occupant phase of the listing in November, 2009. Ms. Carrie Darby and Ms. Sonia Harris-Carter, sometimes using the name of Sonia Harris, purchased the property for $18,500.00 with the expectation of using HUD assistance to remodel the property. The settlement date was November 25, 2009. Apparently, the property (mostly) remained vacant from the time of purchase through the succeeding months until August 21, 2010; at which time a "For Lease" sign was posted in the yard, until November 21, 2010. The phone number posted on the sign was the cell phone number of Respondent Harris-Carter. The removal of the "For Lease" sign on November 21, 2010, was coincident with the leasing of the property to tenants who stated they were renting the property from Respondent Carter Real Estate.

A subpoena duces tecum was served on the Respondents on December 21, 2010. Documents obtained in response to the subpoena included a Working With a Real Estate Broker form indicating Carrie Darby and Sonia Harris as clients of Prudential and Prewitt, the buyer's agent. A HUD-1, HUD Contract, and accompanying package included a Contract Addendum which pledges the Respondent to be the owner-occupant of the property for at least twelve months. Respondent Harris-Carter did not occupy the property. She stated she purchased the property for her niece Carrie Darby, and did not purchase as a broker. She stated she did not purchase through her company, and did not receive a commission on the purchase.

Broker Harris-Carter entered into an Agreed Order on August 30, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rule IV.C.2 and 3 of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.C.2. A licensee shall not advertise to sell, buy, exchange, auction, rent or lease property in a manner indicating that the offer to sell, buy, exchange, auction, rent, or lease such property is being made by a private party not engaged in the real estate business. No advertisement shall be inserted by a licensee in any publication where only a post office box number, telephone number, or street address appears. Every licensee, when advertising real estate in any publication, shall indicate that the party advertising is licensed in real estate. All advertising must be under the direct supervision and in the name of the responsible broker or in the name of the real estate firm.

When a licensee is advertising their own property for sale, purchase or exchange which is not listed with a broker, the licensee must indicate that he or she is licensed. The disclosure of licensee's status must be made in all forms of advertising, including the "for sale" sign.

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.

Rule IV.C.3. A broker shall advertise in the name in which the license is issued. A broker may use a descriptive term after the broker's name to indicate the occupation in which engaged, for example, "realty", "real estate", "property management". If advertising in any other form, a partnership, trade name, association, company or corporation license must be obtained prior to advertising in that manner.

The Agreed Order stated: Respondent Harris-Carter had her license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for five (5) months. She is required to complete four (4) hours of education in agency, and two (2) hours of education in license law before December 31, 2011. The education is in addition to that required for renewal of her license.

August 29, 2011
RESSIE W. CLIETT, Broker
KAY BAIRD, Salesperson
Clay County

An investigation by the Real Estate Commission resulting from a sworn complaint found Respondent Baird acted as a dual agent in a transaction that closed on November 2, 2010. The buyer occupied the property and soon discovered the plumbing had been disconnected from the slab and rerouted incorrectly which caused the water to back up into the sink and the dishwasher and flood the floors. The property was financed through the 502 Low Income Loan through U.S.D.A. Rural Housing of Columbus. One of the requirements of the loan was to "provide certified Home Inspection from a licensed inspector." Acting in her capacity as a disclosed dual agent and fiduciary to the buyer, Respondent Cliett engaged the services of Bernard Rowe to inspect the property. Rowe was not licensed by the State of Mississippi as a home inspector. During the negotiations, sale and closing of the property, the buyer was dependent at an extraordinary level upon the Respondents to protect her. The buyer was dependent upon the Respondents to have the dwelling properly inspected so that the apparent defects in the plumbing would be pointed out and cared for prior to her occupancy.

Broker Cliett and Salesperson Baird entered into an Agreed Order on August 29, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.E.2.g.5 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.2.g.5. "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.

The Agreed Order stated: Respondent Cliett will have her license suspended for ninety (90) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for three (3) months. She is required to complete four (4) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of her license.

Respondent Baird will have her license suspended for ninety (90) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for three (3) months. She is required to complete four (4) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of her license.

August 29, 2011
JEANETTE Y. HOLLOWELL, Broker
DeSoto County

An investigation by the Real Estate Commission resulting from a sworn complaint found that the respondent's personal residence had been listed multiple times between December 9, 2008 and October 14, 2010. At the time an offer was made on April 1, 2011 the prospective purchaser signed a Confirmation of Dual Agency Agreement and signed a Property Condition Disclosure Statement (PCDS) which had been dated December 9, 2008. A counteroffer was tendered to the prospective purchaser on April 2, 2011 and it was accompanied by a new PCDS which had been completed by the seller/agent; with substantial changes and differences from the PCDS which was relied upon by the prospective buyers in making the offer. Broker Hollowell also failed to execute the Dual Agency Confirmation Agreement prior to receiving the offer which was being presented by a licensee who worked for the same brokerage firm. Hollowell's counteroffer was presented without the proper notifications required by the MREC Agency Rule as it applies to Dual Agency.

Broker Hollowell entered into an Agreed Order on August 29, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a), (d), and (m), and Section 89-1-503 of the Mississippi Code; and, Rule IV.E.3(c) of the MREC Rules and Regulations:

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

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

Section 73-35-21(1)(m) 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 . . .

Section 89-1-503 The transferor of any real property subject to Sections 89-1-501 through 89-1-523 shall deliver to the prospective transferee the written property condition disclosure statement required by Sections 89-1-501 through 89-1-523 as follows:

(a) In the case of a sale, as soon as practicable before transfer of title;

(b) In the case of transfer by a real property sales contract, or by a lease 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 delivery in person or five (5) days after delivery by deposit in mail, to terminates his or her offer by delivery of a written notice of termination to the transferor or the transferor's agent.

Rule IV.E.3(c) Brokers operation in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency.

The Agreed Order stated: Respondent Hollowell will have her license placed on probation from August 25, 2011, to September 25, 2011. Her license will be suspended from September 26, 2011, to November 25, 2011, with the suspension to be held in abeyance. Her license will be fully suspended from November 26, 2011, to December 25, 2011. She is required to complete four (4) hours of education in agency prior to December 31, 2011. The education is in addition to that required for renewal of her license.

August 25, 2011
MARK ANTHONY MAYALL, Non-Resident Broker
CHRISTIE GRAVATT, Salesperson
DeSoto County

An investigation by the Commission found Respondent Gravatt joined the Northwest Mississippi Association of Realtors (NWMAR) on March 10, 2003. She became inactive from NWMAR on October 1, 2010. She was notified by letter from NWMAR (dated March 2, 2011) that she was no longer eligible to use the term REALTOR. At a later date, a "Facebook" page attributable to Respondent Gravett indicated that she was a "residential and commercial realtor." Gravatt stated this has been corrected.

Salesperson Gravatt entered into an Agreed Order on August 25, 2001, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.C.1 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.C.1. The use of any copyrighted term or insignia or stationary, office signs, or in advertising my any licensee not authorized to do so, will be considered as a "substantial misrepresentation" and cause for refusal, suspension or revocation of the license.

The Agreed Order stated: No disciplinary action was taken against Respondent Mark Anthony Mayall, Non-Resident Broker. Respondent Gravatt will have her license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for five (5) months. She is required to complete two (2) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of her license.

August 16, 2011
KENNETH GEORGE MCMILLIN, Salesperson
Warren County

The Commission conducted an investigation stemming from a report to the Mississippi Real Estate Appraiser Licensing and Certification Board (MAB) that Respondent McMillin had performed a Broker Price Opinion (BPO) for compensation. On or about January 2, 2008, Respondent McMillin prepared a BPO for PHH Mortgage DLD. On that same date, McMillin sent an invoice for $100.00 for the performance of a "BPO FNMA Exterior Drive-By" report. After inquiries from MAB, Respondent McMillin admitted to performing the BPO for compensation.

Salesperson McMillin entered into an Agreed Order on August 16, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m); and, Rule IV.A.7 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.7. A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further, no compensation, fee, or other consideration shall be charged for such opinion other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

The Agreed Order stated: Respondent McMillin will have his license suspended for thirty (30) days; and, following the suspension, his license will be placed on probation for five (5) months. He is required to complete a course on BPO approved by MREC before December 31, 2011. The education is in addition to that required for renewal of his license.

August 15, 2011
WILLIAM ALBERT BROCK, JR., Broker
Washington County

An investigation by the Real Estate Commission resulting from a sworn statement of complaint found that a contract was entered into for the purchase of a home in Greenville, Mississippi, through Re/Max of Greenville, Inc., and from Brock Construction, Inc. The construction of the home was completed after the date of the contract. Upon occupancy, the owner/buyers found substantial problems with the construction of the home and filed suit in the Washington County Chancery Court in March 2006. The trial was held on February 16 & 17, 2010. The Court rendered its decision on January 19, 2011; finding Brock liable for major structural defects in the front porch of the house which resulted in damages to the floors and front door. The Court further found that Brock failed to meet the customary standards of construction in the community and did, therefore, breach the implied warranty of workmanship. During the course of litigation in the Washington County Chancery Court, a deposition of Brock was taken. During his testimony, under oath, Brock admitted that he had never given any of the MREC required disclosure statements to the buyers of the subject property.

Broker Brock entered into an Agreed Order on August 15, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-21(1)(m) 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 . . .

Failure to deliver a property condition disclosure statement as required by law is a violation of the Mississippi Real Estate Brokers License Act of 1954, Section 89-1-501, of the Mississippi Code.

The Agreed Order stated: Respondent Brock will have his license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. He is required to complete four (4) hours of education in agency before December 31, 2011. The education is in addition to that required for renewal of his license.

August 12, 2011
MORTON H. FLOCH, Broker
Rankin County

An investigation by the Real Estate Commission resulting from a sworn complaint found that Respondent Floch presented an offer for a buyer and the offer indicated earnest money had been

deposited in the brokerage's escrow account but, in fact, no earnest money had been deposited. The seller countered the original offer and there was then another counteroffer. The buyer's counter was presented by Floch and it appeared to have the buyer's signature. However, the investigation revealed that the buyer had not signed the counter. Floch had placed the buyer's signature on the counter offer. Respondent Floch claimed to have authority from the buyer to execute the offer. However, most of the communication between the Respondent and buyer was done through email. The email communications were ambiguous as to their intent. The absence of signed offers and counter offers made successful completion of the transaction more difficult.

Broker Floch entered into an Agreed Order on August 12, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code and the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Floch will have his license suspended for ninety (90) days, with the suspension held in abeyance. Following the suspension, held in abeyance, his license will be placed probation for three (3) months. He is required to complete two (2) hours of education in license law before December 31, 2011. The education is in addition to that required for renewal of his license.

August 10, 2011
LEAH B. SANDIDGE, Salesperson
Hinds County

An investigation by the Real Estate Commission resulting from a sworn statement of complaint found that Respondent Sandidge represented buyers in a contract dated April 1, 2011. The contract provided that $500.00 in earnest money would be deposited in the trust account of Respondent Sandidge's broker. The amount of the earnest money deposit was subsequently changed to $1,400.00. The original closing date of April 15, 2011, was delayed. The seller's broker notified Sandidge's broker that the earnest money had not been deposited. Sandidge's broker was unaware of this fact. He immediately confronted Sandidge and requested the earnest money be delivered to the office without delay. Sandidge provided $1,400.00 in cash on April 29, 2011 and the funds were deposited into the firm's trust account on May 1, 2011. The transaction eventually failed and the $1,400.00 earnest money was tendered to the seller through his broker.

Salesperson Sandidge entered into an Agreed Order on August 10, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code and the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Sandidge will have her license suspended for ninety (90) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for three (3) months. She is required to complete two (2) hours of education in license law before December 31, 2011. The education is in addition to that required for renewal of her license.

August 8, 2011
TOMMY MICKELL CRISLER, Broker
Hinds County

An investigation by the Real Estate Commission found that Respondent Crisler entered into a contract for deed with a buyer on or about February 3, 2011. At no time did Crisler disclose to the buyer that he had an ownership interest in the property in question as required of all real estate licensees when selling property in which they have an ownership interest.

Broker Crisler entered into an Agreed Order on August 8, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m); and, Rule IV.C.2 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.C.2. . . . In addition to disclosing their licensed status in advertisement, licensees are required to disclose their licensed status on all contracts for real estate in which they have an ownership interest.

The Agreed Order stated: Respondent Crisler will have his license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, his license will be placed on probation for six (6) months. He is required to complete two (2) hours of education in license law before December 31, 2011. The education is in addition to that required for renewal of his license.

August 8, 2011
AUDREY B. WILEY, Broker
Hinds County

An investigation by the Real Estate Commission found that Respondent Wiley filed and obtained a certificate of formation from the Mississippi Secretary of State for a Limited Liability Company named WAB Real Estate, LLC. The responsible broker did not, however, obtain a real estate license for WAB

Real Estate, LLC. The company operated as a real estate brokerage firm. For example, at several websites on the Internet, WAB Real Estate, LLC, is listed as being a real estate brokerage even though it did not have a company license. In a letter dated May 6, 2011, Respondent Wiley admitted that WAB Real Estate, LLC, did not have a company license. Wiley subsequently made application for a corporate broker's license for WAB Real Estate, LLC. The firm is now properly licensed.

Broker Wiley entered into an Agreed Order on August 8, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule IV.C.3 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.C.3. A broker shall advertise in the name in which the license is issued . . . If advertising in any other form a . . . company . . . license must be obtained prior to advertising in that manner.

Respondent Wiley had her license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She is required to complete two (2) hours of education in license law before December 31, 2011. The education is in addition to that required for renewal of her license.

July 22, 2011
LYNN FILLINGHAM, Broker
FONDA LESTER, Salesperson
Madison County

The Commission received information that a branch office of Marketplace Real Estate was being maintained at 6265 Pear Orchard Road in Jackson, Mississippi. The Commission issued a subpoena and investigated the site of the alleged branch office. Upon visitation, the Commission investigators discovered that licensees Jill A. Davis and Julia A. Davis were operating at the location. Respondent Lester had personally leased space at the Pear Orchard location and agreed to allow licensees Jill A. Davis and Julia A. Davis to use the space for planning meetings and storage of supplies relating to their real estate activities. At all relevant times, Davis, Davis, and Lester were salespersons operating under Fillingham's brokerage (Marketplace) and certain actions did occur within the Pear Orchard space which constituted real estate practice by Davis, Davis, and/or Lester prior to the time Fillingham secured and displayed a branch office license in the Pear Orchard space. Fillingham, as responsible broker, had a duty to know what actions Davis, Davis and Lester were undertaking in the performance of real estate activities and to secure a branch office license for the Pear Orchard space prior to the time real estate activities were carried on there.

Broker Fillingham entered into an Agreed Order on July 22, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.4 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.4. 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 fore the real estate practices of those licensees.

The Agreed Order stated: Respondent Fillingham will have her license placed on probation for six (6) months.

June 9, 2011
A. VIDAL DAVIS, Broker
Adams County

The Commission was notified by the Listing Broker on February 16, 2011, that during an inspection of a foreclosed property at 304 Lambert Street in Natchez, Mississippi, on behalf of FNMA, they discovered that a construction crew was working at the house. The roof had been replaced on part of the home, some new interior walls had been erected, and there was new electrical and landscaping work being completed. The Listing Broker, fiduciary to FNMA, informed the buyer of the property that it was a violation of the regulations to enter the property before it had been sold. The buyer informed the Broker that he had been given the permission to do so by Respondent Vidal Davis, his broker in the transaction. The MREC notified Mr. Davis that this was improper and Mr. David acknowledged he had given the buyer the code to get into the property. The buyer, through broker and Respondent Vidal Davis, made an offer to purchase the property on Lambert Street in Natchez, Mississippi, on December 6, 2010, the property was owned by Federal National Mortgage Association and the purchase contract contained an addendum which prohibited the purchaser from entering upon the premises of the property and making repairs or treatments prior to closing without prior written consent.

Broker Davis entered into an Agreed Order on June 9, 2011 for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rule IV.E.2.g.5 of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.E.2.g.5. “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.

The Agreed Order stated: Respondent Davis will have his license suspended for thirty (30) days, with the suspension held in abeyance. Following the suspension, his license will be placed on probation for five (5) months.

April 1, 2011
JANNITRA THOMAS, Salesperson
Rankin County

The Real Estate Commission opened an investigation regarding the transaction for real estate located at on Breckinridge Drive in Jackson, Mississippi, after receiving a sworn complaint from Respondent Thomas’ broker Gary Smith indicating that Thomas, acting independently of her responsible broker, was participating in a fraudulent mortgage transaction. A buyer was introduced to the Respondent by a friend. The Respondent contacted the buyer and told him of a property located on Breckenridge Drive in Jackson, Mississippi. The buyer stated Respondent Thomas told him the sellers would pay all closing costs and the earnest money would be $500.00. The $500.00 earnest money was paid by the buyer to the Respondent but was not deposited in the account of the responsible broker. The transaction closed on December 27, 2007. No commission was paid. The Respondent stated she “gifted” the commission to the sellers to offset the increased closing costs, which were unexpected. Following the closing, the Respondent represented to her responsible broker that the transaction on Breckinridge Drive did not close, but it had been converted to a rental agreement. This was untrue as the closing had taken place two days prior to that communication. Afterward, the buyer contacted responsible broker Gary Smith to complain about the acts of Respondent Thomas and Smith, thinking the transaction had not been finalized, wrote a check payable to the buyer for the $500.00 earnest money deposit (refund). Smith gave the check to Respondent Thomas. The check was negotiated by Respondent Thomas rather than giving it to the buyer. It appears the Respondent signed the buyer’s name on the refund check without the buyer’s authority, and converted the funds to her own use. (The findings of fact state that the buyer stated he did not receive the refund of his earnest money but it was not determined what happened to the check.)

Salesperson Thomas entered into an Agreed Order on April 1, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rules IV.A.2 and IV.D.1 of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.A.2. 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 full consent and knowledge of this employing or supervising broker. However, should the responsible broker agree that a broker under his supervision may perform certain real estate services outside the responsible broker's supervision or direction, the responsible broker shall notify the Commission in writing as to the exact nature or such relationship and the names of the broker or brokers involved. The responsible broker shall immediately notify the Commission in writing upon termination of such relationship.

Rule IV.D.1. . . . 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 Agreed Order stated: Respondent Thomas will have her license suspended for three (3) months, with two (2) months of the suspension held in abeyance. Following the suspension, she will have her license placed on probation for nine (9) months. She is required to complete eight (8) hours of education; four (4) hours in agency, two (2) hours in contract, and two (2) hours in license law. The education must be completed before her probation period is complete, and is in addition to that required for renewal of her license.

March 31, 2011
WILLIE JAMES MOTT, JR., Broker
Madison County

The Real Estate Commission received a complaint from Jay Hinrich in regard to nine properties Respondent Mott was managing for him. Hinrich complained that he received inadequate service from Mott in collecting rents in a timely manner and making repairs. When he attempted to transfer his properties to another company, Hinrich indicated that Mott was reluctant to honor his wishes by tendering the keys, paperwork, and deposits in a timely manner. The Commission served a subpoena duces tecum on Respondent Mott and reviewed the documents related to Hinrich's properties. The review of the documents showed that Mott had failed to enter into a new management agreement for the properties when he began managing them and had failed to execute the Working With a Real Estate Broker Disclosure form with Hinrich or the tenants. Mott simply used the same documents that had been signed by the previous property manager, Salesperson Fonda Lester. Mott ultimately released Hinrich from the Management Agreement and submitted all documents and deposits to his attorney to be distributed to the new management company VIP Property Management Company.

The Commission also received a complaint from Tanya Stallworth concerning the property management activities of Respondent Mott regarding property she owned on East Woodcrest Drive in Jackson, Mississippi. The property had also been previously managed by Salesperson Fonda Lester. Stallworth complained of Mott's failure of prompt service with regard to repairs. She further complained that she had paid for a new refrigerator for a tenant but Mott had failed to make the purchase and she stated that she had been billed (invoiced) for an air conditioner repair but the

repair had not been completed. Disenchanted with the management of Respondent Mott, she attempted to move her property to another management company. She was informed the documentation and escrow monies had been turned over to Mott's attorney rather than to Stallworth. When he assumed management of the property, Mott failed to execute a management agreement with Stallworth or a Working With a Real Estate Broker form as required by regulation.

Broker Mott entered into an Agreed Order on March 31, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.E.3.a of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.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.

The Agreed Order stated: Respondent Mott have his license suspended for three (3) months, with the suspension held in abeyance. Following the suspension, he will have his license placed on probation for nine (9) months. He is required to complete six (6) hours of education; four (4) hours in agency, and two (2) hours in contract. The education must be completed before his probation period is complete, and is in addition to that required for renewal of his license.

March 30, 2011
LAWRENCE JOHNSON, Non-Resident Broker
Tennessee

The Commission received a complaint from the owner of the property located at Easley Lane in Horn Lake, Mississippi, regarding the management of that property by Respondent Johnson. The owner stated he had not received any payment from the renter by way of Respondent Johnson in five months at the time of his complaint. The owner stated that an employee (Spencer Johnson) of Johnson's brokerage firm had communicated to him that the tenant had not paid the rent. In August 2010, the owner terminated his relationship with the Johnson Company and contracted Desoto Management & Investment to serve as his property manager. The owner stated that after the transition was made to Desoto Management & Investment Company, he discovered documents indicating that the tenant had, in fact, paid the rent to Respondent Johnson. Respondent Johnson stated he had mistakenly applied the payments to another address. The unpaid rental payments were eventually paid to the owner. Respondent Johnson could not furnish a Working With a Real Estate Broker form for either the property owner or the tenant. Johnson responded to the Commission that he did not believe the document was applicable to property management. Johnson also stated that Spencer Johnson is on a stated salary as operations manager and is not a licensee.

Non-Resident Broker Johnson entered into an Agreed Order on March 30, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.E.3.a of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.E.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.

The Agreed Order stated: Respondent Johnson will have his license suspended thirty (30) days, with the suspension held in abeyance. Following the suspension, his license will be placed on probation six (6) months. He is required to complete eight (8) hours of education; four (4) hours in agency, and four (4) hours in license law. The education must be completed before his probation period is complete, and is in addition to that required for renewal of his license.

January 20, 2011
LYNN FILLINGHAM, Broker
FONDA LESTER, Salesperson
JILL A. DAVIS, Salesperson
JULIA A. DAVIS, Salesperson
Madison County

The Commission received information that a branch office of Marketplace Real Estate was being maintained at 6265 Pear Orchard Road in Jackson, Mississippi. The Commission issued a subpoena and investigators went to the location to serve the subpoena. Upon that visit, the Commission investigators discovered that licensees Jill A. Davis and Julia A. Davis were operating of the location. There was no branch office license at the Commission for that location. Respondent Lester had leased space at the Pear Orchard location and agreed to allow licensees Jill A. Davis and Julia A. Davis to use the space at Pear Orchard for their real estate activities. The location did not have a license to operate as an office or branch office.

Salespersons Jill A. Davis and Julia A. Davis entered into an Agreed Order on January 20, 2011, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.2 and 4 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.2. 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 full consent and knowledge of this employing or supervising broker. . . .

Rule IV.A.4. 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.

The Agreed Order stated: Respondents Jill A. Davis and Julia A. Davis will have their licenses placed on probation for six (6) months.

January 14, 2011
DANIEL NATHAN BURING, Non-Resident Broker
THE SHOPPING CENTERY GROUP, LLC (BOF), Company
Tennessee

The complaints in this case are associated with the transactions of a property known as South Creek Collection located at Malco Boulevard and Goodman Road in Southaven, Mississippi. The first transaction was finalized in 2005 when William M. Graham, as principal, purchased the shopping center. The transaction was brokered by The Shopping Center Group and Karen Lundgren. The Shopping Center Group was licensed in Mississippi as a non-resident brokerage firm. Karen Lundgren was not licensed in Mississippi but was licensed in California as a salesperson. No cooperating agreement between the Shopping Center5 Group and the non-resident principal broker was finalized prior to the transaction nor was one ever filed with the Commission. The Shopping Center Group failed to file a cooperating agreement to permit a non-resident broker to participate in the Mississippi transaction and allowed a salesperson to enter the state and show property. The transaction closed July 5, 2005.

The same property was offered for sale again in 2009. Mr. Daniel Nathan Buring was licensed as a non-resident broker in the State of Mississippi with The Shopping Center Group. He purportedly entered into a cooperating agreement with non-resident principal broker Todd Gordon of Wellington, Florida. However, no cooperating agreement was filed with the Commission as required by statute. This sale of the subject property closed in August, 2009. The final settlement statement shows a commission paid to Gordon Realty LLC and it reflected a commission paid at settlement to The Shopping Center Group, LLC. Since no cooperating agreement was filed by the Mississippi licensee, it was unlawful for the commission to be paid to Gordon Realty, LLC.

Non-Resident Broker Buring entered into an Agreed Order on January 14, 2011, for violation of Section 73-35-1, specifically Section 73-35-11 and Section 73-35-21(1)(l) and (m) of the Mississippi Code:

Section 73-35-11 It shall be unlawful for any licensed broker, salesperson or other person who is not licensed as a Mississippi resident or nonresident broker or salesperson and a licensed broker or licensed salesperson in this state to perform any of the acts regulated by this chapter, except that a licensed broker of another state who does not hold a Mississippi real estate license may

cooperated with a licensed broker of this state provided that any commission or fee resulting from such cooperative negotiation shall be stated on a **form filed with the Commission** reflecting the compensation to be paid to the Mississippi broker.

Whenever a Mississippi broker enters into a cooperative agreement under this section, the Mississippi broker shall filed within ten (10) days with the Commission a copy of each such written agreement. By signing the agreement, the nonresident broker who is not licensed in this state agrees to abide by Mississippi law, and the rules and regulations of the Commission; and further agrees that civil actions may be commenced against him in any court of competent jurisdiction in any county of this state in which a claim may arise.

The Mississippi broker shall require a listing or joint listing of the property involved. The written cooperative agreements shall specify all material terms of each agreement, including but not limited to its financial terms.

The showing of property located in Mississippi and negotiations pertaining thereto shall be supervised by the Mississippi broker. In all advertising of real estate located in Mississippi, the name and telephone number of the Mississippi broker shall appear and shall be given equal prominence with the name of the nonresident broker who is not licensed in this state.

The Mississippi broker shall be liable for all acts of the above cooperating broker, as well as for his own acts, arising from the execution of any cooperative agreement.

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 this responsibility.

Section 73-35-21(1)(1) 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;

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

The Agreed Order stated: Respondent Buring had his license suspended for three (3) months, with two (2) months of the suspension held in abeyance. He is required to complete eight (8) hours of education. The education must be completed before his suspension period is complete, and in addition to that required for renewal of his license. He must resign as responsible broker for The Shopping Center Group, LLC (BOF). The Shopping Center Group, LLC (BOF) may obtain a new responsible broker.

January 5, 2011
ANDRIES BUTLER, Salesperson
Harrison County

The Commission received information from Respondent Butler's principal broker Damion Flynn that Butler reduced a buyer's side commission without his consent.

Salesperson Butler was issued a Formal Letter of Reprimand on January 5, 2011, for violation of Section 73-35-3 (3) of the Mississippi Code:

Section 73-35-3(3) One act in consideration of or with the expectation or intention of, or upon the promise of, receiving compensation, by fee, commission or otherwise, in the performance of any act or activity contained in subsection (1) of this section, shall constitute such person, partnership, association or corporation a real estate broker and make him, them or it subject to the provisions and requirements of this chapter.

January 4, 2011
W. ANDREW HARDIN, Non-Resident Salesperson
Florida

Non-Resident Salesperson Hardin entered into a Settlement Agreement with the Commission on January 4, 2011. The Agreement stated: Hardin's license was placed on suspension for ninety (90) days, with sixty (60) days of the suspension held in abeyance. Following the suspension, his license was placed on probation for nine (9) months. He was also required to complete eight (8) hours of continuing education. The education must be completed before his suspension period is complete, and is in addition to that required for renewal of his license.

January 4, 2011
TERI D. HARMON, Salesperson
Harrison County

Salesperson Harmon entered into a Settlement Agreement with the Commission on January 4, 2011. The Agreement stated: Harmon's license was placed on suspension for ninety (90) days, with sixty (60) days of the suspension held in abeyance. Following the suspension, her license was placed on probation for nine (9) months. She was also required to complete eight (8) hours of continuing education. The education must be completed before his suspension period is complete, and is in addition to that required for renewal of her license.

December 23, 2010
RICKIE LEE PHILPOTT, Broker
Hancock County

The Commission received a sworn statement of complaint on or about October 26, 2010, from Dean Agee, owner of Osceola Property Management, LLC, in Bay St. Louis, Mississippi. Mr. Agee complained that his responsible broker Rickie Lee Philpott solicited the clients of Osceola Property Management to switch their contracts to a management company owned by Respondent Philpott, Magnolia Coast Realty, LLC. The offers included a replacement contract for the owners to sign and terms and conditions. Additionally, there were disparaging remarks about Osceola Property Management and its sole owner Dean Agee. Respondent Philpott induced Teri Harmon, a salesperson with Osceola Property Management, to join her in the new endeavor. On or about August 12, 2010, the Commission entered an order suspending the license of Rickie Lee Philpott for a period of ninety (90) days, with sixty (60) days held in abeyance. The Findings of Fact in the order of August 12, 2010, found that Philpott had made substantial misrepresentations in connection with a real estate transaction in that she had entered into management agreements or leases with the owners and tenants of Choice Property Management before she or Osceola Property Management, LLC, were licensed by the Commission. At the hearing conducted on the formal complaint against Philpott, the Commission admitted into evidence at least ten documents which reflected the brokerage activities of Philpott during the period that she was not licensed. The actions of Respondent Philpott would establish a violation of the laws and regulations of the Mississippi Real Estate Commission, and, moreover, would exhibit a disregard for the action of the Commission in its August 12, 2010, order.

An Administrative Hearing was scheduled for January 11, 2011, by the MREC for Broker Philpott for violation of Section 73-35-1, specifically Section 73-35-21(1)(k) and (m) of the Mississippi Code:

Section 73-35-32(1)(k) Inducing any party to a contract, sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract, where such substitution is motivated by the personal gain of the licensee;

Section 73-35-21(1)(m) 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 . . .

Broker Philpott surrendered her license on December 23, 2010.

December 22, 2010
VIRGINIA F. AMACKER, Broker
Jackson County

The Commission conducted an investigation of Respondent Amacker after receiving a sworn complaint from sellers who complained they had listed their residence for approximately two months, but had not received a copy of any paperwork regarding the listing. They also complained the Property Condition Disclosure Statement was complete a month to a month and one-half after

the house was listed, but they had not yet received a copy. They complained they had to confer with other real estate licensees regarding a potential buyer because Respondent Amacker was not available and did not return phone calls. The Commission received the comments of witnesses to the transaction regarding the property and collected documents related to the complaint. Respondent Amacker was notified of the complaint and requested to produce her response along with documents related to the transaction. She responded with a Working With a Real Estate Broker form with the sellers' signatures dated December 11, 2009. The form had selected that Amacker was acting as the sellers' agent and a disclosed dual agent. This was not proper since the form did not have the signature of a buyer nor were there any parties other than the sellers, her clients, to represent. The "Exclusive Authorization and Right to Sell Listing Agreement" contract was signed by the sellers and Amacker and dated December 11, 2009. The agreement was for a term of six months or to expire June 11, 2010. The sellers stated in their sworn statement of compliant they had not received a copy of the listing agreement at the time it was signed. Amacker denied that claim, stating she furnished a copy of the listing agreement when it was signed. A buyer made an offer on the property on or about April 12, 2010. The buyer was represented by Summer Davis Inman, affiliated with Coldwell Banker Alfonso Realty, Inc., in Ocean Springs, Mississippi. Ms. Inman stated she had difficulty reaching Respondent Amacker or getting responses to her questions concerning the offer to purchase. Ms. Inman took the position that she was having such difficulty in reaching Amacker and having Amacker represent the sellers that the transaction proceeded with the sellers agreeing to sell the property to the buyer without Amacker being actively involved in the transaction. On or about April 19, 2010, Respondent Amacker filed a Mechanic's Lien in the Chancery Court of Jackson County, Mississippi, seeking $33,000 for a 6% commission on a listing price of $550,000.00 to Virginia Real Estate, LLC, Virginia F. Amacker, Broker/Owner, listing agent, and attaching a copy of a "Exclusive Authorization and Right to Sell Listing Agreement" and a "Working With a Real Estate Broker" form.

Broker Amacker entered into an Agreed Order on December 22, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code, and Rule IV.B.A, IV.E.2(g)(5), and IV.E.3(c) of the MREC Rules and Regulations:

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

Rule IV.B.1. 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 IV.E.2.(g)(5) "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.

Rule IV.E.3(c). Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency . . .

The Agreed Order stated: Respondent Amacker will have her license suspended six (6) months, with the five (5) months of the suspension held in abeyance. Following the suspension, his license will be placed on probation six (6) months. She is required to complete eight (8) hours of education. The education must be completed before the suspension period is complete, and is in addition to that required for renewal of her license.

December 13, 2010
THOMAS E. VICE, Broker
Lowndes County

The Real Estate Commission received a sworn statement of complaint regarding the actions of the management of Garden Homes at Highland Plantation. The complainant leased a property through University Homes Property Management. She complained that on January 15, 2009, the management of Garden Homes at Highland Plantation entered her apartment without her permission, and without giving her notice. Her belongings were disturbed, her floors were dirtied, and her water was turned off. Her lease with University Homes Property Management stated the company had limited access to her property. The complainant contacted University Homes Property Management on January 16, 2009, to confirm University Homes was continuing to manage the property. She was told that was correct. She contacted Diane Vice with Garden Homes to inquire as to why they had entered her apartment, and was told it was an error. She was also told the owner had instructed Garden Homes to winterize the apartment because they thought it was vacant. She was told by Diane Vice that Garden Homes had a letter from the owner indicating they had switched property management from University Homes to Garden Homes. No copy of said letter was produced. The Commission's investigation of the records determined no Working With a Real Estate Broker form had been executed by Garden Homes. Though the Respondent had advertised in the name of Garden Homes, it was not licensed with the Mississippi Real Estate Commission as a company. In the normal course of its investigative procedure, the Commission notified Respondent Thomas E. Vice of the complaint, and requested a response from him within ten (10) working days. The Commission received no response, and again notified Mr. Vice in writing on April 29, 2009, of the sworn statement of complaint. Mr. Vice did not respond to the Commission until May 2, 2009. His response was incomplete in that he failed to submit a lease agreement or property management agreement associated with the complaint.

Broker Vice entered into an Agreed Order on December 13, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rules IV.C.3 and IV.A.6 of the MREC Rules and Regulations:

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

Rule IV.C.3. A broker shall advertise in the name in which the license is issued. A broker may use a descriptive term after the broker's name to indicate the occupation in which engaged, for example, "realty", "real estate", "property management". If advertising in any other form, a partnership, trade name, association, company or corporation license must be obtained prior to advertising in that manner.

Rule IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

The Agreed Order stated: Respondent Vice will have his licenses suspended for six (6) months, held in abeyance. Following the suspension, his license will be on probation for six (6) months. He is required to complete eight (8) hours of education before the probation period ends. The education is in addition to that required for renewal of his license.

December 5, 2010
MATTHEW JAMES PELLERIN, Broker
Forrest County

Respondent Pellerin failed to provide the Commission with evidence of his errors and omissions insurance coverage. He was notified by letter dated July 7, 2010, of the deficiency, and had until July 30, 2010 to provide the insurance coverage. He was notified by letter dated August 2, 2010, that his license was being placed on inactive status due to the insurance deficiency, and was directed to return all licenses to the Commission immediately. He was also informed that he could not conduct any real estate business for which a license is required while on inactive status. Respondent Pellerin cured his insurance deficiency on September 17, 2010, and his broker's license was reissued on September 27, 2010. During the period Respondent Pellerin's license was inactive, he continued to list three properties located in Hattiesburg, Mississippi. By conducting real estate activity while his license was inactive, the Respondent practiced real estate unlawfully.

Broker Pellerin entered into an Agreed Order on December 5, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Pellerin will have his license suspended for thirty (30) days. Following the suspension, his license will be on probation for six (6) months.

December 1, 2010
CHARLES W. "BUCK" CARTER, Salesperson
DeSoto County

The Real Estate Commission received a sworn statement of complaint from a property owner who had listed her property with Respondent Carter. Respondent Carter was a salesperson and had no authority to enter into a property management agreement. Carter found a renter for the property, and stated he had performed a credit and background check on the renter and found them to be acceptable. The owner engaged Carter to be the property manager since she lived in Florida, and could not take care of the day to day responsibilities of renting the property. The owner stated the property management was below standards for the following twenty months. The rent was late in being paid, and the property was not cared for. The property management was so undesirable that the owner terminated the property management relationship with Respondent Carter, and evicted the tenants. Upon inspecting the home, the owner found it to be in very bad condition. In the resulting investigation, the broker who was directly responsible for Respondent Carter, Amelia Lovorn-Brown of City Realty, stated she was completely unaware that Respondent Carter was acting as a property manager, and, in doing so, was acting independent of her supervision. Respondent Carter admitted he was acting independent of his broker and receiving payment for property management directly, rather than through his broker. The responsible broker tendered Carter's license to the Commission, and it has not been reissued to date.

Salesperson Carter entered into an Agreed Order on December 1, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) and (m) of the Mississippi Code; and, Rules IV.A.2 and IV.A.5 of the MREC Rules and Regulations:

Section 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 form any person, except his employer who must be a licensed real estate broker;

Section 73-35-21(1)(m) 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 IV.A.2. A real estate broker who operates under the supervision of a responsible broker must not at any time act independently as a broker . . .

Rule IV.A.5. No licensee shall pay any part of a fee, commission, or other compensation received by such licensee in buying, selling, exchanging, leasing, auctioning or renting any real estate except to another licensee through the licensee's responsible broker . . .

The Agreed Order stated: Respondent Carter will have his license suspended for six (6) months, with three (3) months held in abeyance, before his license will be activated. Following the suspension held in abeyance, his license will be placed on probation for six (6) months. He is required to complete eight (8) hours of education before the probation period is complete. The education is in addition to that required for renewal of her license.

December 1, 2010
JEANETTE Y. HOLLOWELL, Broker
KAY JEFFERIES, Broker/Salesperson
JENNIFER SMITH, Broker/Salesperson
MELYNDA PEOPLES, Salesperson
JEFF GOFF, Salesperson
LISA UTTERBACK, Salesperson
DANNY C. GOWAN, Salesperson
DeSoto County

On or about September 21, 2010, the Real Estate Commission received information that Keller Williams Realty was operating a branch office on West Commerce Street in Hernando, Mississippi. An investigation by the Commission found that salespersons Melynda Peoples, Jeff Goff, Lisa Utterback, Jennifer Smith, and Danny Gowan were or had been engaged in real estate activities at the Hernando address as agents for Keller Williams. No branch office license had been issued to Keller Williams for that location. It was admitted that Jennifer Smith had leased the property to operate a Re/Max Advantage office. Smith became an agent with Keller Williams on August 31, 2010, and on September 10, agents of Keller Williams began to operate from the Hernando office; with no license application for a branch office on file with the Commission. At least one advertisement was printed listing real estate activities at the Hernando location.

All of the licensees entered into an Agreed Order on December 1, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.4 of the MREC Rules and Regulations:

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

Rule IV.A.4. 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.

Broker Hollowell had her license suspended for one hundred (180) days, with the suspension held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of her license.
Broker/Salesperson Jefferies had her license suspended for ninety (90) days, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of her license.

Broker/Salesperson Smith had her license suspended for thirty (30) days, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of her license.

Salesperson Peoples had her license suspended for thirty (30) days, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of her license.

Salesperson Goff had his license suspended for thirty (30) days, held in abeyance. Following the suspension, his license will be placed on probation for six (6) months. He was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of his license.

Salesperson Utterback had her license suspended for thirty (30) days, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of her license.

Salesperson Gowan had his license suspended for thirty (30) days, held in abeyance. Following the suspension, his license will be placed on probation for six (6) months. He was required to complete two (2) hours of education in license law before the probation period ended. The education is in addition to that required for renewal of his license.

December 1, 2010
TERRY D. WHITE, Non-Resident Broker
Tennessee

The Commission received information that a non-licensed company, Advantage Property Management, LLC, had a sign in the yard of the property at 8495 Charleston Drive in Southaven, Mississippi. An investigation by the Commission found the website of Advantage Property Management, LLC, showing Terry D. White, a non-resident broker, as the owner of the brokerage firm. The contact names listed on the home page of the site were Terry D. White and Ashley White; who was previously licensed in Mississippi. The Commission called the number listed on the sign and spoke with Ashley White, who identified herself as the property manager of Advantage Property Management, LLC.
Non-Resident Broker White entered into an Agreed Order dated December 1, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a), (d), and (m) of the Mississippi Code; and, Rules IV.A.1 and IV.C.3 of the MREC Rules and Regulations:

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

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

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

Rule IV.A. 1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 incense is required.

Rule IV.C.3. A broker shall advertise in the name in which the license is issued. A broker may use a descriptive term after the broker's name to indicate the occupation in which engaged, for example, "realty", "real estate", "property management". If advertising in any other form, a partnership, trade name, association, company or corporation license must be obtained prior to advertising in that manner.

The Agreed Order stated: Respondent White will have her license suspended for six (6) months, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She is also required to complete eight (8) hours of education before the probation period is complete, and before the renewal of her license. The education is in addition to that required for renewal of her license.

November 18, 2010
ANITA B. LEVY, Broker
Hinds County

Respondent Levy received a solicitation for a BPO from eMortgage Logic, LLC, for the refinancing of a property in Jackson, Mississippi. The refinancing was to be through Regions Mortgage, who required a BPO. Respondent Levy was paid $85.00 by Regions Mortgage to provide the BPO. She is prohibited by regulation from performing a Broker's Price Opinion for a fee. She also has a real estate appraiser license, with no appraisal experience. Therefore, the status of her appraisal license would not allow her to perform a BPO unless it was performed in compliance with the Uniform Standards of Professional Appraisal Practice. The opinion she formed was based on information inadequate to constitute an appraisal report. Respondent Levy responded by stating she had performed multiple BPOs for Regions Mortgage for a fee under her real estate broker license status.

Broker Levy entered into an Agreed Order on November 18, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.7 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.7. A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further, no compensation, fee, or other consideration shall be charged for such opinion other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

The Agreed Order stated: Respondent Levy will have her license suspended for six (6) months, with four (4) months held in abeyance. She is required to complete two (2) hours of education in license law before the end of the suspension period. The education is in addition to that required for renewal of her license.

November 15, 2010
CHERYL B. PINE, Salesperson
Lee County

In October 2008, the Lee County Grand Jury indicted Cheryl B. Pine for attempted murder and conspiracy to commit murder of her husband. On June 1, 2010, the Circuit Judge received a plea of guilty from Respondent Pine, and sentenced her to a term of ten years in the custody of the Mississippi Department of Corrections, but suspended five years of the sentence.

An Administrative Hearing was conducted on November 9, 2010, and the Respondent was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(g) of the Mississippi Code:

Section 73-35-21(1)(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state, or any other state of the United States of any felony;

Salesperson Pine had her license revoked.

November 10, 2010
BRET BAXTER, Broker
Rankin County

The Commission determined from public information that Respondent Baxter had two adverse court decisions rendered against him which were not reported in a timely fashion as required by the law and rules and regulations of the Commission. The decisions were rendered by the First Judicial District of Hinds County, and the Justice Court of Hinds County.
Broker Baxter entered into an Agreed Order on November 10, 2010, for violation of 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule V.B. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 V.B. Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

The Agreed Order stated: Respondent Baxter will have his license suspended for thirty (30) days, held in abeyance. Following the suspension, his license will be placed on probation for three (3) months.

Also, before he renews his license, he is required to complete six (6) hours of education consisting of four (4) hours in agency and two (2) hours in license law. The education is in addition to that required for renewal of his license.

October 21, 2010
L. KENNEDY HALL, Broker
WILLIAM S. CRIGLER, Non-Resident Salesperson
Hinds County

Respondent Hall operated a branch office of Land Investments, LLC, DBA Mossy Oak Properties Land Investments LLC (BOF) in Vicksburg, Mississippi. The branch office license was closed on May 20, 2006, for failure to renew. However, Broker Hall continued to practice real estate using the corporate license name after the Branch Office was closed for failure to renew the license. Respondent Crigler had his sales license placed on inactive status on December 12, 2009, for continuing education deficiency. He sent proof of compliance to the Commission in August of 2010; at which time it was discovered he had been working out of the Vicksburg branch office while he was inactive. Crigler completed a transaction that closed on May 12, 2010, and was paid a commission.

Broker Hall and Non-Resident Salesperson Crigler entered into an Agreed Order on October 21, 2010, for violation of 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, . . .

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondents Hall and Crigler will have their licenses suspended for thirty (30) days, held in abeyance. Following the suspension, their licenses will be placed on probation for five (5) months. Both respondents are required to complete eight (8) hours of education consisting of two (2) hours in contract law, two (2) hours in license law, and four (4) hours in agency before the end of the probation period. Crigler must take the education in Mississippi. The education is in addition to that required for renewal of their licenses.

October 11, 2010
BARBARA GREGG TAYLOR, Broker
Clay County

The Commission received a complaint from licensees Melanie Mitchell and Amanda B. Edwards who had attempted to submit an offer on behalf of their buyer clients on a property listed by Respondent

Taylor. The offer was submitted to Taylor by email on March 4, 2010, with an expiration date of March 6, 2010. Taylor contacted Edwards on March 5, 2010, stating she had received the offer & would submit it along with another offer that had been received. When Edwards further contacted Taylor to inquire as to the status of the offer due to the expiration date, she received no reply from Taylor. The complainants left voice mails for Taylor and her responsible broker Patricia Bailey on March 8, 2010, and received no reply. Mitchell contacted the specialist handling the property for the seller and was told no offer had been presented from her company. Respondent Taylor stated she had received an offer for the full asking price on February 26, 2010, which was verbally accepted by the seller. An email from Taylor indicated the offer was mailed to the seller on March 12, 2010; six days after the expiration date of the offer from Edwards.

Broker Taylor entered into an Agreed Order on October 11, 2010, for violation of 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.B.4 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.B.4. In the event that more than one written offer is made before the owner has accepted an offer, any written offer received by the broker, whether from a prospective purchaser or from another licensee cooperating in a sale, shall be presented to the owner. Broker should caution the seller against countering on more than one offer at the same time.

The Agreed Order stated: Respondent Taylor will have her license suspended for six (6) months, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She is required to complete eight (8) hours of education before the end of the probation period. The education is in addition to that required for renewal of her license.

October 7, 2010
RONALD R. BROWN, Salesperson
Hinds County

The Commission received a sworn statement of complaint from a buyer who had entered into an agreement with Respondent Brown to purchase property, then sell it for a profit in January 2009. The buyer paid Brown $5,500.00 for use in purchasing investment property. The buyer understood from information provided by Brown that he had purchased a property in Jackson, Mississippi. The last communication the buyer had with Brown was in October 2009. After several months without word from Brown, the buyer contacted various officials. Upon locating Brown, he assured the buyer he intended to repay the money. The money had yet to be repaid as of the date of the complaint.

Salesperson Brown entered into an Agreed Order on October 7, 2010, for violation of Section 73-35-1, specifically Section 73-35-15(2) of the Mississippi Code:

Section 73-35-1 This chapter shall be known, and may be cited, as “the Real Estate Brokers License Law of 1954”; and from and after May 6, 1954, it shall be unlawful for any person,

partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Section 73-35-15(2) . . . It shall be unlawful for any real estate salesperson to perform any of the acts contemplated by this chapter either directly or indirectly after his agency has been terminated and his license has been returned for cancellation until his license has been reissued by the Commission.

The Agreed Order stated: Respondent Brown will have his license suspended for ninety (90) days, with sixty (60) days held in abeyance. Following the suspension, his license will be placed on probation for ninety (90) days. He is required to complete eight (8) hours of education before the end of the probation period. The education is in addition to that required for renewal of his license.

September 27, 2010
MICHAEL R. REED, Non-Resident Broker
MARK CABLE WORD, Non-Resident Salesperson
REED & ASSOCIATES, Non-Resident Company
Tennessee

The Commission received a sworn statement of complaint from a lessee who had entered into a lease purchase agreement through Reed & Associates on a property located in Olive Branch, Mississippi. After occupying the residence for a while, the lessees were notified that the owner of the property Houston Homes, LLC, was filing bankruptcy, and they would have to vacate the property. The lessees complained that the Respondents had or should have had knowledge of the financial situation of the owner. The resulting investigation by the Commission showed no Working With a Real Estate Broker form. Respondent Reed confirmed no such form had been completed as required by statute.

Non-Resident Broker Reed and Non-Resident Salesperson Word entered into an Agreed Order on September 27, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.E.3(c) of the MREC Rules and Regulations:

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

Rule IV.E.3(c) Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency.

The Agreed Order stated: Respondents Reed and Word will have their licenses suspended for thirty (30) days, held in abeyance. Following the suspension, their licenses will be placed on probation for eleven (11) months. They are required to complete eight (8) hours of education; four (4) in agency, two (2) in contract and two (2) in license law before the renewal of their licenses. The education is in addition to that required for renewal of their licenses.

September 27, 2010
KEITH V. SHACKELFORD, Broker
Prentiss County

The Commission received a sworn statement of complaint from a licensee who showed a residence to a person who wanted to make an offer on it. The licensee checked the Commission's records to verify that listing broker Shackelford was licensed. The records showed the Respondent was not actively licensed. Evidence indicated he practiced real estate during the time his license was inactive. He advertised his brokerage firm in a newspaper dated June 10, 2010, and signed a Sellers Disclosure Statement dated March 16, 2010.

Broker Shackelford entered into an Agreed Order of September 27, 2010, for violation of Section 73-35-1, specifically Section 73-35-18(1) and Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-18(1) Each individual applicant for renewal of a license issued by the Mississippi Real Estate Commission shall, on or before the expiration date of his license, or at a time directed by the Commission, submit proof of completion of not less than sixteen (16) clock-hours of approved course work to the Commission, in addition to any other requirements for renewal. . . .

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Shackelford will have his license suspended for thirty (30) days, held in abeyance. Following the suspension, he will have his license placed on probation for eleven (11) months. He is required to complete eight (8) hours of education within the thirty (30) day suspension period; four (4) hours in agency, two (2) hours in contract, and two (2) hours in license law. The education is in addition to that required for renewal of his license.

September 8, 2010
JANET SHARON SULLIVAN, Broker
Hinds County

The Commission became aware that Respondent Sullivan had become responsible broker for the Bryan Company on February 21, 2005; then, on December 9, 2009, returned her license to the Commission to transfer her license to herself from the Bryan Company. During the time she was broker for the Bryan Company, two salespersons were licensed under her supervision. Respondent Sullivan failed to return the company license or the two salesperson licenses to the Commission when she transferred to herself. The Commission notified the Bryan Company on April 21, 2010, that a responsible broker was required to be licensed in order for the company to practice real estate if there were licensees practicing in the same company. To date, Respondent Sullivan has yet to return the licenses to the Commission.

Broker Sullivan entered into an Agreed Order on September 8, 2010, for violation of Section 73-35-1, specifically Section 73-35-15(2) and Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-15(2) All licenses issued to a real estate salesperson or broker-salesperson shall designate the responsible broker of such salesperson or broker-salesperson. Prompt notice in writing, within three (3) days, shall be given to the Commission by any real estate salesperson of a change of responsible broker, and of the name of the principal broker into whose agency the salesperson is about to enter; and a new license shall thereupon be issued by the Commission to such salesperson for the unexpired term of the original license upon the return to the Commission of the license previously issued. The change of responsible broker or employment by any licensed real estate salesperson without notice to the Commission as required shall automatically cancel his license. Upon termination of salesperson's agency, the responsible broker shall within three (3) days return the salesperson's license to the Commission for cancellation. It shall be unlawful for any real estate salesperson to perform any of the acts contemplated by this chapter either directly or indirectly after his agency has been terminated and his license has been returned for cancellation until his license has been reissued by the Commission.

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Sullivan will have her license suspended for six (6) months, held in abeyance. Following the suspension, her license will be placed on probation for six (6) months. She is required to complete eight (8) hours of education. The education is in addition to that required for renewal of her license.

August 27, 2010
DUFFY MORF, Broker
KAREN LEE PRESTON-MORF, Salesperson
WILLIAM (TREY) GODWIN, III, Salesperson
Lafayette County

The Commission received a sworn statement of complaint from an owner who had placed her property with the Respondents for management. The property was managed for a couple of years by an unlicensed assistant by the name of Trey Godwin in the office of the Respondents. Mr. Godwin was subsequently licensed. The owner wanted to change management companies and did not receive her deposit or a copy of her lease promptly. Godwin had been taking the primary steps in managing the property, including showing the property, and performing all of the activities other than entering into the lease agreements with the owners.

All of the licensees entered into an Agreed Order on August 27, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(j) and (m) of the Mississippi Code; and, Rule IV.A.5 of the MREC Rules and Regulations:

Section 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.

Section 73-35-21(1)(m) 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 IV.A.5. . . . No licensee shall knowingly pay a commission, or other compensation to a licensed person knowing that licensee will in turn pay a portion or all of that which is received to a person who does not hold a real estate license. . . .

The Agreed Order stated: Respondent Broker Morf will have his license suspended for three (3) months, held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. He is also required to complete eight (8) hours of education; four (4) in agency, two (2) hours in license law, and two (2) hours in contract within one (1) year from the date of Agreed Order. The education is in addition to that required for renewal of his license.

Respondent Preston-Morf will have her license suspended for three (3) months, held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. He is also required to complete eight (8) hours of education; four (4) in agency, two (2) hours in license law, and two (2) hours in contract within one (1) year from the date of Agreed Order. The education is in addition to that required for renewal of her license.

Respondent Godwin will have his license suspended for three (3) months, held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. He is also required to complete eight (8) hours of education; four (4) in agency, two (2) hours in license law, and two (2) hours in contract within one (1) year from the date of Agreed Order. He is also required to complete the thirty (30) hour post licensing course prior to completing the continuing education required by the Order.

August 17, 2010
ROBIN RAINEY MCKNIGHT, Broker/Salesperson
Bolivar County

The Commission received a sworn statement of complaint from an owner who was under court order to sell their home. Respondent McKnight provided a Working With a Real Estate Broker form which was purportedly signed by a buyer and dated August 26, 2009. McKnight later revealed the true buyers were another couple and had not signed the WWREB form. The owner stated McKnight had confidential information and was aware of the distressed circumstances of the home due to the property being listed with McKnight's previous employer (brokerage firm). Respondent McKnight stated she was approached by the person (not the buyer) who signed the Working With a Real Estate Broker form to find a home for a couple whose identities needed to be kept confidential to protect their negotiations for employment. It was that individual who actually signed an offer on the complainant's home and wrote a check for earnest money. The contract was signed and the transaction closed. The owner complained that the failure to disclose the identity of the purchasers created a disadvantage to her. During the investigation, it was discovered that the initial Working With a Real Estate Broker form was dated on September 4, 2009, which was prior to Respondent

McKnight's company (Partnership Properties) actually becoming licensed by the Real Estate Commission.

Broker/Salesperson McKnight entered into an Agreed Order on August 17, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rule IV.E.3(a) of the MREC Rules and Regulations:

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

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

Rule IV.E.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.

The Agreed Orders stated: Respondent McKnight will have her license suspended for six (6) months, with five (5) months held in abeyance. Before her license is reactivated after the thirty (30) day active suspension, she is required to complete eight (8) hours of education. The education is in addition to that required for renewal of her license.

August 12, 2010
RICKIE LEE PHILPOTT, Broker
OSCEOLA PROPERTY MANAGEMENT, LLC, Company
Harrison County

The Commission received a sworn statement of complaint from an owner whose property in Bay St. Louis, Mississippi, was managed by Respondent Philpott, responsible broker for Choice Property Management. The owner was notified on February 5, 2010, that tenants had signed a lease on the property that day. The owner later learned the same tenants had entered into a lease on a property managed by Osceola Property Management, which is brokered by Philpott. Philpott had given notice to Leona Redd-Libengood, owner of Choice Property Management that she was resigning as responsible broker. Philpott agreed to stay on until February 3, 2010. Philpott admitted she entered into management agreements and/or leases with owners and tenants after she resigned from Choice Property Management and before she or Osceola Property Management was licensed by the Commission.

An Administrative Hearing was conducted on August 12, 2010, and Broker Philpott was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code;

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

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Philpott will have her license suspended for ninety (90) days, with sixty (60) days held in abeyance. She is also required to complete eight (8) hours of education in agency before the renewal of her license. The education is in addition to that required for renewal of her license.

July 29, 2010
DAMION M. FLYNN, Broker
ANDRIES BUTLER, Salesperson
Harrison County

The responsible broker of the Respondents submitted written notification to the Commission on May 11, 2009, that Broker Flynn and Salesperson Butler had used the name of Simply Sold/Viking Realty for real estate transactions when the license file was closed and they were acting independently of her responsibility. The Commission also received a sworn statement of complaint from a property owner whose property was being managed by the two Respondents under the name of Simply Sold/Viking Realty. The owner complained that a rent check was returned and there was an unreasonable delay on the part of the Respondents to notify him. The license for Simply Sold/Viking Realty had been closed on October 22, 2008. On the same date, the Respondents were licensed under MS Select Realty LLC. The responsible broker of MS Select Realty LLC stated she did not conduct property management as part of her real estate business.

Broker Flynn and Salesperson Butler entered into an Agreed Order on July 29, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) and (m) of the Mississippi Code; and, Rule IV.A.2 of the MREC Rules and Regulations:

Section 73-35-21(1)(1) 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;

Section 73-35-21(1)(m) 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 IV.A.2. 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 full consent and knowledge of this employing or supervising broker . . .

The Agreed Order stated: Both Respondents Flynn and Butler will have their licenses suspended for thirty (30) days. Following the suspension, their licenses will be placed on probation for eleven (11) months.

July 23, 2010
KIM WADE, Broker
Madison County
THIS DECISION IS CURRENTLY UNDER APPEAL.

An Administrative Hearing was conducted on July 13, 2010. Respondent Wade appeared with counsel. The rule on witness sequestration was invoked by the Respondent. A complaint was received from a seller who had listed his home with Wade. He testified that Broker Wade had represented to him that he was a participant in the Jackson Association of Realtors Multiple Listing Service. A copy of the listing agreement was presented and accepted as an exhibit. The seller testified he had signed a contract to purchase the property from a buyer to close at the end of September 2009. However, the contract did not close, and the seller was unable to get information about the failure of the sale from Wade. The seller went to the offices of the Jackson Association of Realtors (JAR) to request a copy of the property data sheets filed with the Multiple Listing Service (MLS). The seller testified that the JAR had difficulty in finding this information because the property data had been entered under the name of Prestige Realty, not Kim Wade. Upon reviewing the property data sheet, the seller found numerous erroneous facts about the property. He testified he had never spoken with the broker of Prestige Realty, Melissa Reese, nor had he authorized her to represent him in the transaction. The seller testified he believed the property had been presented (displayed) in a manner which could have caused him to lose prospective buyers. Ms. Jo Usry, the Chief Executive Officer of the Jackson Association of Realtors, testified that Mr. Wade had been a member of the Jackson Association of Realtors and a subscriber to its Multiple Listing Service when he was affiliated with his previous responsible broker. However, on or about June 15, 2009, his previous broker terminated her relationship with him and returned his license to the Real Estate Commission. Unfortunately, the previous broker did not notify the Jackson Association of Realtors that Wade was no longer affiliated with her firm. Ms. Usry testified that the policies and procedures of the MLS were such that on the date the pervious broker returned Wade's license to the Commission, he was no longer a subscriber of the MLS. Mr. Wade did, however, have a thirty day grace period in which he could join the JAR; but that grace period was not available for him to join the MLS. Ms. Usry testified that the JAR and the Jackson MLS are two separate legal entities and membership requires a separate application for both associations. Ms. Usry further testified that Mr. Wade had not submitted an application to become a principal (broker) in the MLS and, as of July 5, 2009, he was not a member of the MLS. Consequently, he was not a member of the MLS on the date he entered into the exclusive listing agreement with the seller in which he represented that he was a member of MLS.

As of the date of the hearing, Mr. Wade had not joined either organization. Wade's defense was that he had made dues payments to the JAR/MLS, and the organization had not been attentive to its responsibilities to notify him. These were matters between Wade and the private association. The evidence showed Wade was not a member of the Jackson MLS on July 5, 2009 when he listed a property for sale and represented himself to be member to the seller. Wade's explanation was not aided by the fact that he advertised the property under the name of Prestige Realty.

Broker Wade was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(a) of the Mississippi Code; and, Rule IV.C.1. of the MREC Rules and Regulations:

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

Rule IV.C.1. The use of any copyrighted term or insignia or stationary, office signs, or in advertising my any licensee not authorized to do so, will be considered as a "substantial misrepresentation" and cause for refusal, suspension or revocation of the license.

Broker Wade had his license suspended for ninety (90) days, with forty-five (45) days held in active suspension with the remainder held in abeyance. Prior to the completion of the ninety (90) days suspension, he is required to complete eight (8) hours of continuing education; two (2) in license law, two (2) in contracts, and four (4) in agency. The education is in addition to that required for renewal of his license.

April 23, 2010
CENTURY 21 WILLIAMS & ASSOCIATES, Company
RAFAEL J. GONZALES, JR., Broker
IRENE KENNEDY, Salesperson
Harrison County

The Commission received a sworn statement of complaint from a buyer who purchased a building through Williams & Associates which had been advertised as commercial/industrial property. Possible uses listed in the Multiple Listing Service included: "restaurant, retail store, medical/dental". The buyer made it clear multiple times of their intent to use the property for a restaurant. The contract included a contingency that the property would be used as a restaurant. After closing, the buyer began renovations, and sought a building permit from the City of Gulfport. The City noted the property was zoned residential. The documents available to the licensees (after closing) that were used to verify the zoning of the property were available prior to the transaction. The agents of the buyer, acting in their dual agency capacity, were responsible for verifying the possible use of the property in conjunction with the buyer's insistence to use the building as a restaurant.

An Administrative Hearing was conducted on April 23, 2010, and the Respondents were found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(a) of the Mississippi Code; and, Rule IV.E.2(g)(5) of the MREC Rules and Regulations:

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

Rule IV.E.2.(g)(5). "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.

Broker Gonzales and Salesperson Kennedy were suspended for sixty (60) days, held in abeyance. The Respondents were required to complete sixteen (16) hours of continuing education either in agency or license law, or both, or eight (8) hours in agency and license law plus eight (8) hours of education in other subjects before the date of their next license renewal or within six (6) months, whichever date occurs first. The education is in addition to that required for renewal of their licenses.

March 25, 2010
STEPHEN W. ELROD, Broker
Harrison County

The Commission discovered that Respondent Elrod had five adverse court decisions rendered against him which were not reported in a timely fashion as required by the law and rules and regulations of the Commission.

Broker Elrod entered into an Agreed Order on March 25, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule V.B. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 V.B. Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

The Agreed Order stated: Respondent Elrod will have his license suspended for three (3) months, held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months. Also, before he renews his license, he is required to complete six (6) hours of education consisting of four (4) hours in agency and two (2) hours in license law. The education is in addition to that required for renewal of his license.

March 25, 2010
CHAD K. WOODS, Broker
GAIL D. MAPLES, Salesperson
Jackson County

The Commission received information that Respondent Maples had produced a Broker Price Opinion for compensation. The Commission issued a subpoena duces tecum requesting a copy of all documents pertaining to any BPOs for Goodman Dean, Inc, or any other REO companies for which the Respondent had completed BPOs during the past calendar year. The Respondent informed the Commission she had completed five BPOs for Goodman Dean, Inc., and had received a $50.00 fee for some of them. She believed there was nothing wrong with the BPOs because she was only paid for photographs. Responsible broker Woods stated he believed giving a BPO and getting paid for

photographs was not a violation. A review of the documents showed that for each BPO, Maples had furnished a value of the property based on comparison of the property under consideration with the values of other similarly situated properties. These constitute steps in the appraisal process. Thus, Maples provided information more than photographs. Woods, as the responsible broker, was required to supervise the licensee under his license and to advise her of the violations of law for providing BPOs with compensation being paid.

Broker Woods and Salesperson Maples entered into an Agreed Order on March 25, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-21(1)(m) 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 . . .

And, specifically to Respondent Maples, violation of Rule IV(A) <7> of the MREC Rules and Regulations:

Rule IV(A)<7> A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further, no compensation, fee, or other consideration shall be charged for such opinion other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

And, specifically to Respondent Woods, violation of Rule IV(A)<1> of the MREC Rules and Regulations:

Rule IV(A)<1> It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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.

The Agreed Order stated: Respondent Maples will have her license suspended for sixty (60) days. Respondent Woods will have his license suspended for ninety (90) days, with the suspension held in abeyance.

March 16, 2010
ALLISON W. GATES, Broker
Harrison County

An Administrative Hearing was conducted on March 16, 2010, in regards to a sworn statement of complaint from a property owner who had engaged Broker Gates to manage a property for him. The owner was not satisfied with Gates' management of the property, and complained she failed to respond to messages. The owner requested the return of $500.00 earnest money and a tax statement from January to September 2009. The earnest money was returned only after the complaint was filed. The Respondent testified the tax statement was not due until after the end of the tax year of 2009. The Commission sent a letter of notification to the Respondent's license

address on September 11, 2009, requesting a written response within ten (10) working days. The Respondent failed to respond and the Commission attempted to contact her by phone. The Respondent failed to return the call as the Commission requested. The Commission sent an e-mail message to the Respondent on October 5, 2009, in an attempt to notify her of the complaint and of her failure to respond. On or about October 8, 2009, the Respondent sent an e-mail to the Commission stating she had been out of the office due to medical reason and had not received a letter from the Commission. She requested the complaint be re-submitted by the Commission and that was done on October 9, 2009. An e-mail sent to the Respondent on October 12, 2009, followed the letter. The Respondent stated in an e-mail response dated October 15, 2009, that she would check the mail. On or about October 27, 2009, the Commission mailed a letter to the Respondent advising if she did not contact the Commission within ten (10) days of the date of the letter, she would be directed to appear before the Full Commission on November 18, 2009. The Respondent did not reply, appear, or send any notification in response to the notice of the Commission. The Respondent submitted a written response on December 4, 2009, to the complaint filed by the owner. Though Respondent testified she had encountered difficulty in receiving her mail at her license address, the witness for the Commission testified that the Commission had not received either letter returned as undelivered or undeliverable.

Respondent Gates was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.6 of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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;

Respondent Gates had her license suspended for ninety (90) days, held in abeyance. Following the suspension, her license will be placed on probation for nine (9) months, during which there will be a heightened scrutiny of her performance as a licensee. She is also required to complete two (2) hours of education in license law and four (4) hours in agency before the probation period ends. The education is in addition to that required for renewal of her license.

March 15, 2010
WILLIAM B. STRICKLIN, JR., Broker
Copiah County

Respondent William B. Stricklin, Jr. was issued an Official Letter of Reprimand on March 15, 2010 in violation of the Mississippi Real Estate Broker's Act of 1954, et seq., Miss. Code Ann., 73-35-21(f) which reads in part as follows: Failing, within a reasonable time, to account for or remit any monies coming into his possession which belongs to others, or commingling of monies belonging to others with his own funds. Respondent William B. Stricklin, Jr. issued a check from his escrow account to MREC for the purpose of renewing his license.

March 3, 2010
CARONDE D. PURYEAR, Salesperson
Hinds County

Respondent Puryear was contacted by Murcor, Inc., DBA PCV Murcor-Pacific Coast Valuations in the latter part of 2009 to perform a Broker Price Opinion. Puryear performed the BPO, transmitted it to Murcor, and received compensation in the amount of $100.00 in the form of a check dated September 16, 2009. Puryear stated she did the BPO in hopes of getting the listing of the property. When Puryear became aware of the violation for accepting compensation for the performance of a BPO, she refunded the money paid her to PCV/Murcor.
Salesperson Puryear entered into an Agreed Order on March 25, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.7. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.7. A real estate broker or salesperson in the ordinary course of his business may give an opinion as to the price of real estate for the purpose of a prospective listing or sale; however, this opinion as to the listing price or the sale price shall not be referred to as an appraisal and further**, no compensation, fee, or other consideration shall be charged for such opinion** other than the real estate commission or brokerage services rendered in connection with the sale of the real property involved.

The Agreed Order stated: Respondent Puryear will have her license suspended for two (2) months. Following the suspension, her license will be placed on probation for ten (10) months. She is required to complete two (2) hour of education in license law prior to the reactivation of her license from the suspension.

February 11, 2010
TIMOTHY G. HESTER, Broker
Lee County

The Commission conducted an investigation resulting from a sworn statement of complaint received on September 18, 2009. The investigation found that on or about August 27, 2009, Respondent Hester worked as an associate broker at Exit Realty Premier in Tupelo, Mississippi. Hester initiated and prepared a Contract to Purchase Real Estate, representing Hester Real Estate, which was not actively licensed. The license was inactive due to a deficiency of errors and omissions insurance. While unlicensed, Hester attempted to secure a commission by misrepresenting the facts of his license. He requested another broker, Tess Mason, to participate in the transaction to disguise the fact he had an inactive license. Hester admitted he was not actively licensed, and attempted to have Tess Mason cover his license status in his response to the complaint to the Commission.

Broker Hester entered into an Agreed Order on February 11, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code:

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

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Broker Hester had his license suspended for three (3) months. Following the suspension, his license will be placed on probation for nine (9) months. He is required to complete eight (8) hours of education prior to the completion of the suspension. The education is in addition to that required for renewal of his license.

January 19, 2010
DWAYNE T. TAZUIN, Salesperson
Harrison County

Tauzin had his license placed on inactive status due to a continuing education deficiency. He was notified of his license status by letter on March 16, 2009, and was advised he could not legally conduct any real estate business for which a license is required. On or about September 25, 2009, the Administrator for the Commission told Tauzin by telephone of his license status, and inability to legally conduct real estate business. On or about September 29, 2009, an investigator with the Commission called Tauzin looking for real estate to open an auction company on the Mississippi Gulf Coast. Tauzin returned the call stating he had a location that might be suitable. He also continued to publish a web site advertising his services as a real estate salesperson after his license was placed inactive.

Salesperson Tauzin entered into an Agreed Order on January 19, 2010, for violation of Section 73-35-1, specifically Section 73-35-18(1) and Section 73-35-21(1)(m) of the Mississippi Code:

Section 73-35-18(1) Each individual applicant for renewal of a license issued by the Mississippi Real Estate Commission shall, on or before the expiration date of his license, or at a time directed by the Commission, submit proof of completion of not less than sixteen (16) clock-hours of approved course work to the Commission, in addition to any other requirements for renewal. . . .

Section 73-35-21(1)(m) 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 . . .

The Agreed Order stated: Respondent Tauzin must complete the required continuing education of sixteen (16) hours within ninety (90) days. Tauzin will activate his license by satisfying all requirements, including the necessary errors and omissions liability insurance. Within thirty (30) days of activating his license, he must also complete the post-licensing education requirement of thirty

(30) hours. Tauzin agrees to conduct no real estate activities requiring a license until properly licensed.

January 5, 2010
LARRY D. CARAWAY, Broker
KAREN N. MCDONALD, Broker/Salesperson
Attala County

The Commission received a sworn statement of complaint in regards to a property that was listed for sale with Respondent McDonald. The property was also offered for rent until a buyer could be found. McDonald found a renter for the property, and handled the rental agreement. The owner did not receive a copy of the rental agreement as requested. The owner inspected the property and found the tenant to be not what was described by McDonald. The owner entered into a new agreement with McDonald reflecting a higher rent amount. The owner later learned from the renter that the agent had not informed her of a pending increase in rent. The owner also had trouble getting McDonald to promptly forward rent payments to her, though the renter provided proof that the payments had been made to McDonald on time. The renter and owner met with Respondent Caraway to complain about McDonald's management. The owner told Caraway that McDonald had forged her signature on a check made payable to her by the renter, and forged her signature on the Residential Rental Agreement. She further stated McDonald appeared to have forged the renter's signature on the same agreement. Caraway appeared to be aware of McDonald's activities in regard to the property. During the listing of the property, an offer was received accompanied by an earnest money check. The offer was withdrawn, the owner was never told of it. No Working With a Real Estate Broker form was signed in regard to the rental agreement or the listing.

Broker Caraway and Broker/Salesperson McDonald entered into an Agreed Order on January 5, 2010, for violation of Section 73-35-1, specifically Section 73-35-21(1)(a) and (m) of the Mississippi Code; and, Rules IV.B.1, IV.B.2, D.1, and IV.E. of the MREC Rules and Regulations:

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

Section 73-35-21(1)(m) 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 IV.B.1. 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 IV.B.2. All exclusive listing agreement 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.

Rule IV.D.1. The responsible broker is responsible at all times for 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 Clarence of the earnest money check. In the event of uncertainty as to the proper disposition of earnest money, the broker may turn money over to a court of law for disposition. Failure to comply with this regulation shall constitute grounds of revocation or suspension of license.

Rule IV.E. This rule provides for a Working With a Real Estate Broker form to be completed at the first substantive meeting with the customer or client.
The Agreed Order stated: Broker Caraway had his license suspended for three (3) months. Following the suspension, his license will be on probation for nine (9) months. He is required to complete eight (8) hours of education before the suspension and/or probation period is complete. The education is in addition to that required for renewal of his license.

Broker/Salesperson McDonald had her license suspended for nine (9) months. Following the suspension, her license will be on probation for three (3) months. She is required to complete eight (8) hours of education before her license is activated from suspension. The education is in addition to that required for renewal of her license.

December 14, 2009
WILLIAM C. RODWELL, Broker
C.A.L. REALTY GROUP, LLC, Company
CHARLES A. TOMASELLO, Salesperson
THOMAS P. EASTER, Salesperson
Harrison County

The Commission received multiple complaints that real estate activity was being conducted by unlicensed entities and by inactive salespeople. An investigation by the Commission produced evidence that supported those claims. Reservation agreements and real estate purchase contracts were signed by unlicensed entities NuGulf, LLC, and CAL Builders, LLC, by Tomasello, whose sales license was on inactive status. Respondent Rodwell operated C.A.L. Services, LLC, to provide property management services with Respondent Easter also conducting property management under that company name while his sales license was in active. This company was not licensed to provide real estate services. Tomasello, while not being actively licensed, operated under companies: CAL Builders, LLC, and CALMARK, LLC. Rodwell also operated unlicensed company CBT Group, LLC, as a real estate company. Rodwell also had an employee who was not licensed conducting real estate activity under this company name.

The Commission accepted the voluntary surrender of the licenses of William C. Rodwell, and C.A.L. Realty Group, Inc., with no admission by either of violations of statutes or regulations governing the practice of real estate. Upon surrender of the licenses, the respective license files were closed by the Commission. The Commission also closed the license files of inactive salespersons Charles A. Tomasello and Thomas P. Easter in lieu of formal proceedings on the Complaint.

November 10, 2009
ROBERT K. LEDENE, Salesperson
Jackson County

The Commission conducted an investigation upon receiving a complaint that Respondent Ledene represented a buyer in a transaction in which he was to be was to receive a commission directly from one of the participants. As a salesperson, it is unlawful for a commission to be paid directly to him. The Respondent filed a complaint against his broker when the commission was not paid. The complaint was investigated by the Commission and it was found the Respondent provided false information on his application regarding being a citizen of the United States. It was also found in the investigation that the Respondent had two civil judgments filed against him and Respondent Ledene had failed to notify the Commission in a timely manner as required.

The Commission accepted the surrender of Respondent Ledene's license on November 10, 2009, prior to an Administrative Hearing regarding the Complaint.

September 10, 2009
RICHARD MALCOLM CALDWELL, Broker
HARLEY HALPIN CALDWELL, Broker/Salesperson
COLDWELL BANKER ALL STARS, LLC, Company
Warren County

The Commission conducted an investigation stemming from a complaint on a transaction in which Respondent Harley Caldwell represented the seller. The buyer complained the Property Condition Disclosure Statement did not reflect the true condition of the property and the property was advertised as having features that it did not have. The investigation showed that Harley Caldwell had personally completed the PCDS at the time of the listing of the property, two years before it was presented to the buyer. The PCDS completed by Harley Caldwell had numerous omissions and misrepresentations. The investigation also produced evidence that the Respondents and Coldwell Banker All Stars had employed unlicensed assistants to perform duties and activities which require a real estate license. A second complaint on the Respondents by a licensee formerly licensed under Coldwell Banker showed the Respondents entered into two separate contracts for the purchase of the same parcel of real estate, acting as a dual agent in all agreements. The second agreement would have produced a higher commission for the Respondents. The Commission also received a complaint from an out of state property owner against the Respondents. Upon notification of the complaint by the Commission, the Respondents neglected to respond in a timely manner.

Broker Richard Caldwell and Broker/Salesperson Harley Caldwell entered into an Agreed Order on September 10, 2009, for violation of Section 73-35-1, specifically Section 73-35-1(3) and (4) and Section 73-35-21(1)(a), (c), and (m) of the Mississippi Code; and, Rule IV.A.1 and 6 of the MREC Rules and Regulations:

Section 73-35-1 . . . [I]t shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Section 73-35-1(1) The term "real estate broker" within the meaning of this chapter shall include all persons . . . who for a fee, commission or other valuable consideration, or who with the intention or expectation of receiving or collecting the same, list, sell, purchase, exchange, rent, lease, manage or auction any real estate, or the improvements thereon, including options; or who negotiate or attempt to negotiate any such activity; or who advertise or hold themselves out as engaged in such activities; or who direct or assist in the procuring of a purchaser or prospect calculated or intended to result in a real estate transaction; or who negotiate or attempt to negotiate a loan secured by mortgage or other encumbrance upon a transfer of any real estate . . .

Section 73-35-1(3) One act in consideration of or with the expectation or intention of, or upon the promise of, receiving compensation, by fee, commission or otherwise, in the performance of any act or activity contained in subsection (1) of this section, shall constitute such person, partnership, association or corporation a real estate broker and make him, them or it subject to the provisions and requirements of this chapter.

Section 73-35-1(4) The term "real estate salesperson" shall mean and include any person employed or engaged by or on behalf of a licensed real estate broker to do or deal in any activity as included or comprehended by the definitions of a real estate broker in subsection (1) of this section, for compensation or otherwise.

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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.

<u>Guidelines for Unlicensed Personal Assistants</u>
Unlicensed Assistants MAY NOT:

1. Independently show properties that are for rent or sale.

2. Host an open house, kiosk, home show booth, fair, or hand out materials at such functions UNLESS a licensee is present at all times.

5. Negotiate, discuss or explain a contract, listing, lease or any other real estate document with anyone outside the brokerage firm.

8. Open properties for viewing by prospective purchasers, appraisers, home inspectors, or other professionals.

Rule IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.

The Agreed Order stated: Broker Richard Malcolm Caldwell had his license suspended for three (3) months. Following the suspension, his license will be placed on probation for twelve (12) months. He is required to complete eight (8) hours of education prior to the renewal of his license. The education is in addition to that required for renewal of his license.

Broker/Salesperson Harley Caldwell had her license suspended for six (6) months, with the last one (1) month held in abeyance. Following the suspension of six (6) months, her license will be placed on probation for twelve (12) months. She is required to complete eight (8) hours of education prior to the renewal of his license. The education is in addition to that required for renewal of her license.

August 28, 2009
DUANE PERKINS, Broker
Lowndes County

Respondent Perkins surrendered his Broker's license to the Commission on August 28, 2009. Respondent Perkins was found in violation of the Mississippi Real Estate Broker's License Act of 1954, as amended, 73-35-21, et seq., Miss. Code Ann., more specifically, 73-35-21(f), failing to account for, or remit monies coming into his possession and co-mingling of monies belonging to others with his own funds.

July 30, 2009
CHARITY D. BARNES, Salesperson
Hinds County

Salesperson Barnes had a total of five judgments rendered against her by the Justice Court of Rankin County, the Justice Court of Hinds County, and the County Court of Hinds County; on or about the dates of: June 16, 2008; August 26, 2008; August 14, 2008; October 22, 2008; and October 31, 2008. The Respondent sent a letter to the Commission on or about February 20, 2009 in regards to the judgments, but did not specify the dates or amounts, or include copies of the judgments.

Salesperson Barnes entered into an Agreed Order on July 22, 2009, for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule V.B of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 V.B. Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

The Agreed Order stated: Salesperson Barnes will have her license suspended for three (3) months, held in abeyance.

July 22, 2009
LESLEA BRANT, Salesperson
Desoto County

The Commission received a sworn statement of complaint against the Respondent, with the ensuing investigation finding Brant listed a property and entered the property information into the Multiple Listing Service of the Northwest Mississippi Association of Realtors with a living area square footage represented as 3,011 square feet. The Property Condition Disclosure Statement prepared by the seller stated the living area square footage was 3,000 square feet; having been "measured." The buyers obtained a copy of the appraisal after closing and it indicated the living area square footage was 2,117 square feet.

Salesperson Brant entered into an Agreed Order on July 22, 2009, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d) and (m) of the Mississippi Code:

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

Section 73-35-21(1)(m) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates . . . incompetency . . .

The Agreed Order stated: Salesperson Brant had her license suspended for three (3) months, held in abeyance. Following the suspension, her license will be placed on probation for nine (9) months. She is required to complete eight (8) hours of education prior to the renewal of his license. The education is in addition to that required for renewal of her license.

July 4, 2009
KENNY MYERS, Broker
Harrison County

The Commission learned the Respondent entered a plea of guilty before the Municipal Court in Gulfport, Mississippi, on November 19, 2008, to the charge of making harassing phone calls on or about July 4, 2008. As of January 26, 2009, the records of the Commission do not show Myers had reported the adverse court decision.

Broker Myers entered into an Agreed Order on July 4, 2009, for violation of 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and Rule V.B. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 V.B. Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

The Agreed Order stated: Broker Myers will have his license suspended for thirty (30) days, held in abeyance.

June 3, 2009
DARCY H. (SELLERS) BROWN, Salesperson
Forest County

The Commission conducted an investigation stemming from a sworn statement of complaint, and found the Respondent had been paid a commission directly by the settlement agent, in the amount of $1,000.00. The HUD-1 recorded this as a "marketing fee." When Brown's responsible broker determined the Respondent had received the payment at the closing, the settlement agent was notified. A stop payment was issued on the check for $1,000.00, and a new commission check was issued to Lamar Properties and Realty, with a revised HUD-1 issued.

Salesperson Brown entered into an Agreed Order on June 3, 2009, for violation of Section 73-35-1, specifically Section 73-35-21(1)(l) of the Mississippi Code:

Section 73-35-21(1)(1) 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;

The Agreed Order stated: Salesperson Brown had her license suspended for sixty (60) days. Following the suspension, her license will be placed on probation for ten (10) months. She is required to complete six (6) hours of education; four (4) in agency and two (2) in license law.

March 16, 2009
THERESA SUSANN DAVIS, Broker
Lee County

The Commission searched the records of the courts of Lincoln County and Copiah County, Mississippi, and found numerous judgments against the Respondent that had not been reported to the Commission by the Respondent. The investigation included a review of the escrow account for MS Realty & Land. The review found the Respondent was improperly managing the funds held by her in trust for those persons whom she represented in real estate transactions. Respondent also violated

the statute and rules regarding false and misleading advertising. The Respondent's website indicated that she operated a second office at an address where there was no office. In March 2008, an advertisement showed Larry Feduccia as an agent when he was not licensed. The same advertisement indicated a licensee by the name of Cassie Davis but her license had been issued in the name of Catherine Vanderslice.

Broker Davis entered into an Agreed Order on March 16, 2009, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d), and (m), and of the Mississippi Code; and, Rule IV.D.3 of the MREC Rules and Regulations:

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

Section 73-35-21(1)(m) 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 IV.D.3. Accurate records shall be kept on escrow accounts of all monies received, disbursed, or on hand. All monies shall be identified as to a particular transaction. Escrow records shall be kept in accord with standard accounting practices and shall be subject to inspection at all times by the Commission.

Monies received in a trust account on behalf of clients or customers are not assets of the broker; however, a broker may deposit and keep in each escrow account or rental account some personal funds for the express purposed of covering service charged and other bank debits related to each account.

The Agreed Order stated: Broker Davis had her license suspended for six (6) months. Following the suspension, her license was placed on probation for six (6) months. She is required to complete eight (8) hours of education prior to the reactivation of her license. The company license of Mississippi Realty & Land is suspended for six (6) months.

February 10, 2009
DAVID LYNN KELLY, Broker
DeSoto County

Respondent Kelly surrendered his Broker's License to the Commission on February 10, 2009. Respondent Kelly was found in violation of the Mississippi Real Estate Broker's License Act of 1954, as amended, 73-35-1, et seq., Miss. Code Ann., more specifically, 73-35-21(f), failing to account for, or remit monies, coming into his possession and failing to give the lessor or lessee a Working With a Real Estate Broker form.

January 9, 2009
KIMBERLY SHA HOLLIS, Broker
Rankin County

The Commission conducted an investigation after receiving a sworn statement of complaint that Respondent Hollis was managing rental property without being licensed. The Commission found that, prior to her being licensed as a salesperson, Respondent Hollis was holding herself out to be a real estate property manager and was actively engaged in the management of real property for others and for a fee.

Salesperson Hollis entered into an Agreed Order on January 9, 2009, for violation of Section 73-35-1 of the Mississippi Code:

Section 73-35-1 . . . it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

The Agreed Order stated: Salesperson Hollis will have her license suspended for ninety (90) days, held in abeyance. Following the suspension, her license will be placed on probation for eight (8) months. She is required to complete eight (8) hours of education prior to the renewal of his license. The education is in addition to that required for renewal of her license.

January 6, 2009
BILLY RAY SHOWS, Broker
Madison County

The Commission learned that on or about March 3, 2008, Respondent Shows was found guilty of one count of conspiracy to evade taxes in the United States District Court for the Southern District of Mississippi. This is a felony, and the Respondent was sentenced to serve twenty-four (24) months in federal prison followed by a three (3) year term of supervised release.

The above act is a violation of Section 73-35-1, specifically Section 73-35-21(1)(g) and (m) of the Mississippi Code:

Section 73-35-21(1)(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state or any other state or the United States of any felony.

Section 73-35-21(1)(m) 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 . . .

The Respondent's license was closed for non-renewal.

December 28, 2008
WILLIAM ALBERT BROCK, JR., Broker
MARCUS DEWAYNE HAWKINS, Salesperson
Washington County

The Commission received a sworn statement of complaint that resulted in an audit of the real estate files maintained in the offices of the Respondents. The investigation found the Respondents' brokerage handled five (5) transactions where no Working With a Real Estate Broker form was signed by the respective sellers. The Commission also found two (2) transactions involving out-of-state properties or sellers where no Working With a Real Estate Broker form or Cooperating Agreement was maintained in the brokerage files.

Broker Brock and Salesperson Hawkins entered into an Agreed Order on December 28, 2008, for violation of Section 73-35-1, specifically Section 73-35-11 and Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.1 and 3 and Rule IV.E.3(a) and (b) of the MREC Rules and Regulations:

Section 73-35-11 It shall be unlawful for any licensed broker, salesperson or other person who is not licensed as a Mississippi resident or nonresident broker or salesperson and a licensed broker or licensed salesperson in this state to perform any of the acts regulated by this chapter, except that a licensed broker of another state who does not hold a Mississippi real estate license may cooperated with a licensed broker of this state provided that any commission or fee resulting from such cooperative negotiation shall be stated on a form filed with the Commission reflecting the compensation to be paid to the Mississippi broker.

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

Rule IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 IV.A.3. A license 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 separate cooperative agreement must be filed for each property, prospective user or transaction with said writing reflecting the compensation to be paid to the Mississippi licensed broker.

Rule IV.E.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.

Rule IV.E.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.

The Agreed Order stated: Broker Brock had his license suspended for thirty (30) days.

Salesperson Hawkins had his license suspended for sixty (60) days.

December 16, 2008
GODFREY H. FOSTER, Inactive Salesperson
Harrison County

The Commission conducted an investigation finding Respondent Foster acted as a property manager from July through November of 2008, while his license was on inactive status.
Salesperson Foster entered into an Agreed Order on December 16, 2008, for violation of Section 73-35-1 of the Mississippi Code; and, Rule IV.A.2 of the MREC Rules and Regulations:

Section 73-35-1 This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

Rule IV.A.2. A real estate broker who operates under the supervision of a responsible broker must not at any time act independently as a broker.

The Agreed Order stated: Salesperson Foster had his license suspended for three (3) months, with two (2) months held in abeyance. Following the suspension, his license will be placed on probation for nine (9) months.

May 15, 2008
JOHN MONDY, Broker
Madison County

Respondent John Mondy surrendered his Broker's License to the Commission on May 15, 2008. Respondent Mondy was found to be in violation of the Mississippi Real Estate Broker License Act of 1954, as amended, 73-35-1, et seq., Miss. Code Ann., more specifically, 73-35-21(f), failing to account for, or to remit, monies coming into his possession, and failure to respond to the commission as requested in writing within ten (10) days.

December 12, 2007
ALBERT ALLEGUE, Broker
STEVEN J. RIFE, Salesperson
Jackson County

The Commission received information that Respondent Rife was operating a website (www.steverife.com) which included an offer wherein he agreed to pay for the home inspection of those who selected him as their Buyer's agent on any/all contracts written March 1, 2007 through April 1, 2007.

Broker Allegue and Salesperson Rife entered into an Agreed Order on December 12, 2007, for violation of Section 73-35-1, specifically Section 73-35-21(1)(d)(j) and (m) of the Mississippi Code; and, Rules IV.A.1 and 5 and Rule IV.C.2. of the MREC Rules and Regulations:

Section 73-35-21(1)(d) Any misleading or untruthful advertising;

Section 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.

Section 73-35-21(1)(m) 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 IV.A.1. It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals 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 IV.A.5. . . . No licensee shall knowingly pay a commission, or other compensation to a licensed person knowing that licensee will in turn pay a portion or all of that which is received to a person who does not hold a real estate license. . . .

Rule IV.C.2. . . . All advertising must be under the direct supervision and in the name of the responsible broker or in the name of the real estate firm.
The Agreed Order stated: Broker Allegue and Salesperson Rife are required to complete two (2) hours of education in license law before December 31, 2007. The education is in addition to that required for renewal of their licenses.

November 19, 2007
LORI LYNN MCKINNEY, Broker
Harrison County

An Administrative Hearing was conducted on November 19, 2007, due to a complaint filed against the Respondent by a licensee formerly associated with the Respondent. The complainant stated that she collected rents as a property manager for McKinney from August 2005 through August 2006. She

(the Complainant) received calls from property owners complaining they had not received their rents. The Commission first notified McKinney of the complaint pending against her and her requirement to respond within ten business days on February 1, 2007. After receiving no response, the Commission again notified McKinney letter giving her five days to respond on April 18, 2007. Again, no response was received. On May 15, 2007, McKinney visited the Commission offices stating she had responded to the complaint and would provide a hard copy by May 18, 2007. No copy had been provided by May 21, 2007, and the Chief Investigator of the Commission left McKinney a voice mail indicating such. No response was received, and the Commission last notified McKinney her response was required on June 14, 2007. No response was received. A second complaint was filed against McKinney for the same reasons and McKinney failed to respond to that complaint.

McKinney failed to appear at the Administrative Hearing. The Commission found Broker McKinney to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.6. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.6. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or 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.
The Commission revoked the license of Broker McKinney.

June 21, 2006
EHRIN NICOLE NEESE, Salesperson
Rankin County

The Commission received a complaint from Respondent Neese's responsible broker that she had worked independently of him. In early January 2006, Neese worked with people interested in purchasing real estate, showed them property, and they desired to enter into a contract to purchase property. She then referred these prospective buyers to Keller Williams Realty who wrote the contract and accepted the earnest money. The offer did not make reference to any commission obligation to the responsible broker of Neese. The date of the contract was January 8, 2006. On the same date, Neese left her responsible broker's office location with the apparent intent to no longer work there. On January 9, 2006, an advertisement in *Home and Land Magazine* appeared announcing Neese as a new agent with Keller Williams Realty. This ad appeared on December 19, 2005. On February 16, 2006, the Commission received a salesperson application from Neese establishing Armistead & Associates as her new responsible broker. It was not contested that Neese intended to transfer her license from the responsible broker who filed the complaint, with the intent to benefit herself and the new broker at the expense of her responsible broker at the time.

Salesperson Neese entered into an Agreed Order on June 21, 2006 for violation of Section 73-35-1, specifically Section 73-35-21(1)(m) of the Mississippi Code; and, Rule IV.A.2. of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 IV.A.2. A real estate broker who operates under the supervision of a responsible broker must not at any time act independently as a broker.

Salesperson Neese had her license suspended for thirty (30) days. She was required to complete four (4) hours of education in agency and two (2) hours of license law prior to the reactivation of her license and her license renewal. The education is in addition to that required for renewal of her license.

June 19, 2006
CAROL M. IVY, Broker
Humphreys County

An Administrative Hearing was held on June 19, 2006, in response to information received that the Respondent was signing contracts for the sale and purchase of real estate for a fee without delivering the required forms. The Respondent appeared without counsel. During the hearing, Ivy did not dispute evidence showing she received information from Silver Cross Financial Group or Silver Cross Mortgage and, based on that information completed a contract for sale and purchase on her forms. She also stated that she did not see the seller or buyer nor did she see the property; did not provide the parties a Property Condition Disclosure Statement, a Working With a Real Estate Broker Form, Dual Agency Confirmation Form, nor indicate whom she represented. The evidence also showed the buyers bought four residential parcels within a nine month period. The Respondent could not confirm that she had been alerted based on these facts to the possibility of mortgage fraud. For each contract that closed, Ivy received $500 or $1,000. If the contract did not close, she was not paid. There was evidence of over 80 contracts with a total of 485 violations.

Broker Ivy was found to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(m) and Section 89-1-521 of the Mississippi Code; and, Rules IV.B.5. and 6. and Rule IV.E.3(a) of the MREC Rules and Regulations:

Section 73-35-21(1)(m) 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 . . .

Section 89-1-521(1) If more than one (1) licensed real estate broker is acting as an agent in a transaction subject to Sections 89-1-501 through 89-1-523, the broker who has obtained the offer made by the transferee shall, except as otherwise provided in Sections 89-1-501 through 89-1-523, deliver the disclosure required by Sections 89-1-501 through 89-1-523 to the transferee, unless the transferor has given other written instructions for delivery.

Section 89-1-521(2) If a licensed real estate broker responsible for delivering the disclosures under this section cannot obtain the disclosure document required and does not have written assurance from the transferee that the disclosure has been received, the broker shall advise the transferee in writing of this rights to the disclosure. A licensed real estate broker responsible for delivering disclosure under this section shall maintain a record of the action taken to effect compliance.

Rule IV.B.5. Every contact must reflect whom the broker represents by a statement over the signatures of the parties to the contract.

Rule IV.B.6. No licensee shall represent to a lender or any other interested party, either verbally or through the preparation of a false sales contract, an amount in excess of the true and actual selling price.

Rule IV.E.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.

Broker Ivy had her license suspended until November 2007, after which she may reapply for reactivation of her license.

April 11, 2006
ROBERT J. LUCAS, JR., Broker
ROBBIE LUCAS WRIGLEY, Salesperson
George County

An Administrative Hearing was held at the Commission offices on April 11, 2006, regarding information the Commission received from an agent of the United States government informing the Commission that the Respondents had been indicted for a number of felony charges involving real estate transactions. In the special verdict form that was entered as an exhibit before the Commission, the Respondents were both found guilty of conspiracy to commit an offense against the laws of the United states and violation of Title 18, United States Code, Section 371, beginning on or about 1994 and continuing on or about November 4, 2004, and of mail fraud regarding Lot 0-1 of Big Hill Acres contracted for purchase by the Spiers in violation of Title 18 of the United States Code, Section 1341, on or about May 3, 2003, as alleged in Count 2 of the indictment. The Special Verdict reported over three dozen felony convictions in connection with various real estate transactions at Big Hill Acres subdivision. On or about February 25, 2005, after a trial in the United States District Court for the Southern District of Mississippi, Southern Division, the Respondents were found guilty of multiple felony charges involving real estate transactions. On or about December 5, 2005, a newspaper reported that Robert J. Lucas, Jr. had been sentenced to seven years and three months in prison. It was also reported that Robbie Lucas Wrigley had been sentenced to seven years and three months in prison. Notice of Appeal of the judgment was filed by the Respondents and was pending the date of the hearing. The Commission did not receive a report of the adverse judgment by either Respondent in the required time.

The Commission found the Respondents to be in violation of Section 73-35-1, specifically Section 73-35-21(1)(g) and (m) of the Mississippi Code; and, Rule V.B. of the MREC Rules and Regulations:

Section 73-35-21(1)(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state or any other state or the United States of any felony.

Section 73-35-21(1)(m) 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 V.B. Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

The Commission, aware the felony convictions were on appeal and after careful consideration of the Respondents' request to hold action in abeyance until all criminal appeals were exhausted, came to the opinion that the felony convictions were so numerous and so persistent with regard to the real estate transactions that the Respondents should not be permitted to continue the practice of real estate. The Commission must protect the public and cannot sanction the continued practice of real estate by the Respondents. To the extent the Commission is charged to protect the consumer of real estate, it is not in the best interest of those consumers for the Respondents to continue in the practice of real estate. Therefore, the Commission opposes any effort by the Respondents to continue the practice of real estate during the appeals.

The Commission revoked the licenses of Broker Lucas and Salesperson Wrigley.

M. E. THOMPSON, JR., Principal Broker
Harrison County

An Administrative Hearing was conducted on June 20, 2006 and the Order of the Commission was that the Broker License of the licensee was to be revoked because of numerous felony convictions in Federal Court concerning Wetlands and in violation of Section 73-35-21 (1) <g & m> of the Mississippi Code.

The Order of the Commission was being held in abeyance pending a decision on the felony convictions from the Fifth Circuit Court of Appeals in New Orleans but the Court of Appeals has upheld the convictions.

JACQUELINE F. SMITH, Principal Broker
KENNETH G. BOCLAIR, Principal Broker
BRODERICK L. COOPER, Salesperson
Hinds County

All of the licensees entered into an Agreed Order on August 14, 2006 for violation of Section 73-35-21 (l, j & m) of the Mississippi Code and MREC Rules IV (A) <5> & IV (B) <6> of the MREC Rules and Regulations.

Principal Broker Smith agreed to a license suspension of six (6) months with the suspension being held in abeyance, she agreed to complete eight (8) hours of mandatory continuing education, she agreed to work as a broker/salesperson and cease all activity as a Principal Broker for a period of three (3) months and further agreed to review all documents for all loan closing for which she is responsible.

Principal Broker Boclair agreed to a license suspension of three (3) months with the suspension being held in abeyance, he agreed to complete eight (8) hours of mandatory continuing education within a specific time frame and he agreed to review all documents prior to any loan closing in which his office has any responsibility.

Salesperson Cooper agreed to a license suspension of six (6) months with the suspension being held in abeyance and he agreed to complete eight (8) hours of mandatory continuing education.

FRANKLIN J. PUCYLOWSKI, Principal Broker
Rankin County

Principal Broker Pucylowski was issued a Formal Letter of Reprimand on August 21, 2006 for failing to indicate whom he represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

BRENT E. YURTKURAN, Principal Broker
Madison County

Principal Broker Yurtkuran was issued a Formal Letter of Reprimand on August 21, 2006 for failure to indicate whom he represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

SANFORD D. WARREN, Principal Broker
BRENT E. YURTKURAN, Broker/Salesperson
Rankin County

Principal Broker Warren was issued a Formal Letter of Reprimand on August 21, 2006 for failure to inform a client whom the broker was representing in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

Broker/Salesperson Yurtkuran was issued a Formal Letter of Reprimand on August 21, 2006 for failure to inform a client whom the agent represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

ALLISON W. GATES, Principal Broker
JOSEPH E. GATES, Salesperson
Harrison County

Principal Broker Gates was issued a Formal Letter of Reprimand on September 1, 2006 for her failure to properly supervise the real estate activities of a licensee in accordance with MREC Rule IV (A) <1> of the MREC Rules and Regulations.

Salesperson Gates was issued a Formal Letter of Reprimand on September 1, 2006 for his failure to make proper disclosures required in the Agency Relationship Disclosure Rule in violation of MREC Rule IV (E) <3> (a) and MREC Rule IV (E) <3> (c) of the MREC Rules and Regulations.

JOHN C. WILLIAMS, Principal Broker
Harrison County

Principal Broker Williams was issued a Formal Letter of Reprimand on September 1, 2006 for violation of MREC Rule IV (E) <3> (h) for altering the Property Condition Disclosure Statement and Section 89-1-507 of the Mississippi Code for furnishing a copy of the Disclosure statement with the words “AS IS” as the only disclosure.

DELL H. PALMER, Principal Broker
DOUGLAS “BO” PENTECOST, Salesperson
Madison County

Principal Broker Palmer was issued a Formal Letter of Reprimand on September 14, 2006 for her failure to properly supervise the real estate activities of a licensee in accordance with MREC Rule IV (A) <1> of the MREC Rules and Regulations.

Salesperson Pentecost was issued a Formal Letter of Reprimand on September 1, 2006 for his failure to indicate that he was a real estate licensee when advertising real estate in a publication in violation of MREC Rule IV (C) <2> of the MREC Rules and Regulations.

AMY S. CHAPMAN, Non-Resident Principal Broker
Tennessee

Principal Broker Chapman was issued a Formal Letter of Reprimand on November 15, 2006 for failing to disclose whom she represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

AVRA ENGERAN O'DWYER, Principal Broker
REBECCA DIAZ, Salesperson
RENE C. ST. PAUL, Salesperson
Hancock County

Principal Broker O'Dwyer and the two (2) licensees entered into an Agreed Order on November 20, 2006 for violations of the Mississippi Code dealing with Section 73-35-21 (1) <m> for conduct that constitutes incompetency on the part of a licensee. Additional sanctions were based on violations of MREC Rule IV (E) <2> (f) and MREC Rule IV (A) <9> of the MREC Rules and Regulations.

The Principal Broker (O'Dwyer) agreed to three (3) months probation, an additional eight (8) hours of mandatory continuing education, agreed to institute regular training of the licensees under her supervision and review regulations regarding dual agency.

Salesperson Rene C. St. Paul agreed to three (3) months probation and an additional eight (8) hours of mandatory continuing education.

Salesperson Rebecca Diaz agreed to a Formal Letter of Reprimand and an additional eight (8) hours of mandatory continuing education.

MARLON L. COPELAND, Principal Broker
CHARLOTTE A. COPELAND, Broker/Salesperson
Adams County

The Principal Broker and the licensees entered into an Agreed Order on November 20, 2006 for violations of the Mississippi Code dealing with Section 73-35-21 (1) <m>) for improper dealing in conjunction with a real estate transaction. Additional sanctions were based on violations of MREC Rule IV (B) <1> and Rule IV (E) <3> (c) of the MREC Rules and Regulations.

Principal Broker Marlon Copeland agreed to have his real estate broker license suspended for three (3) months with the suspension held in abeyance, he agreed to a probationary period

of six (6) months and agreed to complete an additional eight (8) hours of mandatory continuing education.

Broker/Salesperson Charlotte Copeland agreed to a license suspension for six (6) months with the suspension being held in abeyance, she agreed to a probationary period of and additional six (6) months and agreed to complete eight (8) hours of mandatory continuing education.

ALLISON W. GATES, Principal Broker
Harrison County

Principal Broker Gates was issued a Formal Letter of Reprimand on November 21, 2006 for failure to disclose whom the licensee represents in a real estate transaction in direct violation of Rule IV (E) <3> (a) of the MREC Rules and regulations.

HELEN CRAMER, Salesperson
Jackson County

Salesperson Helen Cramer was issued a Formal Letter of Reprimand on November 21, 2006 for improper advertising in violation of Rule IV (C) <2> of the MREC Rules and Regulations.

HENRY G. MOSCO, Principal Broker
Bolivar County

Principal Broker Mosco entered into an Agreed Order on December 29, 2006 for paying a portion of a real estate commission to an individual who had failed to renew their real estate license but was still involved in licensable real estate activity in violation of Section 73-35-21 (l) <j & m> of the Mississippi Code and Rule IV (A) <1> of the MREC Rules and Regulations.

Principal Broker Mosco had his Broker License suspended for one (1) year with the suspension held in abeyance and was ordered to complete an additional eight (8) hours of mandatory continuing education.

DELL H. PALMER, Principal Broker
TANYA E. ADAMS, Salesperson
AUDREY JOYCE NEELY, Salesperson
Madison County

An Administrative Hearing was held in January, 2007 and the Real Estate Commission's Order dated January 29, 2007 indicated the licensees were found to be in violation of Sections 73-35-21 (1) <m> and Section 89-1-521 (1) of the Mississippi Code and Rule IV (E) <c> (3) of the MREC Rules and Regulations.

Principal Broker Palmer had her broker license suspended for ninety (90) days with the suspension held in abeyance and she was ordered to complete an additional eight (8) hours of continuing education with four (4) hours in agency and four (4) hours in license law.

Salesperson Adams had her license suspended for ninety (90) days and was ordered to complete an additional eight (8) hours of continuing education with four (4) hours in agency and four (4) hours in license law.

Salesperson Neely had her license suspended for thirty (30) days and was ordered to complete an additional eight (8) hours of continuing education with four (4) hours in agency and four (4) hours in license law.

THE DECISION OF THE MREC WAS UPHELD BY THE MADISON COUNTY CIRCUIT COURT AND THAT DECISION IS CURRENTLY UNDER APPEAL TO THE MISSISSIPPI COURT OF APPEALS.

WINSTON (WIN) FOSHEE, Salesperson
Madison County

Salesperson Foshee was issued a Formal Letter of Reprimand on February 15, 2007 for making a substantial misrepresentation in connection with a real estate transaction violation of Section 73-35-21 (a) of the state statute.

DELORES MAE GRUBE, Principal Broker
LARENE J. WILLIAMSON, Salesperson
Rankin County

An Administrative Hearing was conducted on March 13, 2007. The Real Estate Commission's Order was dated March 16, 2007 and indicated that the licensees were involved in misleading advertising and operated in bad faith in a real estate transaction in violation of Section 73-35-21 (1) <d & m> of the Mississippi Code and Rule IV (C) <2> of the MREC Rules and Regulations.

Principal Broker Grube had her Broker License suspended for six (6) months and was placed on probation for an additional six (6) months.

Salesperson Williamson had her License suspended for one (1) year and will be on six (6) months probation when her license is activated.

SUSAN JENKINS, Principal Broker
Harrison County

Principal Broker Jenkins was issued a Formal Letter of Reprimand on March 14, 2007 for a misleading advertisement in direct violation of Section 73-35-21(d) of the Mississippi Code.

TARA DOTSON LINDSEY, Salesperson
Hinds County

Salesperson Tara Dotson Lindsey entered into an Agreed Order on March 30, 2007 for performing real estate activities without full knowledge of her broker in violation of Rule IV (A) <2> and Rule IV (E) <3> (c) of the MREC Rules and Regulations and Section 73-35-21 of the Miss Code. The individual's license was suspended for three (3) months with the suspension held in abeyance and she was required to complete 8 hours of mandatory continuing education within six (6) months.

BILLY J. ALLEN, Salesperson
Desoto County

Salesperson Billy J. Allen was issued a Formal Letter of Reprimand on April 2, 2007 for making a substantial misrepresentation in connection with a real estate transaction in violation of Section 73-35-21 (1) <a & b> of the Mississippi Code. He agreed to have his license suspended for three (3) months with the suspension held in abeyance, he was placed on probation until January 1, 2008 and he agreed to complete an additional sixteen (16) hours of continuing education.

LANA S. HUDSON, Salesperson
Rankin County

Salesperson Lana Hudson was issued a Formal Letter of Reprimand on April 2, 2007 for accepting a fee from someone other than their principal broker in violation of Rule IV (A) <5> of the MREC Rules and Regulations. In addition, licensee was placed on probation for six (6) months and required to complete 8 hours of mandatory continuing education.

RONALD PETER RADDIX, Principal Broker
Jackson County

Principal Broker Raddix entered into an Agreed Order dated April 16, 2007 for violating Section 73-35-21 (1)<b & m> of the Mississippi Code and Rule IV (E) <1 & 3> (a) of the MREC Rules and Regulations. His Broker License was suspended for twelve (12) months with the suspension held in abeyance, he was ordered to complete an additional sixteen (16) hours of continuing education with a minimum of four (4) in agency and four (4) in license law and was ordered to pay Karen Green the sum of two thousand dollars ($2,000.00) within three days of signing the Order.

STEVEN LOFTON MILNER, Principal Broker
Rankin County

Principal Broker Milner was issued a Formal Letter of Reprimand on April 20, 2007 for misleading advertising in violation of Section 73-35-21 (1) <d> of the Mississippi Code.

SANDRA BRAY, Salesperson
Hinds County

Salesperson Sandra Bray was issued a Formal Letter of Reprimand on April 24, 2007 for her failure to properly disclose an agency relationship in violation of Rule IV (E) <3> of the MREC Rules and Regulations.

HURE RHODES, Principal Broker
Jasper County

An Administrative Hearing was conducted on June 18, 2007. The Real Estate Commission's Order was dated June 28, 2007 and indicated that the Broker had made a substantial misrepresentation in a real estate transaction in violation of Section 73-35-21 (1) <a & m> of the Mississippi Code.

Broker Rhodes had his Broker License suspended for nine (9) months and was ordered to complete an additional twelve (12) hours of continuing education with six (6) hours to be in the area of license law.

THE DECISION OF THE MREC IS CURRENTLY UNDER APPEAL TO THE HINDS COUNTY CIRCUIT COURT.

ALBERT ALLEGUE, Principal Broker
BRIAN CLARK, Broker/Salesperson
STEVEN J. RIFE, Broker/Salesperson
Harrison County

Principal Broker Allegue was issued a Formal Letter of Reprimand on June 19, 2007 for his failure to exercise supervision of a licensee's real estate activities in violation of Rule IV (A) <1> of the MREC Rules and Regulations.

Broker/Salesperson Clark was issued a Formal Letter of Reprimand on June 19, 2007 for misleading or improper advertising in violation of MREC Rule IV (C) <2> of the MREC Rules and Regulations. In addition, the licensee was required to complete two (2) hours of continuing education in the area of License Law.

Broker/Salesperson Rife was issued a Formal Letter of Reprimand on June 19, 2007 for advertising a free home inspection in violation of Rule IV (A) <5> of the MREC Rules and Regulations and Section 73-35-21 (1) <J> of the Mississippi Code. In addition, the licensee agreed to complete two (2) hours of continuing education in the area of License Law.

ALBERT ALLEGUE, Principal Broker
Harrison County

Principal Broker Allegue was issued a Formal Letter of Reprimand on June 19, 2007 for advertising a free home inspection in violation of Rule IV (A) <5> of the MREC Rules and Regulations and Section 73-35-21 (J) of the Mississippi Code. In Addition, the licensee agreed to complete two (2) hours of continuing education in the area of License Law.

LARRY F. BRADLEY, Principal Broker
Rankin County

Principal Broker Bradley was issued a Formal Letter of Reprimand on June 19, 2007 for misleading advertising in conjunction with a real estate transaction and in violation of Rule IV (C) <2> of the MREC Rules and Regulations.

MEYERS FRANKLIN, Broker/Salesperson
Hinds County

Broker/Salesperson Franklin was issued a Formal Letter of Reprimand on June 19, 2007 for misleading advertising in conjunction with a real estate transaction in violation of Rule IV (C) <2> of the MREC Rules and Regulations and Section 89-1-509 of the Mississippi Code.

CONNIE KEITH CARVER, Principal Broker
Pearl River County

Principal Broker Carver was issued a Formal Letter of Reprimand on June 19, 2007 for failing to enter into a cooperative agreement with an out-of-state broker prior to listing or selling real estate in violation of Rule IV (A) <3> of the MREC Rules and Regulations.

LANDIS O. FOY, JR., Broker (Managing)
HANNAH OTT, Salesperson
KAY JEFFERIES, Broker (Managing)
HOPE COOK, Salesperson
Desoto County

Managing Broker Foy entered into an Agreed Order on August 15, 2007 and Managing Broker Jefferies, Salesperson Ott and Salesperson Cook entered into an Agreed Order on August 6, 2007 for violation of Section 73-35-21 (1) (m) of the Mississippi Code and Rules IV (E) <3> (c) <3> and Rule IV (B) <1> of the MREC Rules and Regulations.

Managing Broker Foy had license suspended for thirty (3) days with the suspension held in abeyance and was ordered to complete an additional eight (8) hours of continuing education prior to his next renewal.

Salesperson Ott had license suspended for ninety (90) days and was ordered to complete an additional eight (8) hours of continuing education.

Managing Broker Jefferies received a Formal Letter of Reprimand and was ordered to complete an additional four (4) hours of continuing education in agency.

Salesperson Cook received a Formal Letter of Reprimand and was ordered to complete an additional four (4) hours of continuing education in agency.

BILLY RAY SANDERS, Principal Broker
KIMBERLY RITO, Salesperson
PATRICIA M. ROBINSON, Salesperson
Harrison County

Principal Broker Sanders entered into an Agreed Order on September 4, 2007 for failure to supervise the real estate activity of his licensees in conjunction with their accepting a fee for the completion of a Broker Price Opinion in violation of Rule IV (A) <1> and IV (A) <7> of the MREC Rules and Regulations. Both salespersons were found to be in violation of MREC Rule IV (A) <7> of the MREC Rules and Regulations.

Each individual agreed to a license suspension for a period of six (6) months which is to be held in abeyance, each agreed to complete an additional eight (8) hours of mandatory continuing education (consisting of four hours of agency, two hours of license law and two hours of contracts) and all funds/fees which were received for the completion of the Brokers Price Opinion were returned to the companies who ordered the documents.

GRETA GARNER HUDSON, Principal Broker
DAVID MCMILLEN, Salesperson
Forrest County

Principal Broker Hudson was issued a Formal Letter of Reprimand on September 19, 2007 for her failure to properly supervise the activities of a salesperson in a real estate transaction in violation of Rule IV (A) <1> of the MREC Rules and Regulations.

Salesperson McMillen was issued a Formal Letter of Reprimand on September 19, 2007 for improper advertising in violation of Rule IV (C) <2> of the MREC Rules and Regulations.

AMANDA LYNNE SEMAR, Salesperson
Hancock County

An Administrative Hearing was scheduled by the MREC for Salesperson Semar on October 10, 2007 for violations of Sections 73-35-21 (1) <a, b & m> but the licensee opted to surrendered her license.

DEBBIE JEAN KESSLER, Non-Resident Principal Broker
Michigan

Principal Broker Kessler was issued a Formal Letter of Reprimand on October 22, 2007 for her failure to disclose whom she represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

DEBBIE JEAN KESSLER, Non-Resident Principal Broker
Michigan

Principal Broker Kessler was issued a formal Letter of Reprimand on November 6, 2007 for her failure to disclose whom she represented in a real estate transaction in violation of Rule IV (E) <3> (a) of the MREC Rules and Regulations.

WILLIAM R. MILLER, Non-Resident Principal Broker
Alabama

An Administrative Hearing was scheduled for November 19, 2007 at the MREC offices and prior to the hearing a settlement agreement was reached which stated that Broker Miller was in violation of Section 73-35-1 and Section 73-35-21 (l & m) of the Mississippi Code and Rule IV (E) <3> (b) of the MREC Rules and Regulations.
The real estate broker license of Mr. Miller was suspended for six (6) months, he was required to complete an additional eight (8) hours of mandatory continuing education and he was directed to provide the MREC with the correct address for his principal place of business.

ELWOOD STANTON BRIGHT, Resident Principal Broker
DAVID H. JENKINS, Broker/Salesperson
Sunflower County

Principal Broker Elwood Bright and Broker David Jenkins entered into an agreed order on November 26, 2007 which stipulated that they were in violation of Section 73-35-21 (l & m) of the Mississippi Code and Rule IV (B) <5> of the MREC Rules and Regulations because they executed a contract of sale which did not contain a statement of representation above the parties signatures and there was no Confirmation of Dual Agency Form signed or attached to the contract. They agreed to a license suspension of thirty (30) days and eight (8) additional hours of continuing education prior to their next renewals.

SHIRLEY DIANE MCADAMS, Resident Principal Broker
Carroll County

Principal Broker McAdams entered into an agreed order on December 12, 2007 based on evidence that she had performed numerous Broker Price Opinions (BPO's) for compensation. She was found to be in violation of Section 73-35-21 (l & m) of the Mississippi Code and Rule IV (A) <7> of the MREC rules and regulations. Her license was suspended for a period of one (1) year and she was required to complete an additional eight (8) hours of mandatory continuing education prior to the reinstatement of her license.

ALBERT ALLEGUE, Resident Principal Broker
DINECHA ALLEGUE, Salesperson
Jackson County

Principal Broker Albert Allegue and Salesperson Dinecha Allegue entered into an agreed order on December 12, 2007 based on the production of advertising materials which indicated that the "Al and Dee Real Estate Team" offered inducements to prospective sellers to list property with their firm. The inducements included one of the following: a one year American Home Shield Warranty; an A-Pro Home Inspection; a consultation with an interior designer; the use of a moving truck for three days with $100.00 worth of packing boxes; or a $300.00 credit toward closing costs. Since there was no evidence to support the actually payment of an inducement the licensees were ordered to complete two (2) hours of continuing education and to cease all such advertising.

THOMAS E. HOPSON, Resident Principal Broker
SANDRA THOMPSON TODD, Salesperson
Hinds County

An Administrative Hearing was conducted by the Real Estate Commission on December 10, 2007 and evidence was presented which showed that grand jury charges were filed against Salesperson Todd for conspiracy to convert and embezzle funds of the Meridian school

system. She plead guilty and was sentenced to twelve (12) months and one (1) day prison term and ordered to pay restitution in the amount of $89,651.58. Her conviction was not reported to the MREC by either Broker Hopson or Salesperson Todd. Both licensees were deemed to be in violation of Section 73-35-21 (l & m) and MREC Rule IV (A) <1 & 2> and Rule V (B).

Principal Broker Hopson's license was suspended for thirty (30) days and held in abeyance and he was required to complete an additional eight (8) hours of mandatory continuing education prior to his next renewal.

Salesperson Todd's license was suspended until such time as she makes full restitution of all monies, completes all of her probationary obligations and seeks reinstatement with the MREC.

JOHN MONDY, Resident Principal Broker
KATHRYN O. PERRY, Salesperson
Hinds County

Principal Broker Mondy and Salesperson Perry entered into an agreed order on January 2, 2008 which stipulated that Salesperson Perry was managing properties under the name of K. Perry Property Management without the supervision or knowledge of her responsible broker, Mr. Mondy. Both agreed that Mr. Mondy received no compensation from the property management.

Kathryn O. Perry was found to be in violation of Section 73-35-21 (a, b, f & m) of the Mississippi Code and her license was suspended for one (1) year and she is required to complete an additional eight (8) hours of continuing education prior to reinstatement.

Mr. John Mondy was found to be in violation of Rule IV (A) <1 & 2> and Rule V (D) of the MREC Rules and Regulations and agreed to six (6) months suspension of his license to be held in abeyance, six (6) months of probation and eight (8) additional hours of continuing education.

ARLENE F. PERKINS, Resident Principal Broker
CLIFF THOMAS, Salesperson
CLAUDIA KEYES, Salesperson
JENNIFER GILL, Salesperson
VIRGINIA MACKEN, Broker/Salesperson
Hancock County

Principal Broker Perkins, Broker/Salesperson Macken and Salespersons Thomas, Keyes and Gill entered into an agreed order on January 18, 2008 which stipulated that Thomas, Keyes, Gill and Macken were working from an office location which they deemed as a "MEGA OFFICE" without the benefit of a branch office license and were advertising as a business

entity known as “TKO” (Thomas-Keyes Organization) when, in fact, no such organization was licensed with the Commission.

Each licensee agreed to a three (3) month suspension of their license, held in abeyance, and six (6) hours of mandatory continuing education to be completed prior to their next license renewal.

STEVE BULLARD, Resident Principal Broker
PEGGY H. BOSARGE, Salesperson
Jackson County

Principal Broker Steve Bullard and Salesperson Bosarge entered into an agreed order on January 23, 2008 which stipulated that Ms. Bosarge failed to truthfully answer a question on the Real Estate Salesperson’s Application which asked if she had ever been convicted of a criminal offense. She stated “no” but evidence from the Harrison County circuit Court verified that she had plead guilty to “false pretense and was sentenced to five (5) years of probation and was order to pay a fine of $2,000.00 and restitution of $55,100.00.

Broker Bullard was found to have violated Rule IV (A) 1 and Rule V (C) of the MREC Rules and Regulations which resulted in his license being suspended for three (3) months, being held in abeyance, probation for nine (9) months, and a requirement to complete an additional eight (8) hours of continuing education.

Salesperson Bosarge was guilty of violating Section 73-35-21 (l, g & m) of the Mississippi Code and Rule V (B) of the MREC Rules and Regulations. Her license was suspended for three (3) months, she was placed on probation for nine (9) months and was required to complete an additional eight (8) hours of mandatory continuing education.

WILLIAM J. RUSHING, JR., Salesperson
Jackson County

Salesperson Rushing entered into an agreed order on February 22, 2008 which stipulated that he violated Section 73-35-21 (L & m) and Rule V (B) of the MREC Rules and Regulations because he failed to report to the existence of five (5) judgments against him during the prior eighteen (18) months. The violations resulted in his license being suspended for six (6) months, held in abeyance, he was placed on probation for an additional six (6) months and he was required to complete an additional eight (8) hours of mandatory continuing education.

MARTHA JANE CLEMMONS, Salesperson
Rankin County

Salesperson Clemmons entered into an agreed order on March 12, 2008 which stipulated that she violated Sections 73-35-21 (l, g & m) of the Mississippi Code because she failed to report on her salesperson's application that she had been convicted of a felony in September, 1985 and was sentenced to a term of five (5) years in the custody of the Mississippi Department of Corrections. The violations resulted in her license being suspended for six (6) months

ROBERT E. LATHAM, Resident Principal Broker
CARLIN L. LATHAM, Salesperson
Bolivar County

Principal Broker Latham and Salesperson Latham (son) entered into an agreed order on March 27, 2008 which stipulated that Salesperson Carlin Latham entered into a contract and sold a parcel of property which he personally owned but failed to disclose that he held a real estate license. He also failed to provide the purchaser with a Working With a Real Estate Broker Form and did not deliver a Property Condition Disclosure Statement. Broker Robert Latham failed to supervise those activities. They violated Sections 73-35-21 (l & m) and Section 89-1-501 through 89-1-523 of the Mississippi Code and Rule IV (A) <9> of the MREC Rules and Regulations.

The Broker license of Robert E. Latham and the Salesperson's license of Carlin L. Latham were suspended for a period of three (3) months, they were placed on a nine (9) months probation and each was required to complete an additional eight (8) hours of continuing education.

GLEN M. GARDNER, Non-Resident Principal Broker
NANCY LARAINE DEFAZIO, Broker/Salesperson
Louisiana/Harrison County

As Administrative Hearing was conducted by the MREC on May 6, 2008 where it was determined from the testimony that Salesperson Defazio did, on at least two (2) separate occasions, offer opinions concerning the value of property and collected a fee of $375.00 for each opinion. The compensation was paid directly to Salesperson Defazio and, even though Broker Gardner is legally obligated to receive all real estate related compensation and is required to supervise all real estate activities, Mr. Gardner did not receive any of the fees and was unaware of Ms. Defazio's activities.

Following the Administrative Hearing, Ms. Barbara H. Blades became the Principal Broker of the Mississippi operations of Prudential Gardner, Realtors and the parties agreed that Prudential Gardner would sponsor a continuing education seminar for company real estate licensees with the Mississippi Real Estate Commission participating in the seminar.

Broker Defazio was found to have violated Sections 73-35-21 (l & m) and Rule IV (A) <1, 4, & 7) of the MREC Rules and Regulations which resulted in her license being suspended for three (3) months, held in abeyance, an additional nine (9) month probation, and six (6) additional hours of continuing education.

STANLEY E. TAGGART, Non-Resident Principal Broker
Tennessee

Principal Broker Taggart entered into an agreed order dated July 3, 2008 in which he admitted to violating Section 73-35-21 (l & m), Section 89-1-503 and MREC Rules IV (A) <6>, IV (C) <3> and IV (E) <3> (b) because he failed to provide a Property Condition Disclosure Statement to a purchaser and did not get a client to sign the Working With a Real Estate Broker Form. The violations resulted in Broker Taggart having his license suspended for three (3) months, held in abeyance and being required to complete an additional eight (8) hours of mandatory continuing education.