



Mississippi Real Estate Commission

ADMINISTRATOR
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OFFICIAL LETTER OF REPRIMAND

January 2, 2024

Kimberly Silva, Salesperson
c/o Vickye Vasser, Principal Broker
3131 N I-10
Service Road #101
Metairie, LA 70002

MREC CASE NO. 2022-50

IN RE: THE MATTER OF KIMBERLY SILVA, SALESPERSON

Dear Ms. Silva:

Pursuant to your August 7, 2023 agreement as set forth in the *Notice of Alleged Violations and Opportunity for Informal Resolution; Waiver of Formal Complaint*, the Commission, in its December 12, 2023 meeting, voted unanimously to approve said *Informal Resolution* as offered and agreed, and to issue this *Official Letter of Reprimand* based upon the following violations of the statutes and administrative rules governing real estate practice in Mississippi.

The Investigative Committee of the MREC determined that the information obtained during the investigation of the subject 2022 real estate transaction at issue is sufficient to show violations of **Miss. Code Ann. §73-35-21(1) and §89-1-503; and MREC RULES 3.1, 3.2, 4.1, and 4.3**, specifically that salesperson Ms. Silva failed to properly and/or timely date/deliver documents related to the subject transaction, including:

- Listing Agreement contained no expiration date;
- Required Working with Real Estate Broker Form (WWREB) not completed;
- Property Condition Disclosure Statement (PCDS) not timely completed, executed, or delivered;
- Failure to timely/sufficiently submit transactional documents to the Mississippi Real Estate Commission when requested.

The Investigative Committee determined that the above-noted acts and omissions could be shown to have resulted in violations of the following statutes and/or rules:

§73-35-21(1):

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

§89-1-503:

The transferor of any real property subject to [disclosure requirements] shall deliver to the prospective transferee the written property condition disclosure statement. ...

- (b) In the case of transfer by a real property sales contract, ... as soon as practicable before execution of the contract. For purposes of this paragraph, execution means the making or acceptance of an offer.

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 and Regulations shall be deemed, prima facie, to be guilty of improper dealing.

RULE3.2:

- B. All exclusive listing agreements shall be in writing, properly identify the property to be sold, and contain all of the terms and conditions under which the transaction is to be consummated; including the sales price, the considerations to be paid, the signatures of all parties to the agreement, and a definite date of expiration...

RULE4.1:

Consumers shall be fully informed of the agency relationships in real estate transactions...

RULE 4.3:

- A. In a single agency, a broker is required to disclose, in writing, to the party for whom the broker is an agent in a real estate transaction that the broker is the agent of the party. The written disclosure must be made before the time for an agreement for representation is entered into between the broker and the party. This shall be on an MREC Agency Disclosure Form.

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The above-named licensee is hereby reprimanded, and admonished to fail not in observance of the foregoing statutes and rules on peril of suspension or revocation of her license if the violations were to be repeated.

This Official Letter of Reprimand will be maintained in your permanent license file on record with the Commission.

Sincerely,



Robert E. Praytor
Administrator
Mississippi Real Estate Commission

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