

**IN THE STATE OF MISSISSIPPI
BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION**

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 048-1707

**GEORGE (MIKE) ADAMS, BROKER;
TANJA ELIZABETH ADAMS, SALESPERSON**

RESPONDENTS

AGREED ORDER

COMES NOW before the Mississippi Real Estate Commission (sometimes hereinafter called "Commission"), pursuant to the authority of Miss. Code Ann. §§ 73-35-1, et seq., and the administrative rules of the Commission, this Complaint against George (Mike) Adams, Principal Broker, and Tanja Elizabeth Adams, Salesperson. Prior to any hearing before the Commission, the parties announced their stipulation and agreement as to the resolution of the matters alleged and any disciplinary actions that may be imposed. While the Respondents dispute the findings herein, Respondents enter into this Agreed Order and waive their right to a hearing with full due process and their right to appeal any adverse decision resulting from that hearing. Having reached an agreement on the matter, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

I.

Respondent George (Mike) Adams, Broker, sometimes hereinafter “Respondent” or “Mike Adams” is an adult resident citizen of Mississippi whose last known address of record with the Commission is 1058 Ridgewood Place, Suite A, Jackson, MS. Respondent Mike Adams is the holder of a real estate broker’s license issued by the Commission pursuant to M. C. A. §§73-35-1, *et seq.*, as amended and, as such, he is subject to the provisions, rules, regulations and statutes governing the management, sale and transfer of real estate and licensing of real estate brokers under Mississippi law. At all times relevant to this Complaint, Respondent Mike Adams was the principal and responsible broker for Adams & Associates Realty, LLC and Salesperson, Respondent Tanja Adams.

II.

Respondent Tanja Elizabeth Adams, Salesperson, sometimes hereinafter “Respondent” or “Tanja Adams” is an adult resident citizen of Mississippi whose last known address of record with the Commission is 1058 Ridgewood Place, Suite A, Jackson, MS. Respondent Tanja Adams 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 the provisions, rules, regulations and statutes governing the management, sale and transfer of real estate and licensing of real estate brokers and salespersons under Mississippi law.

III.

On or about July 11, 2017, the Commission received a sworn complaint from Nicole Shields, sometimes hereinafter “Shields.” Shields complained she had entered into a property management agreement and an agreement to sell an investment property she owned located at 1932 Ventura

Drive, Jackson, Mississippi 39204. The agreement was between Shields Enterprises, LLC and Respondents' firm, Adams & Associates, LLC, and executed on or about August 17, 2016, by Nicole Shields and Tanja Adams, respectively. Upon receipt of Shields' complaint, the Commission initiated an investigation of the matters alleged.

IV.

Among other complaints, Shields complained that she had difficulty with Tanja Adams timely collecting and accounting for rent payments for her property. Shields ultimately terminated her management agreement with Respondents on or about June 2, 2017. Shields stated that she personally served the tenant of the property, Woods, with an eviction notice for failure to pay rent. Shields requested Respondent Tanja Adams tender the rental deposit that had been collected from the tenant, but Tanja Adams failed to do so and gave conflicting accounts of the deposit status.

V.

Shields complained that Respondents provided inaccurate accounting records for the tenancy of Shields' property despite Shields' repeated requests. During the Commission investigation, Respondents were instructed to respond to Shields complaints and allegations regarding management of Shields' property. On or about August 3, 2017, the Commission received a response submitted by Respondents' counsel on their behalf. Through counsel, Respondents denied Shields' allegations and stated that Respondents had themselves requested information and financial documentation from the complainant, Nicole Shields, necessary for the proper reconciliation of the property account, to no avail.

VI.

Shields claimed, however, that she had never been contacted by Respondents to provide receipts related to Respondents' own management of her property. The Commission obtained documents during its investigation that reflected Shields' efforts to meet with Respondents to discuss certain account discrepancies. In one communication, on or about June 14, 2017, Respondent Mike Adams replied to a request from Shields with only a short message instructing her to contact Respondent Tanja Adams for information. Shields complained that subsequent conversations with Tanja Adams requesting supporting documentation were unsuccessful in obtaining accurate records for the account. Respondents owed a duty to Shields to properly account for monies collected during their management of Shields' property.

VII.

At times relevant to the allegations in Shields' sworn complaint, Respondent Tanja Adams' license to practice real estate in Mississippi was suspended pursuant to an Agreed Order that resolved a prior complaint sworn against Respondents before the Commission and which matter was styled *Mississippi Real Estate Commission vs. George (Mike) Adams, Broker; and Tanja Elizabeth Adams, Salesperson*, No. 005-1601. Therein, Respondents agreed that Tanja Adams would be suspended for a period of six (6) months beginning April 1, 2017. During the Commission investigation of the instant matter of Shields' complaint, the Commission received documentation reflecting that Respondent Tanja Adams was actively involved in licensable activity during the referenced period of suspension as evidenced by her interactions with Shields and attendant documentation. Evidence obtained by the Commission reflects Respondent Tanja Adams' unlicensed activities took place with the full knowledge of her responsible broker,

Respondent Mike Adams. Respondents never disclosed to Shields that Respondent Tanja Adams was unlicensed to provide property management services on or after April 1, 2017.

VIII.

The above and foregoing acts and omissions of Respondent constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, Miss. Code Ann. §§73-35-1, *et seq.*, and the Rules and Regulations of the Commission and, more specifically, Miss. Code Ann. §§73-35-1, 73-35-21(1)(a), (f) and (n), and Rules 3.1A and 4.2G which provide, in relevant parts:

§73-35-1 ...license requirement

...[I]t shall be unlawful for any person ...to engage in or carry on, directly or indirectly, or to advertise or to hold himself ...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 a real estate salesperson as provided for in this chapter.

§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 the full power to refuse a license for cause or to revoke or suspend a license ...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;

(f) Failing, within a reasonable time, to account for or to remit any monies coming into his possession which belong to others...

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

Rule 3.1A 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 4.2 G "Fiduciary Responsibilities" are those duties due the principal (client) in a real estate transaction...:

- (1) 'Loyalty' –the agent must put the interests of the principal above the interests of the agent or any third party.
- (2) 'Obedience' –the agent agrees to obey any lawful instruction from the principal in the execution of the transaction that is the subject of the agency.
- (3) 'Disclosure' –the agent must disclose to the principal any information the agent becomes aware of in connection with the agency.

(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.

(6) 'Full accounting' –the agent must provide a full accounting of any money or goods coming into the agent's possession which belong to the principal or other parties.

Said actions by the Respondents warrant discipline from the Commission. However, these matters are addressed and adjudicated by an Agreed Order between the Commission and these Respondents in a separate action numbered 081-1711. That Agreed Order is adopted herein.

SO ORDERED this the 2nd day of JANUARY, 2018. ~~2018.~~ 2019

MISSISSIPPI REAL ESTATE COMMISSION

BY: *Robert E. Praytor*
ROBERT E. PRAYTOR, Administrator

Agreed: *George (Mike) Adams* DATE: 1/4/19
George (Mike) Adams

Agreed: *Tanja Elizabeth Adams* DATE: 1-4-19
Tanja Elizabeth Adams



