

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

MISSISSIPPI REAL ESTATE COMMISSION

vs.

NO. 014-1803

**ERNEST ALFRED BUHRER, BROKER
MICHAEL A. WEBB, SALESPERSON**

RESPONDENTS

AGREED ORDER

This cause came before the Mississippi Real Estate Commission (sometimes hereinafter "Commission") pursuant to authority of Miss. Code Ann. §73-35-1, et seq. on a formal complaint brought against Respondents Ernest Alfred Buhner, Broker and Michael A. Webb, Salesperson. Prior to a hearing before the Commission, it was announced that an agreement was reached as to the resolution of the matters alleged and any disciplinary actions that may be imposed upon the Respondent, Ernest Alfred Buhner, Broker. This agreement is to the suspension of Respondent Buhner's license in lieu of further disciplinary proceedings. By entering into this Agreed Order, Respondent Ernest Alfred Buhner waives his 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, and Disciplinary Order as follows:

I.

Respondent, Ernest Alfred Buhner (hereinafter called "Buhner" or "Respondent"), is an adult resident citizen of Mississippi whose last known address of record is 201 Mayson Ave., Columbia, MS 39429. Respondent Buhner holds a Broker license issued by the Commission pursuant to M. C. A. §§73-35-1, et seq., and, as such, he is subject to the provisions, rules, regulations and statutes governing the practice of real estate under Mississippi law and the administrative rules of this Commission.

Respondent, Michael A. Webb, (sometimes hereinafter called "Webb" or "Respondent"), is an adult resident citizen of MS whose last known address of record is 1610 Ridgewood Dr., Columbia, MS 39429. Respondent Webb holds a sales license issued by the Commission pursuant to M. C. A. §§73-35-1, et seq., and, as such, he is subject to the provisions, rules, regulations and statutes governing the practice of real estate under Miss. law and the administrative rules of the MS Real Estate Commission. Respondent Buhner is the Principal Broker over salesperson, Michael Webb.

II.

In March of 2018, the Commission received an anonymous mailing that consisted of a color photograph depicting a real estate property sign posted on property for sale in the Columbia, MS area. This signage displayed the names of the Respondents as Micky Webb, Agent with Fred Buhner Real Estate. Without any explanation included, the Commission staff then investigated who these licensees were and why this picture might matter. This cursory examination revealed that since July of 2015, Respondent Webb has been on inactive license status due to a deficiency in his proof to the Commission of having errors and omissions insurance coverage.

Notice of said deficiency and subsequent license status change was properly issued to Respondent Webb by the Commission by letter on August 4, 2015. On July 24, 2016, the Commission received Respondent's signed license renewal application form; said form clearly showing his license in inactive status.

III.

Notwithstanding Respondent Webb's license status, Respondent Webb continued to market and did market multiple properties and engage in other licensable activities. Respondent Buhner, Principal Broker, signed documents involved in at least some of these transactions and so had direct knowledge of the activities of his salesperson, Respondent Michael Webb. Agency law of Mississippi imputes this knowledge to Respondent Buhner, as well. Additionally, some of these transactional documents are lacking in material terms, such as the selling prices in listing agreements and no informational statement for the property condition disclosure statement.

IV.

As a result of this discovery, Respondent' Buhner's online website was viewed, both as a means of confirming Respondent Webb's relationship held out to the public by Respondent Buhner, and for contact information as to Buhner. It was then discovered that Buhner had 3 other persons listed as agents on his website that were not now and had not been agents with Respondent Buhner for two years or more. Additionally, Respondent Webb's name was not shown on this website.