

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

AGREED 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, on a formal Complaint brought against J. Henry LaRose III, Broker, and Richard A. Warriner III, Salesperson. Prior to the hearing before the Commission, Respondent Broker J. Henry LaRose, III announced his agreement with the Commission as to the allegations of the Commission Complaint and disciplinary action regarding his license in lieu of a formal hearing before the Commission, all as set forth herein.¹ Having reached an agreement on the matter with Respondent Henry LaRose, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

I.

Respondent J. Henry LaRose III, Broker (sometimes hereinafter "Respondent" or "LaRose"), 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

¹ Respondent Richard Warriner exercised his right to appear before the Commission at an administrative hearing as to allegations against him, individually, which hearing was conducted and concluded on Tuesday, August 13, 2019.

39157. Respondent LaRose 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 sale and transfer of real estate and licensing of real estate brokers under Mississippi law. At material times relevant to the allegations in this Complaint, Respondent LaRose was, and remains, the responsible broker for Respondent Richard A. Warriner, III (sometimes hereinafter "Warriner"). Prior to that time, Warriner was licensed as a salesperson under Broker Stuart Warren with Turn Key Properties.

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 Salesperson Richard 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, Respondent Henry LaRose with Good Earth Realty (sometimes hereinafter "Respondent," "LaRose" or "Good Earth," respectively). Warren complained that, prior to Warriner's transfer of license to Respondent 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 a response from Warren "that you are in agreement with [the assignment of the listings from Turn Key to Good Earth] as this email will be forwarded to Central MS MLS for confirmation." Warren did not respond to Warriner's request, having already informed Warriner he would release the listings for a 25% referral fee and Warriner having already refused. On or about January 23, 2018, Warriner sent Warren another email requesting permission for the assignment. Warren responded and affirmed his original offer to release