

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

**IN RE: THE MATTER OF MARTHA K. TAYLOR, BROKER
(LICENSE No. 10653)**

CASE NO. 76-1910

**NOTICE OF ALLEGED VIOLATIONS AND OPPORTUNITY
FOR INFORMAL RESOLUTION; WAIVER OF FORMAL COMPLAINT**

November 4, 2020

Martha K. Taylor
19050 Pineville Rd.
Long Beach, Mississippi 39560

Dear Ms. Taylor:

PLEASE TAKE NOTICE that the Mississippi Real Estate Commission ("Commission") Investigative Staff identified alleged violations of the Real Estate Brokers License Law of 1954 (Miss. Code Ann. §§73-35-1, *et seq.*) and/or the Rules and Regulations of the Commission regarding certain licensable real estate activity/activities, all as set forth in this Notice.

Informal Resolution:

The Investigative Staff and legal counsel have recommended this matter be resolved informally, in lieu of proceeding to a formal Commission Complaint and administrative hearing before the Commission.

Upon your express agreement with the recommended terms for resolution of this matter and waiver of your right to the issuance of a formal Complaint and administrative hearing, the Commission Administrator will recommend resolution and disposition of this matter pending final approval of the Commission. **NOTE: If you agree to the informal resolution of this matter as recommended, please sign/date where indicated and return to the Commission within ten (10) days.**

Right to Proceed to Formal Complaint/Administrative Hearing:

You are not required to agree to an informal resolution of this matter as recommended. You have the right to have the Commission prepare a formal Complaint with notice of the allegations against you, as well as the opportunity to respond to the specific allegations at

a formal disciplinary hearing before the Commission. At a hearing, you may be represented by counsel and may present witnesses and other evidence on your behalf.

I.

ALLEGED VIOLATION(S):

(1) Miss. Code Ann. §73-35-21(1); RULES 3.1, 3.2, 4.2

It is alleged that, on or about August 26, 2019, you failed to exercise the reasonable skill, care and diligence reasonably expected of you in your duties attendant that certain real estate transaction regarding the 4-unit property purchased by J. Villere located at 19501 28th Street, Long Beach, Mississippi 39560, wherein you acted in the capacity of exclusive buyer's agent.

It is alleged that you failed to ensure your buyer client was properly informed of her rights with respect to the property condition disclosures mandated by Mississippi law (Miss. Code Ann. §89-1-501, *et seq.*). In review of the transaction file/documentation submitted to the Commission in its investigation, no evidence or record was obtained to establish that your client was presented with or executed the *Informational Statement for Mississippi Property Condition Disclosure Statement (PCDS)*.

The above and foregoing described acts and omissions constitute violations of the Mississippi Real Estate Brokers License Act of 1954, as amended, Miss. Code Ann. §§73-35-1, *et seq.*, and the Rules and Regulations of the Commission, and, more specifically, Miss. Code Ann. §73-35-21(1) and Rules 3.1, 3.2, and 4.2 which provide, in relevant parts, duties of a real estate licensee, and proscribed actions and omissions in the conduct of real estate activities for which the Commission has the power to sanction a licensee as the Commission deems appropriate:

{§73-35-21(1):

(n) Any act or conduct ...which constitutes or demonstrates ...incompetency ...or improper dealing.

RULE 3.1:

F. Any licensee ...who fails or neglects to abide by Mississippi Real Estate Commission's Rules and Regulations shall be deemed, *prima facie*, to be guilty of improper dealing.

RULE 3.2:

- G. A real estate broker must keep on file for three years following its consummation, complete records relating to any real estate transaction...

RULE 4.2:

- G. "Fiduciary Responsibilities" are those duties due the principal (client) in a real estate transaction...:

- (5) 'Reasonable skill, care and diligence' –the agent must perform all duties with the care and diligence which may be reasonably expected of someone undertaking such duties.

II.

**RECOMMENDATION AND
OFFER FOR INFORMAL RESOLUTION**

Upon review and consideration of the Commission Investigative Staff and legal counsel, it is recommended and offered by the Commission that this matter be resolved as follows:

- 1) **FORMAL LETTER OF REPRIMAND**

III.

ACKNOWLEDGEMENT AND WAIVER

As evidenced by my signature below, and expressed acceptance of the recommendation for resolution of this disciplinary matter as proposed, I, MARTHA K. TAYLOR, acknowledge and agree as follows:

1. I understand and acknowledge that my real estate broker's license is subject to sanction by the Mississippi Real Estate Commission for alleged violations of the Mississippi Real Estate Brokers License Act of 1954 (Miss. Code Ann. §§73-35-1, *et seq.*) and/or of the Rules and Regulations of the Commission, as set forth herein.
2. I am aware of my rights, both substantive and procedural, regarding the nature of the allegations brought against me.
3. I acknowledge that I have the right to refuse to accept the proposed informal resolution of this matter as presented and that I may elect to have a formal Complaint issued by the Commission regarding the allegations brought against me and the choice to proceed to an administrative hearing with full due process.
4. After due consideration of my procedural and substantive rights, the possible adverse effect on my license that could result after an administrative hearing, and the likelihood of the Commission prevailing in the presentation of proof of the violations as alleged, I hereby expressly WAIVE my right to have a formal Complaint issued by the Commission in this matter and for an administrative hearing, and consent to proceed in this matter by informal adjudication and resolution as offered and recommended herein.
5. I acknowledge that the resolution of this disciplinary matter shall be public record and spread upon the Minutes of the Commission as its official act and deed.

6. I expressly WAIVE any and all objections or legal challenges I may have regarding or arising out of this matter, the entry of the final record of disposition as set forth herein, or any of its terms. Further, I WAIVE any objections or legal challenges to the Commission in taking this matter up preliminarily for the purpose of considering and voting on whether to approve the informal disposition of this matter as recommended.

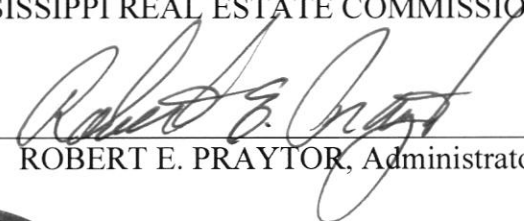
7. I acknowledge and agree that should the Commission deny approval of the informal resolution of this matter, I remain entitled to a fair and impartial administrative hearing, with full due process, regarding the allegations set forth herein.

I, MARTHA K. TAYLOR, acknowledge and agree to the informal disposition of this matter as set forth herein.

 Date: 11/7/2020
MARTHA K. TAYLOR

APPROVED:

MISSISSIPPI REAL ESTATE COMMISSION

BY:  Date: 12/08/2020
ROBERT E. PRAYTOR, Administrator

