



July 2012

Arkansas Real Estate Commission
612 South Summit Street
Little Rock, AR 72201-4701
Phone: 501-683-8010
Fax: 501-683-8020

Administration:
arec@arkansas.gov

Investigations: arecinv@arkansas.gov

Licensing:
areclic@arkansas.gov

Web page:
www.arec.arkansas.gov

Members of the Commission

Jim Newell, Chairman
Little Rock

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Searcy

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Benton

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ARKANSAS REAL ESTATE COMMISSION NEWSLETTER

I Fought the Law...

by Andrea S. Alford, Deputy Executive Director



My stepdad has a place up on Nimrod Lake, where it's quiet, cell phones barely work, and the bream, crappie and bass are easily caught (usually), so it offers just about everything a girl could want in a weekend retreat. When the weather's nice and the fish are biting, the family will head up for a few days away.

We were short a few supplies on this last trip, so I volunteered to go down the road a bit and grab what we needed. It was a warm Friday night, I was happy to be at the lakehouse, and I was getting excited about my fishing trip the next morning. So I rolled down the windows, cranked up the Bonnie Raitt and punched the gas.

I didn't even see the cop sitting in the hardware store parking lot. But he sure saw me. His headlights snapped on and my heart sank. I could not believe that I was getting pulled over. Me! *I am not a bad person*, I thought. *Besides, I don't live in this town, so I don't know what the speed limit is, and I'm tired, and it's late, and I'm just coming back from getting some things we need for the weekend because I am not a bad person!!*

My mental list of excuses and arguments rolled on like ticker tape as the officer approached my window. I handed over my license and registration, and the normal conversation ensued: "Ma'am, do you know why I pulled you over?"

"Yes sir, I'm sure I was speeding."

"You were going 45 in a 30."

"I'm sorry, but I'm not from around here, so I didn't know—"

"Ma'am, speed limit signs look the same no matter where you live."

And that's when it hit me. This man has a job to do: to protect the public by enforcing the law. I had chosen to disobey the law, and I could either answer his questions and sign my speeding ticket, or I could argue with him for 5 minutes about why I shouldn't get in trouble because I had good reasons for breaking the law and I'm so different from all of the other people who break the law, and *then* I could answer his questions and sign my speeding ticket. I chose not to argue. This officer wasn't unkind to me, and he didn't 'have it out' for me. He was doing what Yell County has entrusted him with doing: protecting the public. Funny thing is, I'm in that same line of work.

Speaking of speeding tickets, renewal season opens on July 15, 2012. You can find details on deadlines and the like on the back of this newsletter as well as the bright red and yellow renewal reminder cards that we send out every year in July to let licensees know it's time to renew.

Might I offer a word to the wise? Submit your CE and renew on time. We here at AREC have been entrusted with protecting the public through administering Arkansas real estate license law and Commission regulations. If you choose not to renew your license on time, the law mandates that your license expire. If you choose not to submit your CE on time, the law requires that your license be placed on inactive status. And if you choose to conduct business once your license has been inactivated or has expired, please know that you will be considered to have violated the law, and the Commission will respond appropriately.

We don't enjoy issuing consent orders, and we don't live for disciplinary hearings. On the contrary, we would much rather work with licensees on the front end to ensure compliance with the law for the protection of the public. One of the ways that we do this is by offering free online renewal assistance. Licensing staff will gladly walk you through renewing online or help you with technical problems, either over the phone or in person here at the AREC office.

Now that I've been on the 'other side of the law', I can tell you: having to sign that piece of paper saying you messed up is 100% unpleasant. It's also 100% avoidable. I could have avoided it by obeying the speed limit. You can avoid it by complying with CE and renewal deadlines.

Don't let my speeding ticket be in vain – renew online, and renew on time!



FORMAL HEARING DECISIONS



The following information is extracted from Findings of Fact, Conclusions of Law and Order, and Consent Orders issued by the Commission from November 2011 through May 2012.

HEARINGS

Respondent:
James P. Bogard, Salesperson
Bogard Realty, Higden, AR
Formal Hearing # 3168

Violations:
Arkansas Code Annotated § 17-42-311(a)
(3) and 17-42-312(a)(4); and Commission
Regulation 10.16(a)

Sanctions:
Letter of Reprimand to be issued by the Ex-
ecutive Director. Respondent is allowed to
reactivate his salesperson license.

On September 30, 2010, the Commission received Respondent Bogard's Real Estate License Renewal for the licensee's expired 2010 Real Estate Salesperson License. At this time, Respondent Bogard disclosed a Misdemeanor Judgement whereby he had entered a guilty plea to Theft of Property. The original arrest was for Felony Theft by receiving that occurred on December 11, 2008. The charge was changed to a Misdemeanor on January 26, 2010. Respondent Bogard submitted an Explanation of Events, Warrants for Arrest, Court Documents, Charging documents, Conditions of Bond, Judgment of Misdemeanor Charge and receipts of payment of restitution in full. Respondent Bogard did not make a written report to the Arkansas Real Estate Commission within 30 days of the Misdemeanor Judgement as required by Commission Regulation 10.16(a).

Respondent:
Karen Denise James, Salesperson,
McDaniel and Company Realtors
Little Rock, AR
Formal Hearing # 3174

Violations:
Arkansas Code Annotated § 17-42-311(a)(9),
17-42-311(a)(6) and 17-42-311(a)(11); and
Commission Regulations 10.1(b), 10.7(a)(1),
10.11 and 10.12(b)

Sanctions:
Respondent will take the six-hour agent
broker responsibility continuing education
(CE) class, in addition to the normal CE re-
quirements, and pay a penalty of \$500 to the
AREC.

Respondent James was licensed as a salesperson with McDaniel and Company Realtors of Little Rock, AR when she built and owned two properties in Sherwood, one on Meridian Road and one on Whitewood Road. Both were listed with McDaniel and Company Realtors. On March 30, 2010, Respondent entered into a Real Estate Contract for the Meridian Road property without making full disclosure that she held an Arkansas Real Estate Salesperson License. Respondent failed to remit earnest money to the listing company, McDaniel and Company Realtors, per the terms of the real estate contract. On April 29, 2010, Respondent entered into a Real Estate Contract for the sale of the Whitewood Road property without making full disclosure that she held an active Arkansas Real Estate Salesperson License. The second transaction occurred without Principal Broker Ralph McDaniel's knowledge. Respondent failed to have the Real Estate Contract brokered and signed by her supervising Broker.

CONSENT ORDERS

Respondent:
Marshall C. Allen, Principal Broker
Envision Real Estate Group, LLC
Fort Smith, AR
Consent Order, Formal Hearing # 3177

Violation:
Arkansas Code Annotated § 17-42-311(a)
(2) and 17-42-311(a)(13), and Commission
Regulation 10.5(c)

Sanctions:
Letter of Reprimand placed in his license
file for one year and a \$300 penalty payable
to the AREC.

Respondent Allen, as Principal Broker, allowed one of his salespersons to practice and represent himself as a real estate salesperson without holding an active license from January 1, 2012 through January 6, 2012. Respondent Allen allowed the same salesperson to advertise real estate listings without including the name of Respondent Allen's firm, Envision Real Estate LLC.

Respondent:
Joe Baker, Principal Broker
Jim Tucker The Land Man, Rogers, AR
Consent Order, Formal Hearing # 3175

Violation:
Commission Regulation 10.16(b)

Sanctions:
Letter of Reprimand placed in his license file
for one year and a \$150 penalty payable to
the AREC.

Respondent Baker's Missouri Real Estate License was revoked on March 18, 2010 for failing to respond to the Missouri Real Estate Commission's request to verify his escrow account information. Respondent Baker failed to notify the Commission within 30 days of the license revocation.

Respondent:
Alan D. Brock, Principal Broker
Alan Brock and Associates, Grapevine, TX
Consent Order, Formal Hearing # 3160

Violation:
Arkansas Code Annotated § 17-42-311(a)(3)
and Commission Regulation 10.16(a)

Sanctions:
Letter of Reprimand placed in his license
file for one year, \$50 penalty payable to the
AREC; one-year suspended probation.

Respondent Brock reported the Judgement in the County Criminal Court #1, Dallas County, TX of a Negotiated Plea of Guilty to DWI 2nd, a Class "A" Misdemeanor, on May 23, 2011. The AREC was not notified of either DWI charge within 30 days.

Respondent:
Karen I. Ferguson, Salesperson, Weichert
Realtors-Downum Group, Springdale, AR
Consent Order, Formal Hearing # 3185

Violation:
Arkansas Code Annotated § 17-42-311(a)(3)
and Commission Regulation 10.16(a).

Sanctions:
Letter of Reprimand placed in her license
file for one year and a \$50 penalty payable
to the AREC.

Respondent Ferguson was found guilty of the charge of Disorderly Conduct in the District Court of Springdale, AR on March 11, 2011. Respondent Ferguson failed to notify the Commission within 30 days of the conviction.

Respondent:
Gregory T. Mays, Principal Broker
UPM Realty, Little Rock, AR
Formal Hearing # 3185

Violations:
Arkansas Code Annotated § 17-42-311(a)
(13), 17-42-501(a)(2)(A)(i) and 17-42-311(a)
(1)

Sanctions:
Letter of Reprimand placed in his license
file for one year and a \$300 penalty payable
to the AREC.

Respondent Mays' Broker license expired on January 1, 2012 and was renewed as active on January 18, 2012. Additionally, he did not complete the required continuing education (CE) prior to January 1, 2012. Respondent as Principal Broker actively worked as a real estate agent for UPM Realty when he did not hold an active salesperson or broker license. His Principal Broker license was placed on inactive status on January 1, 2012 and was activated January 18, 2012, after he completed the required CE.

CONSENT ORDERS (Continued)

Respondent:

Collins Nellum, Salesperson
Envision Real Estate Group, LLC
Fort Smith, AR
Consent Order, Formal Hearing # 3192

Violations:

Arkansas Code Annotated § 17-42-301(a),
17-42-311(a)(9) and 17-42-311(a)(2); and
Commission Regulations 6.3(b) and 10.5(a)

Sanctions:

Letter of Reprimand placed in his license
file for one year and a \$400 penalty payable
to the AREC.

Respondent Nellum's Salesperson license expired on January 1, 2012 and was not renewed as active until January 6, 2012. During that time, Respondent, through his website, represented himself as engaged in the real estate brokerage business when he did not hold an active salesperson license. Respondent's website included property listings without a reference to the firm with which he was licensed, Envision Real Estate Group, LLC.

Respondent:

Kenetta D. Dalton, Salesperson
Mason & Co. Realty, Jacksonville, AR
Formal Hearing # 3165

Violations:

Arkansas Code Annotated § 17-42-311(a)(3)
and Commission Regulation 10.16(a)

Sanctions:

Letter of Reprimand placed in her license
file for one year and a \$50 penalty payable
to the AREC.

Respondent Dalton pled guilty to the charge of Misdemeanor Possession of Marijuana and Misdemeanor Possession of Drug Paraphernalia in the District Court of Jacksonville, AR on May 25, 2011. Respondent Dalton failed to notify the Commission within 30 days.

The following **Sales Agents** renewed their licenses as active for 2012 without having completed the required continuing education. A Letter of Reprimand was placed in each of their files for one year, and they were each fined \$50 payable to the AREC:

- **Mary Barclay**, Salesperson, Broker Network GMAC Real Estate, Memphis, TN: Consent Order, Formal Hearing # 3198
- **Greg Bearden**, Salesperson, Exit Realty Center, Jonesboro, AR: Consent Order, Formal Hearing # 3199
- **Bron Bell**, Salesperson, Howard County Insurance and Landmark Realty, Nashville, AR: Consent Order, Formal Hearing # 3200
- **Pamela E. Bolton**, Salesperson, Coldwell Banker/Village Communities, Jonesboro, AR: Consent Order, Formal Hearing # 3202
- **Douglas D. Clardy**, Salesperson, Mulberry Real Estate, Mulberry, AR: Consent Order, Formal Hearing # 3204
- **Aimee Crawford**, Salesperson, Crawford Real Estate and Development, Lowell, AR: Consent Order, Formal Hearing # 3208
- **Thomas Cole**, Salesperson, Rector Phillips Morse, Inc., Little Rock, AR: Consent Order, Formal Hearing # 3206
- **Mark Conine**, Salesperson, Mike Berg Company, Sherwood, AR: Consent Order, Formal Hearing # 3207
- **J. Scott Davis**, Salesperson, Metro Realtors, Inc., Fayetteville, AR: Consent Order, Formal Hearing # 3209
- **Michael Ellis**, Salesperson, Griffin Company Commercial Division, Springdale, AR: Consent Order, Formal Hearing # 3210
- **Carey Griggs**, Salesperson, RE/MAX Preferred, Texarkana, TX: Consent Order, Formal Hearing # 3213
- **Ricky Harris**, Salesperson, Outdoor Properties, LLC, Mountain View, AR: Consent Order, Formal Hearing # 3215
- **David Hill**, Salesperson, Sagely and Edwards, Fort Smith, AR: Consent Order, Formal Hearing # 3217
- **Edmond Hurst**, Salesperson, Grubb & Ellis/Solomon-Partners, North Little Rock, AR: Consent Order, Formal Hearing # 3218
- **Robert A. Johnson**, Salesperson, Crawford Real Estate and Development, Lowell, AR: Consent Order, Formal Hearing # 3219
- **John McCracken**, Salesperson, Rector Phillips Morse, Inc., Little Rock, AR: Consent Order, Formal Hearing # 3222
- **Todd N. Randall**, Salesperson, Prudential 1st Realty, Jonesboro, AR: Consent Order, Formal Hearing # 3225
- **Todd W. Robertson**, Salesperson, Land Pros Real Estate and Auction Co., Duncan, OK: Consent Order, Formal Hearing # 3226
- **Sally L. Robinson**, Salesperson, Betty Krentz and Associates, Little Rock, AR: Consent Order, Formal Hearing # 3227
- **April Rucker**, Salesperson, Carlton Realty, Inc., Fayetteville, AR: Consent Order, Formal Hearing # 3228
- **Staci Schmidt**, Salesperson, Envision Real Estate Group, LLC, Fort Smith, AR: Consent Order, Formal Hearing # 3229
- **Jeanne Scott**, Salesperson, Malt Realty, Hot Springs, AR: Consent Order, Formal Hearing # 3230
- **Tammy Smith**, Salesperson, Coldwell Banker/Rector Phillips Morse-NLR, North Little Rock, AR: Consent Order, Formal Hearing # 3231
- **John Vise**, Salesperson, Rainbow Realty, Inc., Hot Springs, AR: Consent Order, Formal Hearing # 3234
- **Benjamin Williams**, Salesperson, Wilson Auctioneers, Inc., Hot Springs, AR: Consent Order, Formal Hearing # 3236
- **Michael D. Williams**, Salesperson, UPM Realty, Little Rock, AR: Consent Order, Formal Hearing # 3237
- **Amy Woods**, Salesperson, Keller Williams Realty, Little Rock, AR: Consent Order, Formal Hearing # 3238

The following **Brokers** renewed their licenses as active for 2012 without having completed the required continuing education. A Letter of Reprimand was placed in each of their files for one year, and they were each fined \$50 payable to the AREC.

- **E. Russell Black Jr.**, Executive Broker, Capital Agricultural Property, Memphis, TN: Consent Order, Formal Hearing # 3201
- **Jaleta Boyd**, Principal Broker, Premier Properties Real Estate, Hindsville, AR: Consent Order, Formal Hearing # 3203
- **Judith A. Elston**, Principal Broker, Keller Williams Realty - Tri-Lakes, Kimberling City, MO: Consent Order, Formal Hearing # 3211
- **Jordan Haas**, Principal Broker, Rental Realty, Little Rock, AR: Consent Order, Formal Hearing # 3214
- **Donna Herring**, Principal Broker, Dee Herring Real Estate, Pine Bluff, AR: Consent Order, Formal Hearing # 3216
- **Kevin Howard**, Principal Broker, Horizon Realty, Inc., Little Rock, AR: Consent Order, Formal Hearing # 3162
- **Frederick Ort**, Principal Broker, First Choice Realty, Piggott, AR: Consent Order, Formal Hearing # 3223
- **George A. Price**, Principal Broker, Price Real Estate, Winnsboro, LA: Consent Order, Formal Hearing # 3224
- **Chris Tompkins**, Principal Broker, Tompkins Real Estate, Burdette, AR: Consent Order, Formal Hearing # 3232

The following **Sales Agents** were late renewing their real estate licenses and, therefore, practiced real estate with expired licenses. A Letter of Reprimand was placed in each of their files for one year, and they were each fined \$250 payable to the AREC.

- **Mary Margaret Dunn**, Salesperson, Crye-Leike Realtors Kanis, Little Rock, AR: Consent Order, Formal Hearing # 3180
- **Brenda S. McAnulty**, Salesperson, Moore and Company Realtors, Russellville, AR: Consent Order, Formal Hearing # 3186

The following **Brokers** allowed agents of their firms to represent themselves as agents and practice real estate while the agents' licenses were expired. A Letter of Reprimand was placed in each of their files for one year, and they were each fined \$250 payable to the AREC.

- **Ernest Coleman**, Designated Executive Broker, Rausch Coleman Realty Group, LLC - Fayetteville Branch, Fayetteville, AR: Consent Order, Formal Hearing # 3179
- **Rebecca Hanks**, Principal Broker, Broker Network GMAC Real Estate, Memphis, TN: Consent Order, Formal Hearing # 3181
- **Henry Jordan**, Designated Executive Broker, First Delta Realty West Helena Branch, West Helena, AR: Consent Order, Formal Hearing # 3182
- **Joseph Kilgore**, Principal Broker, Market Realty, Fayetteville, AR: Consent Order, Formal Hearing # 3183
- **Chris Maris**, Principal Broker, Maris Realty, Little Rock, AR: Consent Order, Formal Hearing # 3184
- **John P. McKay, III**, Principal Broker, Crye-Leike Realtors Kanis, Little Rock, AR: Consent Order, Formal Hearing # 3187
- **Kem C. Merrell**, Principal Broker, Merrell Associates, Inc., Forrest City, AR: Consent Order, Formal Hearing # 3188
- **Mary Mitchell**, Principal Broker, WGM Investment Real Estate, Bella Vista, AR: Consent Order, Formal Hearing # 3190
- **Tony Moore**, Principal Broker, Moore and Company Realtors, Russellville, AR: Consent Order, Formal Hearing # 3191
- **Jack Poff**, Principal Broker, First Delta Realty West Helena Branch, West Helena, AR: Consent Order, Formal Hearing # 3193
- **Fred Rausch**, Principal Broker, Rausch Coleman Realty Group, LLC, Fayetteville, AR: Consent Order, Formal Hearing # 3194
- **Joseph Stevens**, Principal Broker, Stevens Realty, Little Rock, AR: Consent Order, Formal Hearing # 3196
- **Rhett Thompson**, Principal Broker, Thompson Realty Company, Conway, AR: Consent Order, Formal Hearing # 3197

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RENEW ONLINE

www.arec.arkansas.gov

Renew your license online
by October 1, 2012 to avoid penalty.

To be an **active** agent for 2013, required CE must be submitted before December 31, 2012. Don't forget the 1 hour required topic on 2011 Legislation!

RENEW ONLINE TODAY.

www.arec.arkansas.gov

This will be the only notice sent. Notice sent 7-11-2012. Online renewal receipts will be available for printing at the time of renewal. To renew by paper, please send a written request to AREC by August 17, 2012.

All payment information will be handled securely and will not be stored on our systems. Secured by DigiCert SSL.

Online payment methods

