



## **Misrepresenting Property**

This case study highlights the importance of providing accurate and updated information in listings and advertisements. When a licensee learns new information that would make a prior advertisement or remark false, the licensee is required to correct the prior advertisement or remark to be accurate and truthful.

### **The Situation**

On March 17, 2020, Clark Griswold was issued a real estate salesperson license. Between March 17, 2020 and July 27, 2021, Griswold's license was affiliated with Vacation Real Estate.

On July 28, 2021, Griswold moved his license to the firm National Real Estate.

Griswold was the listing agent for 456 Forrest Drive, and approximately two years later, he was the co-listing agent for the same property.

### **The Investigation**

On June 29, 2020, Margo Chester entered into an Exclusive Authorization to Sell Unimproved Land Listing Agreement with the firm Vacation Real Estate, and the listing agent was Clark Griswold.

On July 5, 2020, Griswold listed the property in the MLS with the following public remarks; "Ready to build your dream home!" Griswold stated that he used the wording from a previous listing of the subject property.

In September 2020, Land Surveyor Frank Shirley was contracted by Griswold on behalf of a prospective purchaser, Catherine Johnson, to evaluate the property as part of a feasibility study.

Griswold accompanied Shirley during the site inspection where Shirley found the property had a large stream on one side and wetlands on the other. Therefore, neither a drain field nor septic system could be installed on the subject property, which would be required to make the lot buildable. At this time, Griswold was fully aware the subject property was not buildable.

On October 29, 2020, Catherine Johnson's husband, Eddie Johnson, purchased the subject property.

On June 14, 2022, Johnson entered into an Exclusive Authorization to Sell Unimproved Land Listing Agreement with National Real Estate for the subject property, and Griswold was named as the co-listing agent.

On June 26, 2022, Shirley found a listing on Zillow for the subject property, and saw that the public remarks again stated, "Ready to build your dream home!" Shirley informed the new listing agent that the subject property was not buildable, and the agent corrected the remarks.

Also on June 26, 2022, Shirley filed a complaint with DPOR against Griswold.

On April 15, 2023, during a telephone interview with a DPOR investigator, Griswold confirmed that he was present during Shirley's site inspection.

### **The Result**

The Real Estate Board found the following:

Griswold violated Virginia Administrative Code section 135-20-300.9 because he materially misrepresented that the subject property was buildable in the second listing.

Griswold was fined \$1,100.00 and agreed to complete at least three in-person classroom hours of Board-Approved Post-License education pertaining to Ethics and Standards of Conduct.

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