

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

MISSISSIPPI REAL ESTATE COMMISSION

vs.

NO. 052-1809

**JUDY E. PIPPIN, PRINCIPAL BROKER
J. WOODY SPIERS, SALESPERSON**

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 Judy E. Pippin, Broker, and J. Woody Spiers, Salesperson, 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:

I.

Respondent, Judy E. Pippin (hereinafter called "Pippin"), is an adult resident citizen of MS whose last known business address of record is 1605 Hwy. 11 N., Ste. A, Picayune, MS. Respondent Pippin holds a Broker license issued by the Commission pursuant to M. C. A. §§73-35-1, *et seq.*, and, as such, she is subject to the provisions, rules, regulations and statutes governing the practice of real estate under Miss. law and the Commission administrative rules.

II.

Respondent, J. Woody Spiers, (sometimes called "Spiers"), is an adult resident citizen of MS whose last known business address of record is 1605 Hwy. 11 N., Picayune, MS. Respondent Spiers holds a sales license issued by this Commission pursuant to M. C. A. §§73-35-1, et seq., and so he is subject to the provisions, rules, regulations and statutes governing the practice of real estate under both Miss. law and the Commission administrative rules. Respondent Pippin was, at all times relevant, Respondent Spiers' principal broker.

III.

In August of 2018, the Commission received communications of concern from the Complainant that she was involved in two real estate transactions of both selling and then buying a house, both involving her agents, the Respondents. The Commission staff investigated further. This examination revealed that Respondent Spiers had "aided" the Complainant in the purchase of a home by "loaning" her earnest money. These funds were furnished from the Respondent Spiers personal checking account, making him impermissibly involved financially.

IV.

Additionally, a review of the transactional documents revealed that the Complainant did not date the informational statement of the state-mandated PCDS form she completed for the sale of her home. Respondent Spiers used the same WWREB form for both transactions, when separate forms were to be used, since the client's status is different when buying as opposed to selling a home. The PCDS for the home the Complainant was buying had blanks and it was incumbent upon her agents, the Respondents, to have that oversight corrected by the seller for the benefit of their client, the Complainant, inasmuch as the PCDS could impact and does trigger any home inspection ordered by the Complainant.

V.

The Commission finds that Respondent Pippin, as principal broker, either knowingly and willfully or through gross negligence, failed to discern and correct the aforesaid violations. Said conduct evidences a careless or reckless indifference and demeanor toward the Commission Rule 3.1, as well as Mississippi law, and warrants sanctions being imposed.

VI.

The above and foregoing described acts of the Respondents Judy E. Pippin and J. Woody Spiers constitute violations of Miss. Code Ann. §73-35-1, et seq. and MREC Rules, in particular:

Rule 3.1 General Rules

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.

Rule 4.2 Definitions

A. "Agency" shall mean the relationship created when one person, the Principal (client), delegates to another, the agent, the right to act on his behalf in a real estate transaction and to exercise some degree of discretion while so acting. Agency may be entered into by expressed agreement, implied through the actions of the agent and or ratified after the fact by the principal accepting the benefits of an agent's previously unauthorized act. *An agency gives rise to a fiduciary relationship and imposes on the agent, as the fiduciary of the principal, certain duties, obligations, and high standards of good faith and loyalty.*