

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

NO. 05-1801

**J. HENRY LAROSE, III, BROKER AND
RICHARD A. WARRINER, III, SALESPERSON**

RESPONDENTS

ORDER

THIS CAUSE came before the Mississippi Real Estate Commission (sometimes hereinafter "Commission") pursuant to authority of §§73-35-1, *et seq.*, Miss Code Ann. (1972) as amended. The Commission conducted a hearing on the formal complaint brought against Richard A. Warriner, III, Salesperson (sometimes hereinafter "Warriner") in the above referenced cause at its offices in Jackson, Hinds County, Mississippi on August 13, 2019 beginning at 10:00 a.m.¹ At the hearing, Richard A. Warriner, Salesperson, was present and represented by counsel. The Commission recognized its quorum and opened the hearing. The hearing was conducted with witnesses being sworn, documentary evidence being admitted as exhibits, the right to cross examination of witnesses, statements from counsel and the verbatim transcript of the hearing being taken by an official court reporter. The Commission makes its Findings of Fact, Conclusions of Law and issues this

¹ Prior to hearing, Respondent J. Henry LaRose, III, Broker, independently announced his voluntary agreement with the Commission to waive his right to a hearing before the Commission on allegations against him, individually, and for agreed discipline as to his license, which disciplinary terms are memorialized and set forth in a separate written Agreed Order. Therefore, the Commission proceeded to hearing only against Respondent Warriner.

its Disciplinary Order as set forth hereinafter based upon evidence introduced at the hearing which evidence was clear and convincing.

I.

Respondent Richard A. Warriner III, Salesperson is an adult resident citizen of Mississippi whose last known address of record with the Commission is 607 Highland Colony Parkway, Suite 210, Ridgeland, Mississippi 39157. Respondent Warriner is the holder of a real estate salesperson'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 sale and transfer of real estate and licensing of real estate brokers under Mississippi law. At material times relevant to the allegations in this cause, Respondent Warriner was, and remains, licensed under responsible broker J. Henry LaRose, III. At other relevant times, Respondent Warriner was licensed under Stuart Warren, Broker with Turn Key Properties, LLC.

II.

The Commission received a sworn complaint from Stuart Warren with Turn Key Properties, LLC (sometimes hereinafter "Warren" and "Turn Key," respectively). Warren complained that Warriner had been licensed as a salesperson with his brokerage until on or about January 4, 2018, at which time he transferred his salesperson's license to a new responsible broker, Henry LaRose with Good Earth Realty (sometimes hereinafter "LaRose" or "Good Earth," respectively). Warren complained that, prior to Warriner's transfer of license to LaRose's brokerage, Warriner had several active listings under Warren's brokerage. Of those active listings, only one was under contract for a pending sale and which was a property located at 5162 Hwy. 49 S. in Braxton, Mississippi. The

sale of this property was first scheduled to close on or about January 12, 2018 at the offices of attorney Farris Crisler.

III.

When Stuart Warren signed Warriner's Salesperson Transfer Application on or about January 4 (a Commission form required for the transfer of a real estate salesperson's license from one responsible broker to another responsible broker), Warriner was informed that Warren/Turn Key Properties would allow him to transfer his active listings to LaRose's brokerage only in exchange for a 25% referral fee. Warriner refused the offer as proposed. In a sworn statement made upon the referenced Salesperson Transfer Application, Warriner swore under oath that he agreed "not to take ANY listings or other pertinent information from my former broker without his/her written authorization/consent and any other necessary approvals." Warriner had signed the Salesperson Transfer Application on January 3, the day before he presented same to Warren when informing Warren of his intended departure from Warren's brokerage, Turn Key. The same day, January 3, Respondent Broker Henry LaRose signed the transfer application, swearing to "accept full responsibility" for Warriner as a salesperson transferring to his brokerage, Good Earth Realty, for which he is Responsible broker. From the date upon which Warren signed the license transfer application, on or about January 4, and until Warriner's license was reissued under Respondent LaRose's brokerage, on or about January 22, Warriner was not licensed to practice real estate in Mississippi.

IV.

The day he left Warren's brokerage, Warriner sent an email to Warren specifically requesting Warren's response "that you are in agreement with [the assignment of the