

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

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 042-1808

**CORA (CORIE) HAYNES, BROKER
RONALD (RON) HARTELL, BROKER ASSOCIATE**

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 two complaints against Cora (Corie) Haynes, Broker, and Ronald (Ron) Hartsell, Broker Associate, 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, the Respondents waive their right to a full hearing and their right to appeal. The Commission, then, does hereby find and order the following:

I.

Respondent Cora (Corie) Haynes, sometimes hereinafter "Haynes", is an adult resident citizen of Mississippi whose last known address of record with the Commission is 1139 Holly Springs Road, Hernando, Mississippi 38632. Haynes 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, 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. Haynes is the responsible broker for Ronald (Ron) Hartsell.

II.

Respondent Ronald (Ron) Hartsell, sometimes hereinafter "Hartsell," is an adult resident citizen of Mississippi, whose last known address of record with the Commission is 4380 Rebekah Drive, Olive Branch, Mississippi 38654. Hartsell 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.

III.

The Commission received two written complaints, one from James E. Wolfe (Wolfe Farms, LLC) ("Wolfe") of 726 Scott Road, Coldwater, Mississippi 38618, and one from real estate salesperson, Regina Ann Mohamed, sometimes hereinafter called "Mohamed," of 7540 North Street, Germantown, Tennessee 38138. Each complained to the Commission following a failed transaction for the purchase of commercial real estate located at 8608 Hwy 178, Olive Branch, Mississippi 38654 ("Property"), by Wolfe in or about March of 2018. In the aforesaid transaction, Ms. Mohamed, under supervising broker, Sam Tiwana, was the salesperson for Wolfe, and Hartsell was the affiliate broker under supervising broker Haynes for the seller.

IV.

The aforesaid complaints made several allegations and the Commission's investigation has determined fault as to Hartsell and Haynes as to at least two accusations which are the subject of this Complaint for reasons explained below. Those two allegations are: (i) that the monthly rental amounts of two tenants at the Property were misstated; and (ii) that Hartsell, during the pendency of a live contract, and absent the prior approval of Haynes, changed the multiple listing service to reflect that the Property was active and available for sale.

V.

Hartsell did not fully disclose to Wolfe and Mohamed that the existing tenants were on month to month oral leases and not written leases. Further, the advertised monthly rental income was inaccurate and not verified by due diligence of Hartsell. The Commission finds that the Property was marketed for sale for a sufficient period of time prior to receiving Wolfe's offer so as Hartsell, acting with ordinary diligence and prudence could have and should have known, discovered, and disclosed that the tenants had no written leases and subsequently obtained some written documentation to establish and disclose the accurate monthly rental income. The Commission further finds that Haynes, as the responsible broker for Hartsell, should have and could have ensured that any the listing was properly and accurately marketed as to these points and/or better educated her affiliated broker (Hartsell) to do further diligence before advertising such important facts regarding a property.

VI.

Hartsell's placing of the Property back active on the multiple listing service during the pendency of an active contract seems to stem from the fact that he believed, upon receipt of an offer from Mohamed to perform repairs not called for in the contract and correspondence from Wolfe's lender that the transaction could not be financed, that the contract was terminated. It is fundamental that an offer to amend a contract does not equate to a termination of a contract. It is further fundamental that a salesperson or broker should not assume a buyer has formally terminated a contract based upon third party information. In this instance, the buyer at no time, formally terminated the subject contract. The Commission finds that the Property should not have been placed as active on the multiple listing service until and unless the contract was formally terminated. The fact that the Property was placed back as active should have been reported to Haynes and/or noticed by Haynes and immediately corrected.

VII.

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, Commission Rules 3.1A and 3.1B, which provide, in relevant parts:

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 3.1B A real estate broker who operates under the supervision of a responsible broker must not at any time act independently as a broker. The responsible broker shall at all times be responsible for the action of the affiliated broker to the same extent that licensee were a salesperson and that affiliated broker shall not perform any real estate service without the full consent and knowledge of his employing or supervising broker.

DISCIPLINARY ORDER

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

As to Cora Haynes, Broker, the Commission orders that her license incur a two (2) month suspension, held in abeyance, and 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 the first thirty (30) days after Respondent Haynes signs this order. 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