

Sarah Huckabee Sanders
Governor

Daryl Bassett
Secretary

Melissa L. Goff
Executive Director

Heather Henries
Deputy Director



Arkansas Real Estate Commission

Commissioners
Jerry L. Halsey, Jr., Chair
Tammy Browning, Vice Chair
Tracey Rittelmeyer
Eugene Post
Luke Heffley

612 South Summit Street
Little Rock, AR 72201
501.683.8010

April 21, 2025

Michael and Roxanne Braithwaite
2300 S. Schiller Street
Little Rock, AR 72206

CERTIFIED MAIL 9589 0710 5270 0708 8841 83
RETURN RECEIPT REQUESTED
FORMAL HEARING 3736

Dear Mr. & Mrs. Braithwaite:

The Arkansas Real Estate Commission approved the Consent Order concerning the referenced matter on April 8, 2025. A signed copy of the Consent Order is enclosed. The Order should be self-explanatory, however, should you have questions, please contact Heather Henries, Deputy Director, (501) 683-8017.

Please advise if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Melissa L. Goff'.

Melissa L. Goff
Executive Director

MLG/lb

Enclosure

cc: Steve Niswanger- Attorney at Law

Sarah Huckabee Sanders
Governor

Daryl Bassett
Secretary

Melissa L. Goff
Executive Director

Heather Henries
Deputy Director



Arkansas Real Estate Commission

Commissioners
Jerry L. Halsey, Jr., Chair
Tammy Browning, Vice Chair
Tracey Rittelmeyer
Eugene Post
Luke Heffley

612 South Summit Street
Little Rock, AR 72201
501.683.8010

April 21, 2025

Charles L. Clifton
4 Shackleford Plaza Ste 207
Little Rock, AR 72211

CERTIFIED MAIL 9589 0710 5270 0708 8841 76
RETURN RECEIPT REQUESTED
FORMAL HEARING 3736

Dear Mr. Clifton:

The Arkansas Real Estate Commission approved the Consent Order concerning the referenced matter on April 8, 2025. A signed copy of the Consent Order is enclosed. The Order should be self-explanatory, however, should you have questions, please contact Heather Henries, Deputy Director, (501) 683-8017.

Please advise if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Melissa L. Goff'. The signature is written in a cursive style.

Melissa L. Goff
Executive Director

MLG/lb

Enclosure

cc: Ethan C. Nobles- Attorney at Law

Sarah Huckabee Sanders
Governor

Daryl Bassett
Secretary

Melissa L. Goff
Executive Director

Heather Henries
Deputy Director



Arkansas Real Estate Commission

Commissioners
Jerry L. Halsey, Jr., Chair
Tammy Browning, Vice Chair
Tracey Rittelmeyer
Eugene Post
Luke Heffley

612 South Summit Street
Little Rock, AR 72201
501.683.8010

April 21, 2025

Charles L. Clifton
5208 Nancy Ct.
Little Rock, AR 72204

CERTIFIED MAIL 9589 0710 5270 0708 8841 69
RETURN RECEIPT REQUESTED
FORMAL HEARING 3736

Dear Mr. Clifton:

The Arkansas Real Estate Commission approved the Consent Order concerning the referenced matter on April 8, 2025. A signed copy of the Consent Order is enclosed. The Order should be self-explanatory, however, should you have questions, please contact Heather Henries, Deputy Director, (501) 683-8017.

Please advise if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Melissa L. Goff'.

Melissa L. Goff
Executive Director

MLG/lb

Enclosure

cc: Ethan C. Nobles- Attorney at Law

BEFORE THE ARKANSAS REAL ESTATE COMMISSION

**IN THE MATTER OF
Charles Clifton, Principal Broker
Home Design and Realty LLC
Little Rock, Arkansas**

FH 3736

CONSENT ORDER

The Arkansas Real Estate Commission (hereinafter referred to as “the Commission”) and Charles Clifton (hereinafter referred to as “Respondent”) hereby enter into an agreed Order to resolve the referenced matter.

IT IS HEREBY AGREED by and between the Respondent and the Commission’s Executive Director that:

1. Respondent Charles Clifton holds a Broker’s license and is subject to the jurisdiction of the Commission.
2. Respondent hereby waives any further procedural steps herein, including without limitation of his right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
3. Respondent has read the proposed Consent Order, acknowledges his right to consult with counsel, and voluntarily agrees to enter into this Consent Order on his own volition and without reliance upon any representation by the Commission, or any officer, employee, agent, or representative thereof other than expressly set forth herein.
4. Respondent has executed this Consent Order for the purpose of resolving the pending matter without further administrative action. In this regard, the Respondent agrees that the Commission will review and determine whether to approve this Consent

Order. Furthermore, should the Commission not approve this Consent Order, the Respondent agrees that the presentation to and consideration of this Consent Order by the Commission shall not unfairly or illegally prejudice the Commission or any of its members from further participation in the consideration and resolution of the matters set forth in the Order herein.

5. The Respondent and the Commission fully understand and agree that approval and entry of this Consent Order shall in no way preclude additional proceedings by the Commission against the Respondent for acts or omissions not specifically set forth in the Order herein. Moreover, the Respondent acknowledges and agrees that regardless of whether this CONSENT ORDER is approved and entered by the Commission or not, Complainants Michael and Roxanne Braithwaite, AREC Case 20-048, shall be entitled to present their respective claim pursuant to Arkansas Code Annotated §17-42-401 et seq, to request payment of damages resulting from the Respondent's violations of law set out below, and that the Commission shall retain jurisdiction of this matter and the Respondent for further proceedings pursuant to said statute.

FINDINGS OF FACT

6. An Arkansas Real Estate Salesperson License was issued to Respondent Clifton on August 3, 2005. From August 3, 2005 to June 21, 2017, the Respondent held an active Real Estate Salesperson license. On June 21, 2017, an Arkansas Real Estate Broker License was issued to Respondent Clifton. From June 21, 2017 to present, and at all time pertinent to the complaint, the Respondent held an active Arkansas Real Estate Broker License.

7. On or about June 26, 2018, Seller Nathan Sharp and Respondent Listing Broker Charles Clifton with Home Design and Realty LLC entered into an Exclusive Right to Sell Agreement to list subject property located at 2204 Lakeview Drive, Benton, Arkansas, in the amount of \$210,000.

8. On or about September 1, 2018, Buyers Michael and Roxanne Braithwaite and Respondent Selling Agent Mark Chilton, Baxley-Penfield-Moudy Realtors entered into a Non-Exclusive Buyer Agency Agreement.

9. On or about September 10, 2018, Buyers Michael and Roxanne Braithwaite submitted a Real Estate Contract for the purchase of the subject property, in the amount of \$ 185,000. In paragraph 14, box (A) marked with an x for no other contingency, and box (B) was not marked but contained "written explanation of drainage installation in the previous year." In paragraph 15, a one-year home warranty was to be provided by seller. Paragraph 16 noted Buyer was to get an inspection within 10 days. In Paragraph 18, Buyer requested a written disclosure about the condition of the property within 3 days. Closing was to be on October 12, 2018.

10. On September 12, 2018, Respondent Listing Broker Clifton emailed Seller Sharp saying, "Good Moring Nathan, Did you get a chance to fill these out yet? We have to send the [seller property] disclosures to them within the next couple of days. Let me know if you have any questions. Thank you! Charlie" Seller Sharp responded to Respondent Charles Clifton via email saying, "I did but I should probably redo the section about improvements, I just scribbled down what I could remember at the time, I need to add some stuff. I will work on it this afternoon."

11. On September 19, 2018, an Inspection was performed at subject property by licensed Inspector Tim Hoffman. The inspection report stated, "Unevenness is present in the flooring of the home, especially when walking into master bedroom. Due to the age of the home, this is not uncommon and appears to be cosmetic at this time...Cracks in the concrete slab is present in the west wing at home but has been repaired and appears to be in serviceable condition...Brick siding has settled in several areas on the north wing of home repairs are needed."

12. On or about September 20, 2018, Buyers Braithwaite completed an Inspection, Repair and Survey Addendum with the following repair list: "1. Gfci in west bathroom replaced (Item #1 on attached summary) 2. Auto reverse on garage door repaired (Item #7) 3. Water pressure regulator to be added to line (Item #9, psi to home was 90psi) 4. A water heater drain pad to be added and pressure relief valve to be replaced with copper. Both to be drained to exterior of home or central house drain (item #10,11) 5. Crawl space door need to be secure and lockable (Item #13)" Seller agreed to complete requested repairs. Complainant Buyers Braithwaite signed off on the Final Inspection prior to closing.

13. On October 4, 2018, Pest Control by Adams provided an Inspection Proposal and Termite Warranty Proposal, signed by Complainant Buyers Braithwaite, that stated there was damage related to moisture, conditions conducive to moisture, and possibility of moisture-related organisms. According to Complainant Buyer Braithwaite, no treatment plan was provided nor was work completed.

14. On the day of closing, October 11, 2018, a General Addendum was created by the Selling Firm and signed by Complainant Buyers Braithwaite that stated: "#18. D.

Seller is not providing a seller's property disclosure." Closing occurred the same day at First National Title Company and West Little Rock Title Company.

15. On or about June 8, 2020, a Structural Inspection Report was completed on the subject property by Justin Hall, Licensed Professional Engineer. The report stated, "The back addition has several cracks in the slab and walls. There are leaks into the addition with noticeable undulations in the roof line. The largest crack in the middle of the addition and the slab drops abruptly from the crack to the end of the addition. Floor drop is over 4". Walls are pulling apart and the slab crack is separating. The slab has minor drop from the smaller crack closer to the home. It is suspected that a pool was installed around where the addition is sinking and the amount of drop and movement is indicative of being true. I cannot find old satellite images which show this pool so further research is required to place cause. It was asked if could determine if the settlement will continue. The soils under the addition are a volatile silty clay which adversely reacts to moisture changes *shrinks when it becomes dry, and expands when it becomes soggy). Because of this, future movement is likely to occur. The future movement is not expected to be extreme however you will likely see expanding and contracting cracks. Moisture control is highly suggested."

CHARGES

16. By failing to provide a Seller Property Disclosure to the Buyers pursuant to the contract, Respondent Broker Clifton failed to protect and promote the best interest of his Seller client a violation of Arkansas Real Estate Commission 8.5(a) and Arkansas Code Annotated § 17-42-316(b)(1).

17. Respondent Clifton's violations referenced in paragraph 16 constitutes a violation of Arkansas Code Annotated §17-42-311(a)(2) and are subject to disciplinary action pursuant to Arkansas Code Annotated § 17-42-312.

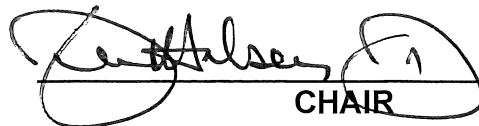
ORDER

IT IS THEREFORE ORDERED that Respondent pay a \$1,500 fine to the Arkansas Real Estate Commission within 60 days of the date of this Order. Respondent shall complete a six-hour Contracts to Closing course in a classroom and approved in advance by the Executive Director of the Arkansas Real Estate Commission. The course completion must be submitted to the Arkansas Real Estate Commission within 90 days of the date of this Order. Completion of this course shall not satisfy any other educational requirements for the Respondent.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction of this matter for purposes of implementing and enforcing this Consent Order and that Respondent's failure to comply with any provision herein shall constitute a violation of a Commission order pursuant to Arkansas Code Annotated § 17-42-311(a)(2) for which the Commission may impose disciplinary action upon the Respondent's license.

IT IS SO ORDERED this 8th day of April 2025.

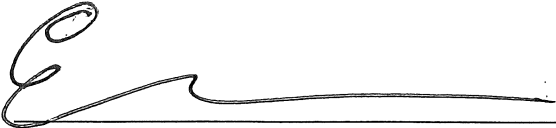
ARKANSAS REAL ESTATE COMMISSION


CHAIR

Approved:



Charles Clifton, Principal Broker
Respondent



Ethan Nobles
Attorney for Respondent



Melissa L. Goff
Executive Director