

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 011-1803

ARTHUR MINTON, JR., BROKER

RESPONDENT

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.*, as amended, on a formal complaint brought against Arthur Minton, Jr., Broker. Prior to the hearing before the Commission, the parties announced their agreement as to the allegations of the complaint and disciplinary action for the Respondent Arthur Minton, Jr., all as set forth herein. By entering into this Agreed Order, Respondent 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 this matter, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

FINDINGS OF FACT

I.

Respondent Arthur Minton, Jr., sometimes hereinafter "Respondent" or "Minton" is an adult resident citizen of Mississippi whose last known address of record with the

Commission is 1801 Crane Ridge Drive, Suite B, Jackson, Mississippi 39216. Respondent Minton 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 of the provisions, rules, regulations and statutes governing the management and sale of real estate and licensing of real estate brokers under Mississippi law.

II.

On or about March 8, 2018, the Commission received a sworn complaint from James Otts, sometimes hereinafter "Otts." Otts complained that Respondent Minton had managed a rental property Otts owns at 5414 Ridgewood Rd. in Jackson. Minton managed Otts property from July, 2016 until November, 2017 when Otts terminated Minton's management of the property. Two tenants occupied the property during the period of Minton's management. The first tenant, Mayes, had a dog while he lived in the property and paid a single pet deposit.

III.

Otts complained that he had personally observed a second dog at the property and so informed Minton on or about December 20, 2016. Otts complained that there was only one authorized pet for the premises. Minton replied that he had inquired of Mayes regarding the second dog and had been informed that the second dog was owned by a family member who was visiting. Mayes vacated the property on or about June 5, 2017.

IV.

Otts complained that when Mayes vacated the property on or about June 5, Minton failed to report that Mayes had apparently spot sanded areas in an unsuccessful attempt to remedy numerous areas of damage to the wood floors that had been damaged by dog urine and feces. Minton reported that the damages were not readily visible when his office performed the move out inspection but Otts claimed the damages were obvious when he personally inspected the house thereafter.

V.

Information obtained during the Commission investigation reflects that the issue of the damaged floors was specifically brought to Minton's attention by the second tenant, Murphy, only four (4) days after Mayes vacated the property on June 5 and Minton's inspection that same day. In email correspondence dated June 9, 2017, Murphy stated "the wood floors are in really bad shape." Otts wanted the floors to be sanded/repared at Mayes' expense. Minton maintained that the new tenant, Murphy, accepted the condition of the floors as they existed and Minton believed it would be disruptive to undertake a sanding/refinishing project during Murphy's tenancy. Minton did agree that Mayes should be held responsible for the damaged floors.

VI.

Documents obtained during the Commission investigation reflect that Minton's office notified the former tenant Mayes on or about June 16, 2017 of his responsibility for