

**BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION**

**MISSISSIPPI REAL ESTATE COMMISSION**

**COMPLAINANT**

**VS.**

**NO. 071-1910**

**SHELIA BINGHAM, BROKER**

**RESPONDENT**

**AGREED ORDER**

This cause came before the Mississippi Real Estate Commission, sometimes hereinafter "Commission," pursuant to the authority of Miss. Code Ann. §§73-35-1, *et seq.*, as amended, on a complaint against Shelia Bingham, Broker and the Commission was advised that there has been an agreement reached with Respondent Bingham resolving the issues brought forward in this complaint. Respondent Bingham acknowledges that the allegations set forth in the above referenced pending complaint would constitute violations of the Mississippi Real Estate Broker's License Law of 1954, Miss. Code Ann. §73-35-1, *et seq.*, as amended, and/or the rules and regulations of the Commission promulgated thereto, for which she could be subjected to discipline by the Commission, up to and including revocation of her license to practice real estate in Mississippi. Further, Respondent Bingham acknowledges that, if a hearing were held, the allegations herein could be proven. Respondent acknowledges and agrees that should the Commission reject approval of this Agreed Order, Respondent will retain his right to proceed to an administrative hearing before the Commission with full due process.

By entering into this Agreed Order, Respondent Bingham waives her rights to a full hearing and to any appeal. The Commission, then, does hereby Find and Order as follows:

**I.**

Respondent Shelia Bingham, Broker, sometimes hereinafter “Respondent” or “Bingham” is an adult resident citizen of Mississippi whose last known office address of record with the Commission is 405 Briarwood Dr., Ste. 107B, Jackson, MS 39206. Respondent Bingham is the holder of a real estate broker’s license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, and, as such, she is subject to the provisions, rules, regulations and statutes governing the management, sale and transfer of real estate and licensing of real estate brokers under Miss. law.

**II.**

On or about October 22, 2019, the Commission received a sworn complaint from Taz Shabazz about Respondent Bingham’s actions in her efforts to purchase two Jackson, MS duplexes owned by Shabazz. One duplex is on Valley St. and the other is on Marion Dunbar St. Shabazz complained about Respondent Bingham’s action in changing the agreement as to the collateral property for this transaction. Respondent Bingham used a home that she owned and was trying to sell, located on Camilla Dr., as collateral.

**III.**

With the sworn complaint to the Commission, Shabazz submitted copies of a certain documents executed by Bingham and Shabazz, copies of numerous communications between Bingham and Shabazz, and various other documents which Shabazz alleged corroborated his complaints regarding Respondent Bingham.

**IV.**

Upon receipt of this complaint, the Commission initiated an investigation. By official Commission correspondence, dated October 25, 2019, Respondent Bingham was instructed to supply a written statement to the Commission, within ten (10) days, specifically addressing Shabazz’s complaints. Bingham was further instructed to provide a signed and notarized statement to the Commission certifying submission of the entire transaction file and supporting correspondence associated with Bingham purchasing these two properties from Shabazz.

**V.**

At the Commission instructions, Respondent Bingham responded to the Commission on Nov. 12, 2019 with her response to Shabazz's allegations, and did provide the required signed, notarized statement certifying delivery of the entirety of the relevant documents related to her activities with Shabazz. No deeds of conveyance for these properties were provided. In her response to the Commission, Respondent Bingham denied Shabazz's allegations, claiming that Shabazz knew all along what she was doing, and purported to provide documents sufficient to demonstrate Respondent Bingham's version of the facts. Noted, however, is that nowhere on any documents does the Respondent reveal that she is a licensed real estate agent.

**VI.**

Additionally, it was noted that Respondent Bingham was buying these properties in the name of SB Properties, LLC, of which Respondent Bingham is an owner. Respondent Bingham is also the principal broker for Bingham & Associates Realty Services, LLC. In this instance, Respondent Bingham did not operate as an agent for her company, SB Properties, LLC, and did not draw a commission for this transaction.

**VII.**

In correspondence to Shabazz, it was observed that Respondent Bingham is only advertising or displaying her real estate company name as Bingham & Associates, leaving off the "Realty Services" portion of her company license name. This is contrary to Rule 3.3 Advertising.

**VIII.**

The above and foregoing described acts and omissions of the Respondent constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, §§73-35-1, *et seq.*, Miss. Code Ann., and the Rules and Regulations of the Commission, and, more specifically, §73-35-21(1) (n) and Commission Rules 3.1 F and 3.3 which provide, in relevant parts:

**§73-35-21 Grounds for refusing to issue or suspending or revoking license; hearing**

(1) The Commission may, upon its own motion and shall upon the verified complaint in writing of any person, hold a hearing for the refusal of license or for the suspension or revocation of a license previously issued, or for such other action as the Commission deems appropriate. The commission shall have full power to refuse a license for cause or to revoke or suspend a license where it has been obtained by false or fraudulent representation, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

(n) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates .....  
incompetency ...or improper dealing...

**Rule 3.1**

F. Any licensee who fails in a timely manner to respond to official Mississippi Real Estate Commission written communication *or who fails or neglects to abide by Mississippi Real Estate Commission's Rules or Regulations shall be deemed, prima facie, to be guilty of improper dealing.*

**Rule 3.3 Advertising**

B. A broker shall advertise in the name in which the license is issued. A broker may use a descriptive term after the broker's name to indicate the occupation in which engaged, for example, "realty", "real estate" or "property management". If advertising in any other form, a partnership, trade name, association, company or corporation license must be obtained prior to advertising in that manner. All advertising must be under the direct supervision and in the name of the Principal Broker or in the name of the real estate Brokerage Firm and must prominently display the name of the Principal Broker or the name of the Brokerage Firm in such a manner that it is conspicuous, discernible and easily identifiable by a member of the public.

D. When a licensee is advertising their own property for sale, purchase or exchange which is not listed with a broker, the licensee must indicate that he or she is licensed. The disclosure of licensee's status must be made in all forms of advertising enumerated in Rule 3.3 (A), including the "for sale" sign.

*In addition to disclosing their licensed status in all advertisements, licensees are required to disclose their licensed status on all real estate contracts in which they have an ownership interest.*

**DISCIPLINARY ORDER**

THEREFORE, by agreement, understanding and consent, the Commission ORDERS discipline as follows:

As to Shelia Bingham, Broker, the Commission orders that her license incur a one (1) month suspension, held in abeyance, followed by five (5) months of probation, with both contingent upon both future compliance with all Mississippi Real Estate Statutes and Commission Rules and upon her completing eight (8) hours of Mandatory Continuing Education (4 hours of Agency, 2 hours of Contract law and 2 hours of License Law) during the two months (2) of suspension in abeyance which begins July 1, 2021. Said education can be completed through Distance Education, in light of Co-Vid 19 restrictions. Further, these classes will be courses approved by this Commission, be in addition to the regular hours of continuing education already required of licensees for license renewal and will not be the same classes from the same provider as those used by this Respondent in the last renewal period. Evidence of completion of these classes is to be provided to this Commission.

SO ORDERED this the 10<sup>th</sup> day of August, 2021.

**MISSISSIPPI REAL ESTATE COMMISSION**



BY: *Robert E. Praytor*  
ROBERT E. PRAYTOR, Administrator

Agreed: *Shelia Bingham, Broker*  
Shelia Bingham, Broker

DATE: 7/21/21