BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION	**COMPLAINANT**
VS.	**NO. 12-1803**
ROSEMARY CHAMBLISS, BROKER **VUANITA MCARTHUR, SALESPERSON**	**RESPONDENTS**

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 Rosemary Chambliss, Broker, and Vuanita McArthur, Salesperson. The Commission was advised that there has been a resolution reached as to the issues brought forward in this complaint. By entering this Order, the Commission does hereby find and order the following:

I.

Respondent Rosemary Chambliss, sometimes hereinafter "Respondent" or "Chambliss," is an adult resident citizen of Mississippi, whose last known address of record with the Commission is 1455 Fox Chase Cove, Olive Branch, MS 38671. Respondent Chambliss was the principal broker at the time of this incident with First National Realty in Olive Branch, MS and 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 sale and transfer of real estate and licensing of real estate brokers under Mississippi law. Respondent Chambliss was, at the time of this incident, the responsible broker for Respondent Vuanita McArthur.

II.

Respondent Vuanita McArthur, sometimes hereinafter "Respondent" or "McArthur," is an adult resident citizen of TN, whose last known address of record with the Commission is 6582 Luxury Cove, Bartlett, TN 38135. Respondent McArthur is the holder of a real estate salesperson'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 the provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate salespersons under Mississippi law.

III.

Upon the agency relationship ending between these two respondents, Respondent Chambliss gave to Respondent McArthur the sales agent license regarding Respondent McArthur. Said license was issued by the Commission and entrusted in the care of Respondent Chambliss. Respondent Chambliss' responsibility was instead to return said license to the Commission, upon the ending of the agency relationship. Consequently, no subsequent supervision of Respondent McArthur was conducted by Respondent Chambliss. As such, some responsibility for all subsequent improper activity of Respondent McArthur rest with Respondent Chambliss.

IV.

The Commission received notice from the MS buyer's agent for Brian K. Bradley that Bradley had entered into a contract on or about March 16, 2018 to purchase a home located at 3514 Herbert Cove, Southaven, MS. Respondent McArthur represented Robert and Elaine Mumper as the sellers' agent for this home which was listed only on a Memphis, TN MLS service by Respondent McArthur, as a TN sales agent of TN broker Ashley Pickens of Hellohomes in Memphis, TN. At such time, Respondent was working in an inactive salesperson capacity, as to MS, because Respondent had no sponsoring MS broker since February 08, 2018. McArthur did not disclose she

was an agent of Respondent Chambliss in the beginning of the representation but instead held herself out as an agent for the TN firm, Hellohomes, and posted a yard sign of said Memphis, TN brokerage firm in the yard of her client in Southaven, MS. Said Memphis, TN brokerage firm is not licensed in MS, nor are any agents of said TN firm.

A review of the Contract for Purchase and Sale of Real Estate for this home, obtained by the Commission during its investigation, revealed it had been signed by Respondent McArthur indicating agency representation and the listing company as Hellohomes of Memphis, TN.

Further investigation revealed that Respondent McAuthur gained access through a MLS key and showed a different home on Pinetree Rd in Senatobia, MS on the weekend of March 17, 2018.

V.

The above and foregoing described acts and omissions of the Respondents constitute violations of the Miss. Real Estate Brokers License Act of 1954, as amended, §§73- 35-1, *et seq.*, Miss. Code Ann., and the Rules and Regulations of the Commission, and, more specifically, §§73-35-11, 73-35-21(1)((n) and Comm. Rules 3.1A and 3.3A, which provide, in relevant parts:

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

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, ...

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.

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

Rule 3.1A 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 3.3A The use of any copyrighted term or insignia on stationery, office signs, or in advertising by any licensee not authorized to do so, will be considered as "substantial misrepresentation" and cause for refusal, suspension, or revocation of the license. 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.

DISCIPLINARY ORDER

THEREFORE, the Commission finds and ORDERS discipline as follows:

As to Rosemary Chambliss, Broker, the Commission orders that an official letter of reprimand be placed in her license file with a copy directed to this Respondent.

As to Vuanita McArthur, Salesperson, the Commission notes that her license was voluntarily tendered and intentionally remained inactive for a few months, during which time this Respondent cooperated with a further investigation. As such, this Commission finds no further action needed.

So Ordered this the 19th day of NOVEMBER, 2019.

MISSISSIPPI REAL ESTATE COMMISSION

BY: _____
ROBERT E. PRAYTOR, Administrator