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JUN 18 2013

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

Kevin Westray, Legal Assistant

GEORGIA REAL ESTATE)
COMMISSION,)
)
Petitioner,)
)
v.)
)
JEFF D. WANGLE,)
License No. Q313050,)
)
Respondent.)

DOCKET NO. OSAH-GREC-SAN-
1336283-99-OAKLEY

GREC NO. 10C1097

INITIAL DECISION

A hearing was held in this matter on June 5, 2013, to consider the Petitioner's assertions in support of the imposition of sanctions against the Respondent's real estate broker's license. The Georgia Real Estate Commission was represented by Alison Spencer, Senior Assistant Attorney General. The Respondent was present and proceeded *pro se*.

After the hearing, the Respondent filed a Motion to Dismiss on the grounds of alleged perjury of an unspecified portion of the testimony of one of the Petitioner's witnesses.. The Respondent was placed on notice by the Petitioner's Notice of Issuance of Subpoenas of the likelihood of the testimony of this witness and was provided an opportunity for the cross-examination of this witness at the hearing. The Motion is not supported by a description of the alleged perjury or the nature of the evidence supporting the allegation of perjury. For these reasons, together with the cumulative evidence from other sources supporting the following Findings of Fact, the Motion to Dismiss is denied.

Findings of Fact

The credible evidence supports the following findings of fact:

1.

The Respondent is a licensed real estate broker in the State of Georgia. The Respondent was initially licensed as a real estate salesperson in September, 2006. For two years through November 16, 2009, the Respondent's license was affiliated with Bush Real Estate Group. Thereafter, the Respondent's license was placed on inactive status. On November 18, 2009, the Respondent's license was affiliated with Solid Source Realty. Since November 21, 2011, the Respondent has served as the qualifying broker for JJC Realty. Exhibit P-1.

2.

During the period when the Respondent's license was affiliated with Bush Real Estate Group, the Respondent served as the salesperson both for the buyer and the seller for the purchase and sale of real property located at 315 Tillinghast Trace, Newnan, Coweta County, Georgia (the "Tillinghast Trace Property"). Exhibit P-3. The Respondent failed to provide a fully executed copy of the Purchase and Sale Agreement for the Tillinghast Trace Property to the broker holding his license. Testimony of Mr. Bush. The Respondent failed to maintain a fully executed copy of the Tillinghast Trace Purchase and Sale Agreement and failed to produce this document to an investigator for the Petitioner. Testimony of Ms. Chang.

3.

During his affiliation with Bush Real Estate Group, the Respondent served as the listing agent for the seller of property located at 1607 Jackson Lake Road, Henry County, Jackson, Georgia (the "Jackson Lake Road Property"). Exhibits P-6 and P-7; Testimony of Ms. Harrell. On June 29, 2009, a Purchase and Sale Agreement for the Jackson Lake Road Property was executed by the buyer and the seller. Exhibits P-6 and P-7. The closing of the sale of the Jackson Lake Road Property was delayed from the agreed closing date of July 25, 2009, due to difficulties in obtaining financing. Testimony of Ms. Harrell; Exhibits P-6 at Amendment to Agreement Amendments #1 and #2 and P-7.

4.

During his affiliation with Bush Real Estate Group, the Respondent executed a second Purchase and Sale Agreement documenting the anticipated transaction for the Jackson Lake Road Property as an affiliated licensee with Solid Source Realty. Exhibit P-5A.

5.

During his affiliation with Bush Real Estate Group, the Respondent executed a Commission Confirmation Agreement/Instructions to Closing Attorney as an affiliated licensee of Solid Source Realty. Exhibit P-5B. The Commission Confirmation Agreement contained an obvious alteration to the document's identification of the listing broker. Exhibit 5-B; Testimony of Ms. Chang. The Respondent explained that the alteration of the document's identification of the listing broker was caused by typographical errors made in the preparation of the document. The Respondent's explanation of the alternation of this document was not credible. Testimony of Respondent.

6.

During his affiliation with Bush Real Estate Group, the Respondent executed an amendment to the Purchase and Sale Agreement for the Jackson Lake Road Property as an affiliated licensee of Solid Source Realty. Exhibits P-5F and P-6.

7.

During a period in which the Purchase and Sale Agreement for the Jackson Lake Road Property was in effect, the Respondent executed an Exclusive Seller Listing Agreement for the Jackson Lake Road Property as an affiliated licensee of Solid Source Realty. Exhibit P-4.

8.

The Respondent failed to provide fully executed copies of the Purchase and Sale Agreement for the Jackson Lake Property, the two amendments to the Purchase and Sale Agreement and the Commission Confirmation Agreement to the broker for the Bush Real Estate Group. Testimony of Mr. Bush.

9.

Immediately following his affiliation with Solid Source Realty, and prior to the closure of the transaction anticipated by the Purchase and Sale Agreement for the Jackson Lake Road Property, the Respondent entered listing data into the Georgia Multiple Listing Service for the Jackson Lake Road Property. Exhibit P-8.

10.

The broker with whom the Respondent's license was affiliated during the listing, marketing and negotiation of the sale of the Jackson Lake Property received no commission from the consummation of the sale of this property. Testimony of Mr. Bush; Exhibit P-10.

11.

The Respondent failed to honor his contractual agreement to keep his broker informed of his business activities on behalf of Bush Real Estate Group. Testimony of Mr. Bush; Exhibit P-9.

12.

The activities of the Respondent in connection with the Jackson Lake Road Property transaction, as set forth above, are indicia of a purposeful pattern of behavior by the Respondent to deceive the broker with whom his license was affiliated and to deprive Bush Real Estate Group from remuneration from the Jackson Lake Property transaction. Testimony of Mr. Nesbitt.

13.

The Respondent does not have a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a licensee in such manner as to safeguard the interest of the public. Testimony of Mr. Bush.

Conclusions of Law

1.

The Georgia Real Estate Commission has full power to regulate the revoke a license issued to a real estate broker in the State of Georgia. O.C.G.A. § 43-40-14.

2.

The Petitioner has the power to revoke the Respondent's license as a real estate broker on the basis of the Respondent's commission of unfair trade practices in connection with the Jackson Lake Road Property transaction including the following:

- (a) Being a party to the falsification of documents involved in the Jackson Lake Road Property transaction in violation of the statutory requirements of Georgia real estate licensees as well as the requirements of the Petitioner Commission. O.C.G.A. § 43-40-25(b)(28); Ga. Comp. R. & Regs. r. 520-1-.10(5)(e).
- (b) Failing to provide the broker with whom his license was affiliated a copy of the documents evidencing the Jackson Lake Road Property transaction in violation of the statutory requirements of the Petitioner Commission. Ga. Comp. R. & Regs. r. 520-1-.10(3);
- (c) Failing to maintain for a period of three years a true and correct copy of the documents pertaining to the Jackson Lake Road Property transaction in violation of the requirements of Georgia real estate licensees. O.C.G.A. § 43-40-25(b)(27);
- (d) Representing a real estate broker other than the broker holding the Respondent's license without the express knowledge and consent of the broker holding the Respondent's license in violation of the requirements of Georgia real estate licensees. O.C.G.A. § 43-40-25(b)(7);
- (e) Demonstrating incompetency to act as a real estate licensee in such manner as to safeguard the interest of the public and conduct which constitutes dishonest dealing in violation of the requirements of Georgia real estate licensees. O.C.G.A. § 43-40-25(b)(25).
- (f) Failing to demonstrate a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a real estate licensee in such manner as to safeguard the interest of the public. O.C.G.A. § 43-40-15(a) and (f).

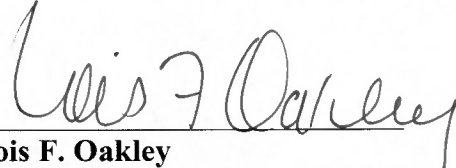
3.

The Respondent failed to maintain for a period of three years a fully executed copy of the Purchase and Sale Agreement for the Tillinghast Trace Property and failed to provide this document to an agent for the Petitioner in violation of the requirements of Georgia real estate licensees. O.C.G.A. § 43-40-25(b)(27).

Decision

For all the above and foregoing reasons, the Georgia Real Estate Commission is authorized to revoke the real estate broker license of the Respondent.

This 13st day of June, 2013.


Lois F. Oakley
Administrative Law Judge

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

GEORGIA REAL ESTATE COMMISSION,
Petitioner,

v.

JEFF D WANGLE,

Respondent.

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Docket No.: OSAH-GREC-SAN-1336283-99-Oakley

Agency Reference No.: 10C1097

NOTICE OF INITIAL DECISION

This is the Initial Decision of the Administrative Law Judge (Judge) in the case. This decision is reviewable by the Referring Agency. If a party disagrees with this decision, the party may file a motion for reconsideration, a motion for rehearing, or a motion to vacate or modify a default order with the OSAH Judge. A party may also seek agency review of this decision.

FILING A MOTION WITH THE JUDGE AT OSAH

The Motion must be filed in writing within ten (10) days of the entry, i.e., the issuance date, of this decision. **The filing of such motion may or may not toll the time for filing an application for agency review.** See O. C.G.A. §§ 50-13-19 and 50-13-20.1. Motions must include the case docket number, be served simultaneously upon all parties of record, either by personal delivery or first class mail, with proper postage affixed, and be filed with the OSAH clerk at:

Clerk
Office of State Administrative Hearings
Attn.: Kevin Westray, kwestray@osah.ga.gov
230 Peachtree Street, NW, Suite 850
Atlanta, Georgia 30303-1534

APPLICATION FOR AGENCY REVIEW

An application for Agency Review must be filed within thirty (30) days after service of this Initial Decision. O.C.G.A. §§ 50-13-17 and 50-13-41. A copy of the application for agency review must be simultaneously served upon all parties of record and filed with the OSAH clerk. The application for Agency Review should be filed with:

Georgia Real Estate Commission
Attn: Commissioner
Suite 1000, International Tower
229 Peachtree Street, N.E.
Atlanta, Georgia 30303-1605

This Initial Decision will become the Final Decision of the agency if neither party makes a timely application for agency review. O.C.G.A. §§ 50-13-17 and 50-13-41. In certain cases, an Initial Decision may become Final and therefore not subject to review either by agency provision or the provisions of O.C.G.A. § 50-13-17(c). When a decision becomes Final, an application for judicial review must be filed within thirty (30) days in the Superior Court of Fulton County.