



Mississippi Real Estate Commission

ADMINISTRATOR
ROBERT E. PRAYTOR

LEFLEUR'S BLUFF TOWER, SUITE 300 // P.O. BOX 12685 (601) 321-6970 - Office
4780 I-55 NORTH, JACKSON, MS 39211 // JACKSON, MS 39236 (601) 321-6955 - Fax

OFFICIAL LETTER OF REPRIMAND

January 29, 2020

Josh Vaughn
132 Riverview Dr., Ste. A
Flowood, MS 39232

Dear Mr. Vaughn:

The Mississippi Real Estate Commission has concluded its investigation in the matter of the case we had against Salesperson Tracey Andrews and Broker, Lynn Fillingham. You represented the complainant, Janie Hanna.

The Legal Counsel and the Investigative Staff of the Real Estate Commission has determined that the information obtained during the investigation of this complaint is sufficient to show that you are in violation of M. C. A. §89-1-505, which reads:

§89-1-505. Limit on duties and liabilities with respect to information required or delivered

(1) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy or omission of any information delivered pursuant to Sections 89-1-501 through 89-1-523 **if** the error, inaccuracy or omission was not within the personal knowledge of the transferor or that listing or selling agent, was based on information timely provided by public agencies or by other persons providing information as specified in subsection (2) that is required to be disclosed pursuant to Sections 89-1-501 through 89-1-523, and ordinary care was exercised in obtaining and transmitting it.

The statutorily required property condition disclosure statement must be completely filled out. The clear instructions are that there are to be no blanks. That document, in this case, contained no information as to permits obtained for admitted home repairs nor any information as to admitted roof repairs. All questions on this form are of significant issues that can arise in home sale transactions and, as such, the content therein is necessary for there to be fair and honest dealing. Your duty was to aid the client by reviewing this form.

Additionally, consider M. C. A. §73-35-21. Grounds for refusing to issue or suspending or revoking license; hearing

(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.

This Official Letter of Reprimand will be placed in your file to become a part of your permanent record. You should take every precaution to familiarize yourself with the Real Estate Brokers License Act of 1954, as Amended, and the Administrative Rules and Regulations of the Real Estate Commission in order to avoid a serious violation which might affect the status of your license.

If you have any questions pertaining to this matter, please contact the Commission.



Robert E. Praytor

Administrator
Mississippi Real Estate Commission



Mississippi Real Estate Commission

ADMINISTRATOR
ROBERT E. PRAYTOR

LEFLEUR'S BLUFF TOWER, SUITE 300 // P.O. BOX 12685 (601) 321-6970 – Office
4780 I-55 NORTH, JACKSON, MS 39211 // JACKSON, MS 39236 (601) 321-6955 - Fax

OFFICIAL LETTER OF REPRIMAND

January 29, 2020

Phil Landers
132 Riverview Dr., Ste. A
Flowood, MS 39232

Dear Mr. Landers:

The Mississippi Real Estate Commission has concluded its investigation in the matter of the case we had against Salesperson Tracey Andrews and Broker, Lynn Fillingham. Your salesperson, Josh Vaughn, represented the complainant, Janie Hanna.

The Legal Counsel and the Investigative Staff of the Real Estate Commission has determined that the information obtained during the investigation of this complaint is sufficient to show that you are in violation of MREC Rule 3.1 which reads:

Part 1601 Chapter 3: Administration/Conducting Business
Rule 3.1 General Rules

- 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.

The statutorily required property condition disclosure statement must be completely filled out. The clear instructions are that there are to be no blanks. That document, in this case, contained no information as to permits obtained for admitted home repairs nor any information as to admitted roof repairs. All questions on this form are of significant issues that can arise in home sale transactions and, as such, the content therein is necessary for there to be fair and honest dealing. Your salesperson was to aid the client by reviewing this form.

Real estate brokers set standards of practice in the area and are tasked with maintaining high levels of customer/client service and compliance with all state-based real estate laws and administrative rules. Considerable risk exists in the operation of a brokerage. To minimize this risk, brokers assume the responsibility of educating and constantly monitoring their agents.

This Official Letter of Reprimand will be placed in your file to become a part of your permanent record. You should take every precaution to familiarize yourself with the Real Estate Brokers License Act of 1954, as Amended, and the Administrative Rules and Regulations of the Real Estate Commission in order to avoid a serious violation which might affect the status of your license.

If you have any questions pertaining to this matter, please contact the Commission.



Robert E. Praytor

Administrator
Mississippi Real Estate Commission