

**IN THE STATE OF MISSISSIPPI
BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION**

MISS. REAL ESTATE COMM.

COMPLAINANT

Vs.

033-1805

**DEBORAH IVY, BROKER
KAREN GODFREY, BROKER**

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 Complaint against Deborah Ivy, Broker, and Karen Godfrey, Broker, and the Commission was advised that there has been an agreement reached among the parties resolving the issues brought forward in this complaint. By entering into this Agreed Order, the Respondents waive their right to a full hearing and their right to appeal to the circuit court. The Commission, then, does hereby find and order the following:

1.

Respondent Deborah Ivy, Broker, sometimes hereinafter "Respondent" or "Ivy," is an adult resident citizen of Mississippi whose last known address of record with the Commission is 701 Whitaker Street, Post Office Box 2292, Clinton, MS 39056. Respondent Ivy 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, she is subject to the provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law. At all times relevant to this Complaint, Respondent Ivy was the principal and responsible broker for Godfrey & Ivy Realty, Inc. and Broker Associate Karen Godfrey.

II.

Respondent Karen Godfrey, Broker Associate, sometimes hereinafter "Respondent" or "Godfrey," is an adult resident citizen of Mississippi whose last known address of record with the Commission is 701 Whitaker Street, Post Office Box 2292, Clinton, Mississippi 39056. Respondent Godfrey 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, she is subject to all of the provisions, rules, regulations and statutes governing the sale and transfer of real estate and licensing of real estate brokers under Mississippi law.

III.

On or about May 23, 2018, the Commission received a sworn complaint from Richard and Henrietta Middleton (sometimes hereinafter "Complainants" or, collectively, "Middletons"). The Middletons complained that they had purchased Lot 17, Pine Lea Drive, Jackson, Mississippi 39209 with the expressed purpose of locating, and living in their RV (recreational vehicle) while in the Jackson area. To locate and purchase the lot, they engaged Cheryl Russell as buyers' agent. The transaction closed on or about April 17, 2017.

IV.

The Middletons complained that their agent, Cheryl Russell, had inquired of the listing agent, Respondent Karen Godfrey, regarding their intent to place their RV on the property and claims they discussed living in the RV with the sellers and sellers' agent Godfrey before and during closing on the property. The Middletons claim they were told they could place the RV on the property if it was placed in the back of the property. The Middletons complained there was a camper located on the lot directly across from the property which had been lived in for some time, but which was then unoccupied.

V.

After closing, the Middletons incurred expenses to prepare the site for their RV including driveway/culvert work and installation of a concrete pad and septic system. Subsequently, the Middletons were informed by a director of the Hinds County Zoning & Permit office that, while they did not need a permit for the work they were completing, they would not be allowed to live in their RV on the property because it was zoned R-1 residential.

VI.

Upon complaint with their buyers' agent Russell, Russell confirmed to the Middletons that she had discussed the issue repeatedly with the sellers and their agent, Respondent Godfrey, prior to and at closing, and had been informed there was no problem with an RV if it was parked in the back and not close to the street. The Middletons alleged they had been misled in the transaction.

VII.

Upon initiation of a Commission investigation regarding the Middletons' sworn complaint, documents and responses were received from Respondents Godfrey and Ivy. Respondent Karen Godfrey denied ever telling the Middletons or their agent Russell that it would be acceptable for the Middletons to live in an RV on the subject property. Godfrey stated she had been asked by many people about putting a mobile home on the property and always responded that mobile homes are not allowed.