

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

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 036-1807

GEORGE "TREY" E. GUERIERI III, BROKER

RESPONDENT

ORDER

Comes now the Mississippi Real Estate Commission, sometimes hereinafter "Commission," pursuant to authority of Miss. Code Ann. §73-35-1, et seq., as amended, and issues this Order as to George "Trey" E. Guerieri III, Broker, as follows:

I.

Respondent George "Trey" E. Guerieri III, sometimes hereinafter called "Respondent Guerieri" is an adult resident citizen of Mississippi whose last known address of record with the Commission is 127 Vinings Dr., Madison, MS 39110. Respondent Guerieri 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 all provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law. Respondent is the principal broker of Terramark Corporation.

II.

An investigation began over a written complaint regarding a rental dispute. Preliminary investigation revealed that Respondent Guerieri was operating a property management enterprise without proper company real estate licenses and, further, that a real estate transaction form was not properly completed. Thereafter, the Commission opened its full investigation of the matter.

III.

Respondent Guerieri's response showed that during the time of the property management complaint in question, Respondent Guerieri had a company license issued by the Commission to "Terramark Corporation". Respondent Guerieri has instead represented the company name on different documents as "Terramark Real Estate" and "Terramark Management LLC", and "Terramark Management", none of which entities was separately licensed as a company with MREC. Records show that the Respondent's real estate activities have been interchangeably represented as "Terramark LLC", "Terramark", "Terramark Real Estate", "Terramark Management" and "Terramark Corporation".

IV.

Additionally, investigation of company files revealed that one WWREB form was incorrectly completed by Salesperson Jenny Price, as it was marked that the corporation was representing the buyer/tenant instead of marking the form to show the seller/landlord as client. Additionally, this was not noticed or corrected by the Respondent Broker, Guerieri.

V.

The above described acts and omissions of the Respondent 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, §73-35-6, §73-35-21(a), (c), (d) and (n) and Commission Rules 3.1A, and 4.2G(5) which provide, in relevant parts:

§73-35-6. Licenses for business entities: A corporation, partnership, company or association shall be granted a license when individual broker's licenses have been issued to every member, owner, partner or officer of such partnership, company, association or corporation who actively participates in its brokerage business and when any required fee is paid.

§73-35-21(1)(a) making any substantial misrepresentation in connection with a real estate transaction;

§73-35-21(1)(c) pursuing a continued and flagrant course of misrepresentation or making false promises through agents or salespersons or any medium of advertising or otherwise;

§73-35-21(1)(d) any misleading or untruthful advertising;

§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 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.

Rule 4.2 (G) (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.

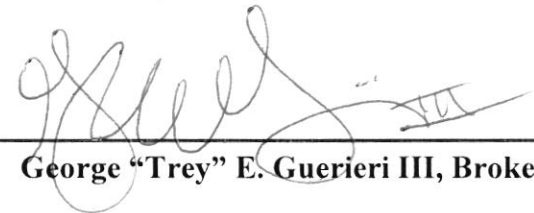
VI.

Said actions by the Respondent, and the named salesperson, warrant discipline from the Commission. However, these matters are addressed and adjudicated by an Agreed Order between the Commission and the Respondent Guerieri in a separate Complaint action numbered 037-1807. Salesperson Jenny Price is to be issued a letter of reprimand for her conduct regarding the agency form (WWREB) as described herein.

So Ordered this the 6th day of NOVEMBER, 2018.

MISSISSIPPI REAL ESTATE COMMISSION


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

Acknowledged: 
George "Trey" E. Guerieri III, Broker

DATE: 11/2/18

