

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

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 005-1902

**LASHANDA ALEXANDER, SALESPERSON
DOUGLAS MASELLE, PRINCIPAL BROKER**

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 Douglas Maselle, Principal Broker, and Lashanda Alexander, 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. By entering into this order, the Respondents waive their right to a hearing with full due process, and the 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 Douglas Maselle, sometimes hereinafter "Maselle", is an adult resident citizen of Mississippi whose last known address of record with the Commission is 4001 Lakeland Drive, Jackson, MS 39232. Maselle 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, he is subject to the provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law. Respondent Maselle is the responsible broker for Respondent Salesperson Lashanda Alexander.

II.

Respondent Lashanda Alexander, sometimes hereinafter "Alexander," is an adult resident citizen of Mississippi, whose last known address of record with the Commission is 224 Key Drive, Madison, MS 39110. Alexander is the holder of a real estate sales 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 brokers under Mississippi law.

III.

On November 28, 2018, the Commission received a sworn written complaint from Christopher Seals, P. O. Box 123 Tougaloo Station, Jackson, MS 39174. This complaint stems from a sales transaction on the property located at 1230 Cemetery Rd, Edwards, Mississippi 39066. This was a dual agency transaction.

IV.

Seals is a contractor who purchases homes, does repairs and upgrades, and then sells them. He had a business partner, Nathalie Minor, with whom he also had a romantic relationship. Seals stated that the plan was for him to teach Minor the business of flipping houses. Minor worked out of town, so she executed a Power of Attorney authorizing Seals to sign documents on her behalf.

V.

Seals stated that he and Minor were partners in this home that *they* had for sale in early 2018. At this time, however, Seals had no legal title interest. Nathalie Minor was vested with fee simple title to the property by warranty deed recorded on August 23, 2017. When this Cemetery Rd. property was ready to sell, Respondent Alexander was contacted to be the listing agent. Respondent Alexander and Seals met at the property in June 2018 and Seals signed the transactional documents. Respondent Lashanda Alexander later found a buyer. An offer was presented and accepted, and Seals spoke with his partner Minor and told her he had requested that Respondent Alexander send copies of the contract to Fariss Crisler, who was to be the closing attorney, and to Community Bank. Seals' complaint continued by saying that Respondent Alexander called him, stating that Minor had instructed her to only tell Minor all the information on the property and not to tell Seals anything about this transaction.

VI.

Seals informed Fariss Crisler of this development and Crisler then contacted Minor to say that he would not close on the property unless she signed a document to allow her and Seals to be paid with separate checks from the settlement proceeds. Seals further stated that Respondent Alexander notified the bank to not provide Seals information on the property, and that she also assisted Minor in changing closing attorneys from Crisler to attorney Paige Purvis. Seals found out about the new

closing date and filed a lis pendens on 8/9/2018. Seals claimed that Respondent Alexander knew about this, which was why another closing attorney was chosen.

VII.

On March 4, 2019, Respondent Maselle's response was received. Enclosed in the broker response was an exclusive listing agreement that was not dated. There was a WWREB form that had a circle drawn around the words "SELLER'S AGENT" above the definition of that term, but only the box that said "client (disclosed dual agent)" was checked. This form was signed by the seller, Nathalie Minor but not dated. Another WWREB form, with the buyer's signature and date, also only had the box "client (disclosed dual agent)" checked. An Informational Statement for the PCDS was not dated by the seller upon signing. The PCDS was not dated by the seller upon listing. However, Minor did sign and date it at the closing. A Century 21 Contract for Sale form was used in the transaction, and although it contained the buyer's signature and date of offer, the seller Minor's signature was not dated. This form did contain a block for use by the Buyer's agent to document the date and time of a fully executed contract. It was dated 8/12/18 at noon.

VIII.

Respondent Lashanda Alexander said in her response statement that Seals told her about the Cemetery Rd. property in June 2018 and he explained that Minor worked out of town and he, like on the earlier property in Byram, would be signing paperwork on her behalf *by the POA*. Everything seemed to be going well until around July 25, 2018 when she received a call from Minor. Minor told Respondent Alexander that Minor informed Seals that she was going to instruct Respondent Alexander to speak solely with Minor personally about the listing, and that Seals had become enraged upon hearing that. Minor also told Respondent Alexander that she and Seals were not 50/50 partners, and that every property Minor purchased had been solely with her funds. Minor

called Seals a con artist with no money, and that Minor could send Seals to jail for depleting one of her bank accounts. Shortly thereafter, an offer was received. When Respondent Alexander notified Seals of this, Seals told Respondent Alexander not to tell Minor anything, and only deal with him. Respondent Alexander replied (correctly) that she couldn't do that because Minor was her client and so she had to inform Minor about it. It was Respondent Alexander's understanding that Minor and Seals were boyfriend and girlfriend, and during that conversation about the offer, Seals told her that Minor was just mad because he and Minor had broken up.

IX.

When Minor was subsequently notified, Minor said she was coming back to town to speak to Farris Crisler about what Seals had done. Minor knew that Crisler and Seals were friends and Minor did not trust them. Minor asked Respondent Alexander if there was another closing attorney that she could refer the closing to, and Paige Purvis, Esq. was suggested. Respondent Alexander stated that she never told the lender not to speak with Seals, and she is not aware of any conversation between Crisler and Minor about making separate payments from the proceeds.

X.

After Minor accepted the offer, a home inspection was conducted and, as a result, the buyer submitted a request of repairs. Respondent Alexander called Seals to inform him of this and Seals stated that he was not "doing a damn thang." After that occurred, all communication by Respondent Alexander was directed to Minor. Respondent Alexander never attempted to contact Seals again and, to her knowledge, Seals has not attempted to call Alexander. Minor later paid Lake Village Contractors approximately \$3300 to complete the requested inspection repairs.

XI.

Respondent Alexander stated that it was her understanding from Minor that Minor tried calling Seals on several occasions, but he didn't respond. Minor subsequently revoked her POA to Seals and the closing took place on 8/30/2018. Respondent Alexander claimed she was unaware of any lawsuit filed by Seals, or a lis pendens filed prior to the closing, and that it wasn't until attorney John Fike called her the first week in September 2018 that Respondent Alexander knew about any lawsuit. Paige Purvis, Esq. also called Respondent Alexander in September 2018 and stated that attorney John Fike had called him.

XII.

As part of this investigation, Attorney Fariss Crisler was contacted on 5/14/2019, asking if he remembered having a conversation with Respondent Alexander or Minor. Crisler stated that did not remember ever speaking with Respondent Alexander but stated that he did recall talking with Minor. Crisler was asked if he told Minor he would not do the closing unless there were separate settlement proceeds checks issued to Seals and Minor, and Crisler said he would have to refer to his E&O representative to see if he could answer that question, because at that time there was pending litigation between Seals and Minor. Of note is that Crisler notarized Minor's signature on the POA and probably created that document. Further, Seals did not file the POA for recording in the Chancery clerk's office until early August of 2018, when he filed his lis pendens for recording, although Seals was using the POA as far back as April of 2018. To be clear, Minor was Respondent Alexander's client and not Seals.

XIII.

The Commission finds that the above and foregoing described acts and omissions of the Respondents constitute violations of the Mississippi 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)(f) and (n) and Commission Rules 3.1A and 4.2 G (5) which provide, in relevant parts:

As to Respondent Douglas Maselle:

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 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.

§73-35-21.....

(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.

As to Respondent Lashanda Alexander:

§73-35-21.....

(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 4.2 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.

DISCIPLINARY ORDER

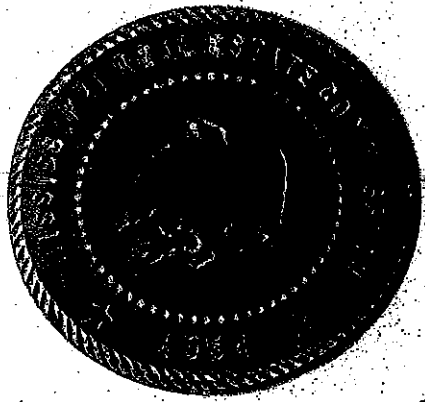
THEREFORE, by agreement, understanding and consent, the Commission ORDERS discipline as follows:

As to Douglas Maselle, Principal Broker, the Commission orders that his license incur a one (1) month suspension, held in abeyance, followed by eleven (11) months of probation, beginning the date Maselle signs this order, and contingent upon both his future compliance with all Miss. Real Estate Statutes and Commission Rules and also contingent upon him completing eight (8) hours of Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) within 30 days of Maselle signing this order. Said education must be completed in a classroom setting and will not be the same classes from the same provider as those used by this Respondent in his last renewal period. Further, these classes will be courses approved by this Commission and be *in addition to* the regular hours of continuing education already required of licensees for license renewal. Evidence of completing these classes is to be provided to this Commission.

As to Lashanda Alexander, Sales Agent, the Commission orders that her license incur a one (1) month suspension, held in abeyance, and followed by eleven (11) months of probation, beginning the date she signs this order, and contingent upon both her future compliance with all Mississippi Real Estate Statutes and Commission Rules and also contingent upon her completing eight (8) hours of Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) within 30 days of her signing this order. Said education must be completed through a classroom setting and will not be the same classes from the same provider as those used by this Respondent in her last renewal period. Further, these classes will be courses approved by this Commission and be *in addition to* the regular hours of continuing education already required of licensees. Evidence of completing these classes is to be provided to this Commission.

So Ordered, this the 18th day of June, 2019.

MISSISSIPPI REAL ESTATE COMMISSION



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

RECEIVED BY: *[Signature]* DATE: 6-18-19
Douglas Maselle, Broker

RECEIVED BY: *Lashanda Alexander* DATE: 6-18-19
Lashanda Alexander, Salesperson