

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

vs.

NO. 75-1910

WENDY W. CHANCELLOR, Salesperson
MIRIAM MORRIS SEALE, Broker/Salesperson

RESPONDENTS

COMPLAINT

COMES NOW 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, and files this Complaint against Wendy W. Chancellor, Salesperson and Miriam Morris Seale, Principal Broker, and assigns as grounds the following:

I.

Respondent, Wendy W. Chancellor, sometimes hereinafter called "Respondent Chancellor", is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 118 Fairfield Drive, Hattiesburg, MS 39402. (Crye-Leike Signature One Realty) Respondent Chancellor is the holder of a resident Salesperson license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., so she is subject to the provisions, rules, and regulations governing real estate brokers under Mississippi law and the rules of the Mississippi Real Estate Commission. Respondent Chancellor's agent at the time of this complaint was Miriam Morris Seale.

II.

Respondent, Miriam Morris Seale, sometimes hereinafter called "Respondent Seale", is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 118 Fairfield Drive, Hattiesburg, MS 39402. Respondent Seale holds a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., and so she is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission.

III.

On 10/2/2019, the Commission received a sworn statement of complaint from Julie May of 223 West Canebrake Boulevard in Hattiesburg, Miss. 39402. She and her husband Greg had listed their home with Crye-Leike Signature One Realty through Salesperson Susan B. Smith.

IV.

May stated that during the time this listing was in effect Respondent Chancellor, also licensed with Crye-Leike Signature One, entered her property on 9/27/2019 with one of Respondent Chancellor's friends without the knowledge of either the homeowners or the listing agent. May's 10 year-old daughter came home and found them at the house and May said her daughter was very frightened. The child was using the iPad Facetime app to communicate with May to let her know about Respondent Chancellor being there with someone. May lost contact with her and became terrified. Upon arrival at her home, May saw one vehicle leaving and another vehicle backing out, which May blocked with her vehicle. This blocked vehicle was occupied by Respondent Chancellor. May attempted to open the car door but it was locked. May said that first Respondent Chancellor told May that she had permission to show the home but then admitted that the listing agent, Smith, hadn't responded to her inquiries. The Mays were not informed of any showing, so the child was there and the house was not ready to show.

V.

May further stated that she considered Respondent Chancellor's conduct to be an act of illegal entry for the convenience of her own friend, and that Respondent Chancellor wasn't appropriately dressed to be showing a million dollar listing as Chancellor was wearing a ball cap, no makeup, a t-shirt and shorts. Respondent Chancellor admitted that the person she showed the home was a personal friend of hers who "enjoyed putting money into a project then flipping it". May continued by saying the event was a very traumatic experience for her and her daughter and was considered extremely unprofessional. The investigation has revealed that Respondent Chancellor's actions were spur of the moment, not in accordance with the client's instructions about coordinating any showing of this home, and that the "friend" was a past client.

VI.

In the response from Respondent Chancellor, she admitted that she has completed many transactions with this client and that the client does buy property for rent or rehab. Respondent Chancellor admitted that she did not obtain a WWREB form with the potential buyer, Hudson, prior to this showing of the Mays' home. Respondent Chancellor explained that she confused herself with text messages that she was sending to the listing agent, Susan Smith, and the potential buyer, Charla Hudson. Hudson had contacted Respondent Chancellor that day, saying that she wanted to look at the Mays' home before she left for Brazil so she could be thinking about it during her travel time. Respondent Chancellor admittedly did not know whether the May house was vacant or not. Although Respondent Chancellor lives on the same street as May, they didn't know one another. This showing coincided with Respondent Chancellor preparing to host a large family event at her house that evening. Respondent Chancellor stated that she was engaged in "high level multi-tasking" that afternoon. This was a spur of the moment action by Respondent Chancellor, notwithstanding instructions.

VII.

Respondent Chancellor said she reached out to agent Smith by text because she was aware that all showing appointments had to be coordinated through Smith. There was no reply from Smith because it was learned that she was at a funeral and had left her phone in her vehicle. Nonetheless, a couple of hours later, Respondent Chancellor went to the property and removed the key from the Supra lockbox. A dog showed up at the door. Respondent Chancellor said she then called Smith because she thought the house was vacant. Smith didn't answer the phone. Respondent Chancellor claimed that she had heard the Mays had moved to Louisiana back in the summer, another assumption that was obviously incorrect. Respondent Chancellor then sent Smith another text about the dog being there and asked if it was "still" okay to show. Chancellor thought she had permission. She waited for a response from Smith, but none came. The client (Hudson) arrived at the May home. From previous transactions, Chancellor knew that Hudson was financially able to close quickly on a home. The front door was unlocked, and they entered. Respondent Chancellor said the house was not in perfect showing condition but that was not an unusual occurrence in Chancellor's experiences showing homes. Respondent Chancellor and the potential buyer had finished viewing the inside and had walked outside to the boathouse, finding it also unlocked. After viewing it and while walking back to the house, they saw the May's minor daughter coming down from the driveway with her iPad. Respondent Chancellor said that the child asked what they were doing at her house and was told that they were looking at it to possibly buy it. Chancellor said she told the child that she was a realtor but wasn't sure if the child knew what that meant. The potential buyer had left her keys inside on the kitchen counter and so went inside to retrieve them. Respondent Chancellor said that had left her phone on the kitchen counter, so she knocked on the door, saw the child sitting in a chair by the door, told her she needed to come in and retrieve her phone, and did so.

VIII.

On 11/19/2019, Respondent Seale's response was received. She stated that Respondent Chancellor did enter the May's property for a showing. It was not a question of whether she understood that an appointment was needed to show. Respondent Seale said it was made clear to the office agents that any showing of the May home needed coordination with the listing agent.

IX.

The above and foregoing described acts of the Respondents, Wendy W. Chancellor and Miriam Morris Seale demonstrate and constitute violations of M.C.A. § 73-35-1, et seq. and § 73-35-21, and MREC Administrative Rules, 3.1, 4.2, and 4.3, and in particular:

As to Respondent Wendy Chancellor:

§73-35-21. Grounds for refusing to issue or suspending or revoking license; hearing

- (1) (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 3.1 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.

Rule 4.2 Definitions

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

- (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.

H. "First Substantive Meeting" shall be:

- (2) In a real estate transaction in which the Broker is the agent for the buyer, first substantive meeting shall be at the initial contact with a seller or a seller's agent or before or just immediately prior to the first of any of the following:

(a) Showing the property of a seller to a represented buyer.

Rule 4.3 Disclosure Requirements

C. Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency. Informed written consent to disclosed dual agency shall be deemed to have been timely obtained if all of the following occur:

(2) The buyer, at the time an agreement for representation is entered into between the broker and buyer, gives written consent to dual agency by signing the Consent To Dual Agency portion of MREC Form A.

As to Respondent Miriam Morris Seale:

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.

WHEREFORE, considering the aforesaid allegations, the Respondents should be cited to appear before the Commission, at a time designated and properly noticed to the Respondents, for the Commission to hear and receive evidence of these allegations, any response that the Respondents desire to present, amend the pleading to conform to the evidence and adjudicate this matter within the Commission's authority and sound discretion.

THIS the 17th day of June, 2020.



MISSISSIPPI REAL ESTATE COMMISSION

By: _____

Robert E. Praytor
ROBERT E. PRAYTOR, Administrator

TO THE RESPONDENTS:

Statutory Hearing Authority/Hearing Proceedings

You are directed to appear before the Mississippi Real Estate Commission on a date and time set by the Commission by notice of hearing for a hearing to be held pursuant to §73-35-21, *Miss. Code Ann.* (1972) as amended, to show cause, if any you can, that the Commission should not suspend or revoke your license(s) to practice real estate and/or pursue further action against you as may be appropriate in the premises. You may be represented by a lawyer at the hearing, and you or your lawyer may inspect the pertinent evidentiary material contained in the investigative file at the Commission offices. The hearing will be conducted in a trial format; thus, evidence which supports the Complaint will be presented first and you may present any rebuttal witnesses or evidence or make any pertinent statements of your position. Cross examination of witnesses will also be permitted. The formal rules of evidence will be relaxed. Necessary witnesses may be subpoenaed by the Commission upon request; appearance and mileage fees for subpoenaed witnesses shall be taxed as part of costs of the proceedings, as applicable. Upon conclusion of the hearing, the Commission shall render its decision and shall notify the parties, in writing, of its decision.

Hearings and Appeals-Statutory Fees and Costs Taxed

Adverse decisions of the Commission may be appealed to the Circuit Court of the licensee's county of residence or to the Circuit Court of the First Judicial District of Hinds County, within thirty (30) days of the service of the written decision of the Commission. Authorities: *M. C. A.* §§73-35-23, 73-35-25 (1972) as amended; *Uniform Circuit and County Court Rules* 5.04, 5.05.

Supersedeas

Uniform Circuit and County Court Rule 5.08 provides, “[N]o supersedeas will be granted on appeal from a denial, revocation or suspension of a license to practice a profession or a trade.” The Commission will oppose all motions for supersedeas relief.

Required Bond

A copy of a Notice of Appeal from a Commission decision must be provided to the Commission simultaneously upon filing of the appeal with the Court. Appeals require the posting of a satisfactory bond in the amount of Five Hundred Dollars (\$500.00) for the payment of any costs which may be adjusted by the Court upon conclusion of the appeal. It is the policy of the Commission to seek from the reviewing Court the taxation of all costs and fees as may be available by law as part of any final disposition of an appeal taken from a Commission decision.

Required Hearing Record

Appeals of Commission decisions require the submission of a written record of the Commission proceedings for review by the Circuit Court on appeal. The record includes exhibits introduced at the hearing and a written transcript/stenographic notes of the Commission proceeding. The Commission’s actual costs incurred in the preparation of the Commission hearing record will be billed to the licensee or person taking appeal upon notice to the Commission of the filing of the appeal. Upon payment to the Commission for same, a complete copy of the record shall be furnished to the licensee simultaneously with submission of the record to the Court for review on appeal. If no appeal is taken from a Commission decision, any party to the proceeding may request a copy of the written transcript of the proceedings which shall be furnished upon payment of the Commission’s actual costs in preparation of same.

This the 17th day of JUNE, 2020.

MISSISSIPPI REAL ESTATE COMMISSION



BY:

Robert E. Praytor
ROBERT E. PRAYTOR, Administrator

SERVED BY: _____ DATE: _____

Received By:

Wendy W. Chancellor DATE: 6-29-2020
Wendy W. Chancellor

Received By:

Miriam Morris Seale DATE: 6-24-2020
Miriam Morris Seale

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vs.

NO. 75-1910

WENDY W. CHANCELLOR, Salesperson

MIRIAM MORRIS SEALE, Broker/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 Miriam Morris Seales, Broker/Salesperson, and Wendy W. Chancellor, Salesperson and the Commission was advised that there has been an agreement reached among the parties resolving the issues brought forward 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, Wendy W. Chancellor, sometimes hereinafter called "Respondent Chancellor", is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 118 Fairfield Drive, Hattiesburg, MS 39402. (Crye-Leike Signature One Realty) Respondent Chancellor is the holder of a resident Salesperson license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, so she is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. Respondent Chancellor's Principal Broker at the time of this complaint was Miriam Morris Seale.

II.

Respondent, Miriam Morris Seale, sometimes hereinafter called "Respondent Seale", is an adult resident citizen of Mississippi whose last known business address of record with the Commission is 118 Fairfield Drive, Hattiesburg, MS 39402. Respondent Seale holds a resident broker license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, et seq., and so she is subject to the provisions, rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission.

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As to Respondent Wendy Chancellor:

§73-35-21. Grounds for refusing to issue or suspending or revoking license; hearing

- (1) (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.

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Rule 4.3 Disclosure Requirements

C. Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of formalization of the dual agency. Informed written consent to disclosed dual agency shall be deemed to have been timely obtained if all of the following occur:

(2) The buyer, at the time an agreement for representation is entered into between the broker and buyer, gives written consent to dual agency by signing the Consent To Dual Agency portion of MREC Form A.

As to Respondent Miriam Morris Seale:

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.

DISCIPLINARY ORDER

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

As to Wendy W. Chancellor, the Commission orders that her license incur a two month suspension, with one (1) month suspension held in abeyance, followed by ten (10) months of probation; contingent upon both future compliance with all Mississippi Real Estate Statutes and Commission Rules and also contingent upon her 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 thirty (30) days of full license suspension. This order begins the day of Commission approval. Said education is to be completed in a classroom environment, rather than through Distance Education. 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 Miriam Morris Seale, Broker/Salesperson, she is to receive a Letter of Reprimand.

SO ORDERED this the 8th day of DECEMBER, 2020.

MISSISSIPPI REAL ESTATE COMMISSION



BY: _____

Robert E. Praytor
ROBERT E. PRAYTOR, Administrator

Agreed: _____

Miriam Morris Seale

Miriam Morris Seale, Broker/Salesperson

Date: _____

10/19/2020

Agreed: _____

Wendy W. Chancellor
Wendy W. Chancellor, Salesperson

Date: _____

10/19/2020



Mississippi Real Estate Commission

ADMINISTRATOR
ROBERT E. PRAYTOR

LEFLEUR'S BLUFF TOWER, SUITE 300
4780 I-55 NORTH, JACKSON, MS 39211

P.O. BOX 12685 (601) 321-6970 – Office
JACKSON, MS 39236 (601) 321-6955 - Fax

OFFICIAL LETTER OF REPRIMAND

December 17, 2020

Miriam Seale
118 Fairfield Dr.
Hattiesburg, MS 39402

RE: MREC v. W. Chancellor & M. Seale; case # 75-1910

Greetings:

The Miss. Real Estate Commission has concluded its matter of the above referenced case. The Legal Counsel and the Investigative Staff of the Real Estate Commission determined, and the Commission subsequently decided, that the information obtained during the investigation of this complaint was sufficient to show that your actions in this matter were contrary to the Administrative Rules and/or Miss. statutes as are outlined in the Agreed Order filed in the case referenced above. As a Principal Broker, you had an obligation under Rule 3.1 to educate and supervise the activities of the involved salesperson, Wendy Chancellor.

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