

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

vs.

NO. 49-1907

ANDREW MICHAEL GEOTES, Broker

BRITTANY SCOTT GEOTES, Broker Associate

JUSTIN ALLEN, Broker

CHERYL JOHNSON, Broker

RESPONDENTS

AGREED ORDER

This cause came before the Mississippi Real Estate Commission, sometimes hereinafter "Commission," pursuant to the authority of Miss. Code Ann. §§73-35-1, *et seq.*, as amended, on a complaint against Andrew Geotes, Broker, and Brittany Scott Geotes, Broker Associate, Justin Allen, Broker, and Cheryl Johnson, Broker and the Commission was advised that there has been an agreement reached among the parties resolving the issues brought forward in this complaint. By entering into this Agreed Order, these Respondents waive their rights to a full hearing and to any appeal. The Commission, then, does hereby find and order the following:

I.

Respondent, Andrew Michael Geotes, sometimes hereinafter called "Broker Geotes", is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 202 Klondyke Rd., Long Beach, MS 39560. Respondent Broker Geotes holds a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, and so he is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. Respondent Andrew Michael Geotes was with NextHome e-Realty but is now the principal broker for NextHome Simplicity.

II.

Respondent, Brittany Scott Geotes, sometimes hereinafter called “Brittany”, is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 202 Klondyke Rd., Long Beach, MS 39560. Respondent Brittany Geotes is now the holder of a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., so she is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. Co-Respondent Andrew Michael Geotes is now her responsible broker.

III.

Respondent, Justin Allen, sometimes hereinafter called “Respondent Allen”, is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 12373 US 49, Ste. 3, Gulfport, MS 39503. Respondent Broker Allen holds a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., and so he is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. Respondent Allen was a principal broker for the Geotes at NextHome e-Realty.

IV.

Respondent, Cheryl Johnson, sometimes hereinafter called “Broker Johnson”, is an adult resident citizen of MS whose last known business address of record with the Commission is 1803 Curcor Dr., Gulfport, MS 39507. Respondent Broker Johnson holds a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., and so she is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. Broker Johnson was a principal broker for NextHome e-Realty, right after Respondent Justin Allen.

V.

The Commission received information that the Geotes, upon going out on their own in January of 2019 with their new realty firm, NextHome Simplicity, were advertising themselves and their new real estate company in manners contrary to the Commission's advertising Rule 3.3. Specifically, the points of concern were, 1. that Brittany was advertising herself as an owner of the firm, when records from the Secretary of State's Office did not show her as an owner and she (then) only possessed a salesperson license; 2. that the Geotes only used their first names when displayed on signage; 3. that these individual agent names were of larger print than the company name; 4. that a "text" telephone number displayed on signage was larger than the company office number; 5. that signage from the Geotes' previous realty firm were still displayed, after the Geotes had started their own realty firm. Photographs of signage and websites were provided that gave some credence to these allegations. Subsequently, an investigation was conducted, finding that rider boards were improperly used by the Geotes, while with NextHome e-realty and NextHome Simplicity, that a NextHome e-Realty yard sign was improperly displayed by the Geotes, and that there was inadequate supervision by the Geotes prior principal brokers.

VI.

Historically, in 2018, both Respondent Geotes were licensed as agents with NextHome e-Realty. Their principal brokers then were Justin Allen, for the first 5 months of 2018, and later Cheryl Johnson. In January of 2019, the Respondent Geotes left NextHome e-Realty and form their own realty firm, licensed by the Commission as NextHome Simplicity. Respondent Andrew Geotes was and is now the principal broker of that entity. Respondent Justin Allen no longer has a NextHome franchise and Respondent Cheryl Johnson has since moved on to be principal broker with Palmetto Real Estate Gulf Coast.

VII.

Independent review of websites confirmed that in 2019, Brittany Geotes had been holding herself out as an owner of NextHome Simplicity. A check of records at the Secretary of State's office did not show Brittany as being an owner, member or officer with NextHome Simplicity. Further, Brittany did not then possess a broker license and admitted to all such in her response.

VIII.

The submitted pictures of signage, while the Geotes were with NextHome e-Realty and later with NextHome Simplicity, show that the Geotes did not use their last names, as displayed on their licenses, on rider boards. Also, one picture, taken on July 3rd, 2019, shows a NextHome e-Realty yard sign, displaying the Geotes, who had left that realty firm six months earlier, so they should not have been using this sign at all. Although the Geotes had the listing agreement for this property in July of 2019, with NextHome Simplicity, the yard sign said NextHome e-Realty.

IX.

Another photograph, taken July 3rd, 2019, shows the Geotes rider board on their current company yard sign at a home on Woodhaven Dr. in Gulfport, MS with no last names.

X.

In the responses received by the Commission from the Respondent Geotes, they admitted that Respondent Brittany Geotes was not then an owner of the NextHome Simplicity realty firm, and she only had a salesperson license at the time of the company licensing. They also acknowledged that the rider boards were non-compliant and that they used them both before and after leaving NextHome e-Realty. They admitted that they had used these signs in 2018, while they were agents under the responsibility of, and oversight by, their previous brokers, Justin Allen, whom Respondent Andrew Geotes said had approved these signs, and later, when Respondent Cheryl Johnson was their principal broker at NextHome e-Realty.

XI.

Additionally, as to the NextHome e-Realty sign still being displayed on the 55-acre tract in Kiln, MS, 6 months after leaving that firm, Respondent Andrew Geotes said that he forgot Brittany still had that sign on her listing. Apparently, Brittany had forgotten, as well. This listing was changed to the Geotes' new company. Knowing that new signs now existed, it was incumbent upon the Geotes to check their past and current listings to ensure compliance. Their last broker with NextHome e-Realty, Respondent Cheryl Johnson, had a duty to ensure that proper signage was being displayed by NextHome e-Realty, after the Geotes had left.

XII.

The above and foregoing described acts of the Respondents, Andrew Michael Geotes, Brittany Scott Geotes, Justin Allen, and Cheryl Johnson demonstrate and constitute violations of M.C.A. § 73-35-1, et seq. and MREC Administrative Rules, 3.1 and 3.3 in particular:

§ 73-35-21. Grounds for refusing to issue or suspending or revoking license; hearing

(1) The commission may, upon its own motion and shall upon the verified complaint in writing of any person, hold a hearing for the refusal of license or for the suspension or revocation of a license previously issued, or for such other action as the commission deems appropriate. The commission shall have full power to refuse a license for cause or to revoke or suspend a license where it has been obtained by false or fraudulent representation, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

(c) Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or salespersons or any medium of advertising or otherwise;

(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing. However, simple contact and/or communication with any mortgage broker or lender by a real estate licensee about any professional, including, but not limited to, an appraiser, home inspector, contractor, and/or attorney regarding a listing and/or a prospective or pending contract for the lease, sale and/or purchase of real estate shall not constitute conduct in violation of this section.

Part 1601 Chapter 3: Administration/Conducting Business

Rule 3.1 General Rules

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 3.3 Advertising

A. "Advertising" means the use of any oral, written, visual, printed or electronically generated advertisement by a real estate licensee or other person on behalf of a real estate licensee.

"Advertisement" means any oral, written, visual, printed or electronic media advertisement and encompasses any correspondence, mailing, newsletter, brochure, business card, for sale or for lease signage or sign rider, promotional items, automobile signage, telephone directory listing, radio and television broadcasts, telephone solicitation and electronic media to include e-mails, text messaging, public blogs, social media networking websites, and/or internet displays.

B. 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" or "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.

All advertising must be under the direct supervision and in the name of the Principal Broker or in the name of the real estate Brokerage Firm and must prominently display the name of the Principal Broker or the name of the Brokerage Firm in such a manner that it is conspicuous, discernible and easily identifiable by a member of the public.

Principal Brokers are required to verify and determine that their name or the name of the Brokerage Firm is prominently displayed on all advertising and that the name of any real estate licensee or any approved real estate Team or Group is situated near the name of the Brokerage Firm. The Broker or the Brokerage Firm must be identified by using the same size or larger print as that of a Licensee or a Team in all advertising. All advertising must include the telephone number of the Principal Broker or the Brokerage Firm.

DISCIPLINARY ORDER

THEREFORE, by agreement, understanding and consent, the Commission ORDERS discipline as follows:

As to Andrew Geotes, Broker, the Commission orders that his license incur a one (1) month suspension, held in abeyance, followed by five (5) months of probation; contingent upon both future compliance with all Mississippi Real Estate Statutes and Commission Rules and also contingent upon his completing eight (8) hours of Mandatory Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) during that thirty (30) days held in abeyance. This order begins April 01, 2020. Said education is to be completed in a classroom environment, rather than through Distance Education. Further, these classes will be courses approved by this Commission, be in addition to the regular hours of continuing education already required of licensees for license renewal and will not be the same classes from the same provider as those used by this Respondent in the last renewal period. Evidence of completion of these classes is to be provided to this Commission.

As to Brittany Scott Geotes, Broker Associate, the Commission orders that her license incur a one (1) month suspension, held in abeyance, followed by five (5) months of probation, with both contingent upon both future compliance with all Mississippi Real Estate Statutes and Commission Rules and upon her completing eight (8) hours of Mandatory Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) during the thirty (30) days of full suspension. This order begins April 01, 2020. Said education is to be completed in a classroom environment, rather than through Distance Education. Further, these classes will be courses approved by this Commission, be in addition to the regular hours of continuing education already required of licensees for license renewal and will not be the same classes from the same provider as those used by this Respondent in the last renewal period. Evidence of completion of these classes is to be provided to this Commission.

As to Justin Allen, Broker, and Cheryl Johnson, Broker, they are each to receive a Letter of Reprimand.

SO ORDERED this the 15th day of APRIL, 2020.

MISSISSIPPI REAL ESTATE COMMISSION

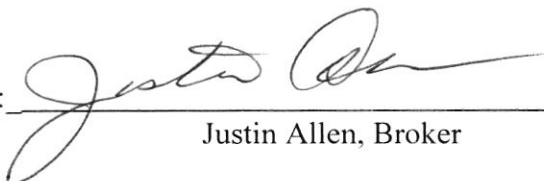


BY:


ROBERT E. PRAYTOR, Administrator

Agreed: _____ DATE: _____
Andrew Michael Geotes, Broker

Agreed: _____ DATE: _____
Brittany Scott Geotes, Broker Associate

Agreed:  _____ DATE: 3/16/20
Justin Allen, Broker

Agreed: _____ DATE: _____
Cheryl Johnson, Broker