

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 075-1710

TERRI LYNN BOWENS, PRINCIPAL BROKER

RESPONDENT

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 formal Complaint brought against Terri Lynn Bowens, Principal Broker. Prior to hearing before the Commission, the parties announced their agreement as to disciplinary action for Respondent. By entering into this Agreed Order, Respondent waives her right to a hearing with full due process and the right to appeal any adverse decision which may have resulted from that hearing. Having reached an agreement on this matter, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

FINDINGS OF FACT

I.

Respondent Terri Lynn Bowens, sometimes hereinafter "Bowens" or "Respondent," is an adult resident citizen of Mississippi whose last known address of record with the Commission is 197 Hwy 51, Ste. B, Ridgeland, Mississippi 39157. Respondent Bowens is the holder of a real estate broker's license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, as amended, and, as such, she is subject to all of the provisions, rules, regulations and statutes governing the practice of real estate and licensing of real estate brokers under Mississippi law. At all relevant times to the Commission Complaint, Respondent Bowens was the Principal Broker for Royal Chateau Realty, LLC.

II.

On or about October 5, 2017, the Commission received a formal complaint from Leigh Jones, a licensed real estate salesperson, about the actions of Respondent Bowens regarding a home that had been on the market for well over a year. The listing was through Respondent Bowens' brokerage firm and was purportedly extended several times up to and through June 30, 2017. The critical time period for this matter is the month of June, 2017. On June 1, 2017, the local Multiple Listing Service ("MLS") reflected Respondent Bowens no longer having this property listing, though the listing agreement extension was through June 30, 2017. Commission records reflect that on June 1, 2017, Bowens entered into an Agreed Order with the Commission in an unrelated matter that imposed a 30-day full suspension of Respondent's broker's license effective that date. This triggered Respondent Bowens' necessary removal of any MLS listings and from participating in or conducting any licensable real estate activities during the period of suspension.

III.

The MLS listing change was noticed by Ms. Jones, who subsequently contacted the seller of the home in question about listing it. Jones and the seller executed a new listing. Ultimately, Respondent Bowens learned of the contact between the seller and Jones. There was then direct communication between Respondent Bowens and the seller, and between Respondent Bowens and the underlying complainant Jones. Respondent Bowens communicated directly with the seller about honoring his listing with her. Respondent Bowens communicated directly with Jones and demanded Jones cancel her new listing and otherwise not interfere with Respondent Bowens' purportedly ongoing deal to broker a sale of the seller's property. Respondent Bowens informed the underlying complainant Jones that Bowens would "take the buyer elsewhere." All of these referenced communications occurred during that month of June, 2017 while Respondent Bowens' individual license was suspended and she was prohibited from engaging in licensable

real estate activities. Following Respondent Bowens' communications, the listing held by underlying complainant Jones was in fact withdrawn or canceled in favor of Respondent Bowens proceeding to close the transaction with her brokerage. The subject transaction in fact closed on June 23, 2017, with Salesperson Craig Brown, then of Royal Chateau Realty, in attendance.

IV.

During the Commission investigation, documents and responses were obtained from Respondent that caused the Commission to determine that Respondent was conducting licensable real estate activities during the month of June, 2017 when Respondent was prohibited from conducting said licensable activities pursuant to her own previous agreement with the Commission pursuant to an Agreed Order.

CONCLUSIONS OF LAW

V.

The above and foregoing described acts and omissions of Respondent Terri Lynn Bowens constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, Miss. Code Ann. §73-35-1, *et seq.* and, more specifically, §73-35-1, §73-35-3(1), and §73-35-21(1)(a),(c),(k) and (n), which provide, in relevant parts:

§ 73-35-1. Citation of chapter; license requirement

...[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, a 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.

§ 73-35-3. Definitions; applicability of chapter

(1) The term "real estate broker" within the meaning of this chapter shall include all persons, partnerships, associations and corporations, foreign and domestic, 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.

§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:

(a) Making any substantial misrepresentation in connection with a real estate transaction;

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

(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;

(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 ...or improper dealing...

DISCIPLINARY ORDER

Upon agreement and consent of Respondent as to disciplinary terms and disposition of this matter in lieu of a hearing before the Commission and, having issued its Findings of Fact and Conclusions of Law, the Commission hereby issues it Disciplinary Order as follows:

1. The license of Respondent Terri Lynn Bowens shall be suspended for a period of (1) month beginning on the effective date of this Agreed Order. During the period of suspension, Respondent shall not be permitted to conduct any activities for which a real estate license is required;
2. Following the period of suspension, the license of Respondent shall be on probation for a period of eleven (11) months; and

3. Within sixty (60) days of the effective date of this Agreed Order, Respondent shall complete eight (8) hours of mandatory continuing education: four (4) hours Agency; two (2) hours Contract Law, and two (2) hours License Law. All courses shall be approved by the Commission prior to being taken and must be administered by a Commission approved continuing education provider in a classroom setting. The mandatory continuing education hours shall be in addition to any hours required for renewal of Respondent's license and shall not be the same continuing education course from the same course provider previously completed for the renewal of Respondent's license during the last renewal period. Respondent shall furnish to the Commission written evidence of the satisfactory completion of the required courses.
4. This Agreed Order shall be effective beginning January 1, 2020.

THIS the 31 day of December, 2019.

MISSISSIPPI REAL ESTATE COMMISSION

BY: Robert E. Praytor
ROBERT E. PRAYTOR

AGREED:

Terrilynn Bowens DATE 12/31/2019
TERRI LYNN BOWENS

