

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 063-1909

WADE BYERS QUIN, Principal Broker

JOHN M. RAINEY, Salesperson

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 Wade Byers Quin, Broker, and John M. Rainey, Salesperson and the Commission was advised that there has been an agreement reached resolving the issues charged 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 Wade Byers Quin, sometimes hereinafter "Respondent Quin," is an adult resident citizen of Miss., whose last known office address of record with the Commission is 749 Oakmont Parkway, Ridgeland, MS 39157. Respondent Quin is the principal broker of Quin Realty 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. As such, he is subject to all of the provisions, administrative rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law.

II.

Respondent John M. Rainey, sometimes hereinafter “Respondent Rainey,” is an adult resident citizen of MS, whose last known office address of record with the Commission is 749 Oakmont Parkway, Ridgeland, MS 39157. Respondent Rainey is the holder of a MS real estate salesperson’s license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, as amended and, as such, he 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.

Respondent Rainey owns Tailored South Homes, LLC as the sole member and registered agent, per the MS Secretary of State’s Office. Respondent Quin is the principal broker for Quin Realty, where Respondent Rainey’s license is issued.

VI.

The Commission received a written complaint from Matthews Florence Kirk on or about August 22nd, 2019 that named both Respondent Rainey and Ms. Kirk’s buyer’s agent, Sonia Harris-Carter. This complaint involved Ms. Kirk’s attempt to purchase a newly built home from Respondent Rainey, who was the Builder/Seller and listing salesperson.

V.

Further investigation revealed that Respondent Rainey did not reveal himself to be the owner and sales agent. Documents show that, when confronted about this relationship, Respondent Rainey denied that he was the property owner, stating “...I personally have no interest in the property.” Such statement evidences either Respondent Rainey having a poor understanding of corporate entities in real estate law or his deliberate effort to misinform the buyer and her agent. Neither should be condoned by the Commission and such failure does not comport with Rule 3.3, “In addition to disclosing their licensed status in all advertisements, licensees are required to

disclose their licensed status on all real estate contracts in which they have an ownership interest.”

A real estate licensee shall not be exempt from disciplinary actions by the commission when selling property owned by the licensee., Rule 3.1 I. Furthermore, any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication *or who fails or neglects to abide by Mississippi Real Estate Commission's Rules and Regulations shall be deemed, prima facie, to be guilty of improper dealing.* Rule 3.1 F.

VI.

Respondent Quin, as the responsible broker for Respondent Rainey, has the affirmative duty under Rule 3.1 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. Respondent Quin acknowledged such duty and responsibility in his response to Ms. Kirk’s complaint.

VII.

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, § 73-35-21(1)(n) and Commission Rules 3.1 A., F. and I., and 3.3 which provide, in parts:

§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 3.1 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 MS Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.

F. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication or who fails or neglects to abide by Mississippi Real Estate Commission's Rules and Regulations shall be deemed, prima facie, to be guilty of improper dealing.

I. A real estate licensee shall not be exempt from disciplinary actions by the Commission when selling property owned by the licensee.

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 13 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.

D. When a licensee is advertising their own property for sale, purchase or exchange which is not listed with a broker, the licensee must indicate that he or she is licensed. The disclosure of licensee's status must be made in all forms of advertising enumerated in Rule 3.3 (A), including the "for sale" sign.

In addition to disclosing their licensed status in all advertisements, licensees are required to disclose their licensed status on all real estate contracts in which they have an ownership interest.

DISCIPLINARY ORDER

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

As to Wade Byers Quin, Broker, the Commission orders that his license incur a one 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 him 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 one month of license suspension in abeyance. This order begins the day of Commission approval. Said education may be completed through Distance Education, due to Co-vid restrictions. 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 John M. Rainey, Salesperson, the Commission orders that his license incur a two (2) month suspension, with one month held in abeyance, followed by four (4) months of probation; contingent upon both future compliance with all Mississippi Real Estate Statutes and Commission Rules and also contingent upon him 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 one month of license suspension. This order begins the day of Commission approval. Said education may be completed through Distance Education, due to Co-vid restrictions. 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.

SO ORDERED this the 20th day of MAY, 2021.

MISSISSIPPI REAL ESTATE COMMISSION



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

Agreed: Wade Byers Quin Date: 5/14/21
Wade Byers Quin, Broker

Agreed: John M. Rainey Date: 5/14/21
John M. Rainey, Salesperson

