

OFFICIAL LETTER OF REPRIMAND

July 22, 2020

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Greetings:

The Mississippi Real Estate Commission has concluded its inquiry in the matter of the discovery of the Mobile, AL Keller Williams Real Estate sign posted in the Lucedale, MS area with your name added by a rider board.

The Legal Counsel and the Investigative Staff of the Real Estate Commission has determined that the information obtained during this inquiry is sufficient to show that you at least allowed, if not directed, that an advertising sign of Keller Williams Real Estate company, a real estate company unlicensed in Mississippi, to be posted in the Beaver Creek area in Lucedale, MS. Further, under your supervision, you at least allowed, if not directed, that an agent rider board be attached to this sign, that being of you, a real estate broker *individually* licensed in Mississippi. Your responsibility as a licensed Mississippi broker was, at a minimum, to prohibit your Keller Williams AL office from actively participating in licensable real estate activity in Mississippi. As such, responsibility for this improper activity should be attributable to you. This activity was not compliant with the Commission's advertising rule.

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.

You should be reminded, as you are a licensed Mississippi broker, that conducting real estate activity in Mississippi without a valid active license is a misdemeanor crime.

§ 73-35-1. Citation of chapter; license requirement.

This chapter shall be known, and may be cited, as "the Real Estate Brokers License Law of 1954"; and from and after May 6, 1954, it shall be unlawful for any person, partnership, association or corporation to engage in or carry on, directly or indirectly, or to advertise or to hold himself, itself or themselves out as engaging in or carrying on the business, or act in the capacity of, a real estate broker, or a real estate salesperson, within this state, without first obtaining a license as a real estate broker or real estate salesperson as provided for in this chapter.

§ 73-35-31. Penalties for violations of chapter.

(1) Any person violating a provision of this chapter shall, upon conviction of a first violation thereof, if a person, be punished by a fine or not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for a term not to exceed ninety (90) days, or both; and if a corporation, be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Upon conviction of a second or subsequent violation, if a person, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by imprisonment for a term not to exceed six (6) months, or both; and if a corporation, be punished by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00). Any officer or agent of a corporation, or any member or agent of a partnership or association, who shall personally participate in or be accessory to any violation of this chapter by such corporation, partnership or association, shall be subject to the penalties herein prescribed for individuals.

(2) In case any person, partnership, association or corporation shall have received any sum of money, or the equivalent thereto, as commission, compensation or profit by or in consequence of his violation of any provision of this chapter, such person, partnership, association or corporation shall also be liable to a penalty of not less than the amount of the sum of money so received and not more than four (4) times the sum so received, as may be determined by the court, which penalty may be sued for and recovered by any person aggrieved and for his use and benefit, in any court of competent jurisdiction.

(3) No fee, commission or other valuable consideration may be paid to a person for real estate brokerage activities as described in subsection (1) of Section 73-35-3 unless the person provides evidence of licensure under the provisions of this chapter or provides evidence of a cooperative agreement provided under the authority of Section 73-35-11.

This Official Letter of Reprimand will be placed in your file to become a part of your permanent record. You should take every precaution to familiarize yourself with the Real Estate Brokers License Act of 1954, as Amended, and the Administrative Rules and Regulations of the Real Estate Commission in order to avoid a serious violation which might affect the status of your license.

If you have any questions pertaining to this matter, please contact the Commission.



Robert E. Praytor
Administrator
Mississippi Real Estate Commission