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BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

MISSISSIPPI REAL ESTATE COMMISSION

COMPLAINANT

VS.

CASE NO. 2022-05

DUSTIN HILL, Principal Broker
ANDREW MOFFETT, Broker Associate

RESPONDENTS

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 formal Complaint against Dustin Hill, Principal Broker, and Andrew Moffett, Associate Broker (sometimes referred to hereinafter collectively as "Respondents"). Prior to the hearing before the Commission, the parties announced their respective agreements as to the allegations of the Commission's Complaint and disciplinary actions for the Respondents, all as set forth herein. By entering into this Agreed Order, Respondents each waive his right to an administrative hearing before the Commission with full due process and the right to appeal any adverse decision(s) which may have resulted from that hearing. Further, Respondents acknowledge, as evidenced by their respective signatures affixed hereto, this Agreed Order must be approved by the Commission for each of the Respondents individually and so each Respondent expressly waives any objections he may have as to the Commission taking up this matter preliminarily for the purposes of considering approval of this Agreed Order. Each Respondent acknowledges and agrees that, should the Commission reject approval of this Agreed Order, each Respondent will retain his right to proceed to an administrative hearing before the Commission

with full due process. Having reached individual agreements in this matter, the Commission issues its Findings of Fact, Conclusions of Law and Disciplinary Order as follows:

FINDINGS OF FACT

I.

Respondent Dustin Hill, Principal Broker, (sometimes hereinafter “Respondent Hill,” or, “Hill”) is an adult resident citizen of Mississippi whose business address of record with the Commission is 609 22ND Ave., Meridian, Mississippi 39301. Respondent Hill is the holder of a real estate broker’s license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, as amended and, as such, is subject to the rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. At all times relevant to this proceeding, Respondent Hill was the principal and responsible broker for Hill Real Estate Group, LLC.

II.

Respondent Andrew Moffett, Associate Broker, (sometimes hereinafter, “Respondent Moffett” or, “Moffett”) is an adult resident citizen of Mississippi whose address of record with the Commission is 609 22ND Ave., Meridian, Mississippi 39301. Respondent Moffett is the holder of a real estate broker’s license issued by the Commission pursuant to Miss. Code Ann. §§73-35-1, *et seq.*, as amended and, as such, is subject to the rules, regulations and statutes governing real estate brokers under Mississippi law and the administrative rules of the Mississippi Real Estate Commission. At all times relevant to this proceeding, Respondent Moffett was employed by Respondent Hill as a broker associate at Hill Real Estate Group, LLC.

III.

On or about March 2, 2022, the Commission received a sworn complaint from Barry Sr. and Maureen Doucet (hereinafter, “Complainants”), who had purchased property near

Waynesboro, Mississippi, while represented by Hill (as responsible Broker) and Moffett (as buyer's agent in a dual agency arrangement).

IV.

Documentary evidence obtained during the Commission's investigation established that Complainants contacted Hill Real Estate Group on August 19, 2021, and dealt with Moffett regarding the subject property, including Moffett's providing Mrs. Doucet with the property's lockbox code (Moffett being unable to meet the Doucets at the property for a viewing). The Doucets walked through the property on the evening of August 19th and called Moffett with a question about the foreclosure status. At no time during this initial substantive contact and subsequent dealings did Moffett procure from the Doucets a signed, required *Agency Disclosure Form: "Working With a Real Estate Broker" (WWREB)*. On August 20, 2021, the Doucets submitted a signed Contract for Purchase with a *Dual Agency Confirmation* form attached to the front of the Contract, but it was not until August 27, 2021 (the day of the transaction's closing), that Moffett procured the signed *WWREB* form from the Doucets, the "DocuSign" documentation for the *WWREB* showing the Doucets' electronic signatures as having been affixed shortly after 7:00 a.m., August 27. On August 26, at 9:15 p.m., Moffett emailed the Doucets the required *WWREB* with the message, "Please sign. I meant to send this to y'all when I sent initial contract. This is just establishing our agent/client relationship." Moffett incorrectly dated the *WWREB* as having been signed on August 20.

CONCLUSIONS OF LAW

V.

The Commission, and the Respondents Hill and Moffett, agree, as evidenced by their signatures affixed hereinbelow, that the above and foregoing acts and omissions of Respondent Moffett, if proved at an administrative hearing by a preponderance of the evidence, could 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; specifically, MREC Rules 4.3(C)(2) and 3.1(F) and Miss. Code Ann. §73-35-21(1)(e) and (n), which provide, in relevant parts:

- i. Rule 4.3(C)(2): “Brokers operating in the capacity of disclosed dual agents must obtain the informed written consent of all parties prior to or at the time of the formalization of the dual agency. Informed written consent shall be deemed to have been timely obtained if all of the following occur: ... (2) The buyer, at the time an agreement for representation is entered into between the broker and the buyer, gives written consent to dual agency by signing the Consent to Dual Agency portion of MREC Form A [the *WWREB* form].
- ii. 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 [as identified in §73-35-21(1)(n), noted below].”
- iii. Miss. Code Ann. §73-35-21(1)(e): “The commission may ... revoke or suspend a license ... where the licensee is deemed guilty of: ... (e) Acting for more than one (1) party in a transaction ... without the knowledge of all parties for whom he acts;”
- iv. Miss. Code Ann. §73-35-21(1)(n): “The commission may ... revoke or suspend a license ... where the licensee is deemed guilty of: ... (n) Any act ... which constitutes ... untrustworthiness, or dishonest, ... or improper dealing.

VI.

The Commission and Respondent Hill agree, as evidenced by the signatures affixed hereinbelow, that the above and foregoing acts and omissions of Respondents, if proved at an administrative hearing by a preponderance of the evidence, could constitute violations of MREC Rules 3.1(A) and (B) which provide, in relevant parts:

- i. MREC Rule 3.1(A): “It shall be the duty of the responsible broker to instruct the licensees licensed under that broker in the fundamentals of real estate practice, ethics of the profession and the Mississippi Real Estate License Law and to exercise supervision of their real estate activities for which a license is required.”
- ii. MREC Rule 3.1(B): “... The responsible broker shall at all times be responsible for the action of the affiliated broker to the same extent as though that licensee were a salesperson ...”

DISCIPLINARY ORDER

Upon agreement and consent of Respondents as to disciplinary terms and disposition of this matter in lieu of an administrative hearing before the Commission and, having issued its Findings of Fact and Conclusions of Law, the Commission hereby issues its Disciplinary Order as follows:

As to Andrew Moffett, Broker Associate:

1. The license of Andrew Moffett shall be suspended for ninety (90) days, beginning upon the effective date of this Agreed Order.

2. During the period of suspension, Respondent Moffett shall complete eight (8) hours of mandatory continuing education: four (4) hours Agency; two (2) hours Contract Law; and two (2) hours License Law. All courses shall be administered by a Commission approved continuing education provider, and in a classroom setting if available. The mandatory continuing education hours shall be in addition to any hours required for renewal of Respondent's license and shall not be the same continuing education course from the same course provider previously completed for renewal of Respondent's license during the last renewal period. Respondent shall furnish to the Commission written evidence of the satisfactory completion of the required courses.

3. This Agreed Order shall be effective upon the date it is approved by the Commission as evidenced by the signature of the Commission Administrator.

As to Dustin Hill, Principal Broker:

1. The license of Dustin Hill shall be suspended for thirty (30) days, held in abeyance. During the period of suspension in abeyance, Respondent Hill will be permitted to practice real estate in the State of Mississippi insofar as he complies with all statutes, rules and regulations governing the practice of real estate in Mississippi and with all other terms of this Agreed Order.

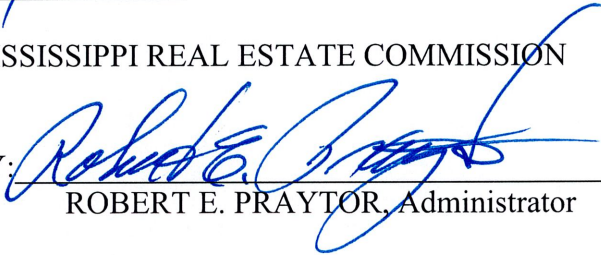
2.. During the period of suspension in abeyance, Respondent Hill shall complete eight (8) hours of mandatory continuing education: four (4) hours Agency; two (2) hours Contract Law;

and two (2) hours License Law. All courses shall be administered by a Commission approved continuing education provider, and in a classroom setting if available. The mandatory continuing education hours shall be in addition to any hours required for renewal of Respondent's license and shall not be the same continuing education course from the same course provider previously completed for renewal of Respondent's license during the last renewal period. Respondent shall furnish to the Commission written evidence of the satisfactory completion of the required courses.

3. This Agreed Order shall be effective upon the date it is approved by the Commission as evidenced by the signature of the Commission Administrator.

THIS, the 17th day of JULY, 2023.

MISSISSIPPI REAL ESTATE COMMISSION

BY: 
ROBERT E. PRAYTOR, Administrator

AGREED BY:

 DATE 6/30/23
DUSTIN HILL

[MREC seal]

AGREED BY:

 DATE 6/30/23
ANDREW MOFFETT