

BEFORE THE MISSISSIPPI REAL ESTATE COMMISSION

IN RE: Resident Broker License of Vickey Ward (#16228)

ORDER

THIS CAUSE came before the Mississippi Real Estate Commission (sometimes hereinafter "Commission") pursuant to authority of §§73-35-1, *et seq.*, Miss. Code Ann. (1972), as amended. The Commission conducted a hearing on the formal Notice of Administrative Closure of License File served upon Vickey Ward, Broker, at its offices at 4780 I-55 North, Jackson, Mississippi, on Tuesday, October 13, 2020 at approximately 11:30 a.m. Licensee Vickey Ward was noticed to appear at the hearing but was not present. The Commission recognized its quorum and opened the hearing. The hearing was conducted with documentary evidence being admitted as exhibits and the verbatim transcript of the hearing being taken by an official court reporter. The Commission issues its Findings of Fact, Conclusions of Law and issues its Order as set forth hereinafter based upon evidence that was clear and convincing.

FINDINGS OF FACT

I.

The Mississippi Real Estate Commission is charged by Mississippi law with the regulation of the licensing and practice of real estate brokers in Mississippi, including qualifications for initial and renewal licensure, pursuant to the Real Estate Brokers License Law of 1954, §§73-35-1, *et seq.*, Miss. Code Ann. (1972), as amended. Pursuant to this authority, the Commission has jurisdiction over the parties and of the subject matter herein.

II.

Vickey Ward (sometimes hereinafter “Ward”) is an adult resident citizen of Mississippi, whose last known address of record with the Commission is 106 Elizabeth Dr., Brandon, Mississippi 39042. Ward is the holder of a real estate broker’s license, no. 16228, issued by the Commission pursuant to §§73-35-1, *et seq.*, Miss. Code Ann. (1972), as amended, and, as such, she is subject to all of the provisions, rules, regulations and statutes governing the practice of real estate and licensing of real estate brokers under Mississippi law.

III.

Vickey Ward, Broker, was served with a written Notice of Administrative Closure of License File from the Commission which notice was dated September 11, 2020. At the time of service of said notice, Ward’s license status was “inactive,” Ward having voluntarily placed her broker’s license in inactive status on or about December 11, 2018. On the October 13, 2020 date of the Commission hearing, Ward’s license remained in inactive status. Documentary evidence of Ward’s inactive status obtained from the Commission’s licensee database was admitted into evidence at the Commission hearing.

IV.

After July 1, 2016, and pursuant to a fingerprint-based background check mandated by Miss. Code Ann. §73-35-10, the Commission obtained documentary evidence of a 1989 Arkansas felony conviction of Vickey Ward for “theft of property.” A copy of the record reflecting the felony conviction was obtained from the United States Department of Justice/Federal Bureau of Investigation, Criminal Justice Information Services Division, through the Mississippi Department

of Public Safety, and said copy of the record of felony conviction of Vickey Ward was admitted into evidence at the Commission hearing.

V.

On or about November 30, 2000, the Commission received an Application for Resident Salesperson's License bearing the sworn signature of Vickey Ward. A specific question on the referenced application, Question #13, required Ward to state if she had "ever been convicted of any criminal offense or entered a plea of guilty/nolo contendere." Ward responded "No" in response to the question regarding any prior conviction despite having been convicted of felony theft of property in 1989. In an Affidavit section of the application, Ward gave her signed and sworn certification that "all of the information given in [the] application is true and correct..." when, in fact, Ward knowingly and falsely represented on the application she had no criminal conviction. Based on Ward's sworn application which contained a knowingly false representation, the Commission issued Ward a real estate salesperson's license. A copy of Ward's November 2000 Application for Resident Salesperson's License was admitted into evidence at the Commission hearing.

VI.

On or about March 2, 2004, the Commission received an Application for Broker's License bearing the sworn signature of Vickey Ward. A specific question on the referenced application, Question #12, required Ward to state if she had "ever been convicted of any criminal offense." Ward responded "No" in response to the question regarding any prior conviction despite having been convicted of felony theft of property in 1989. In an Affidavit section of the application, Ward gave her signed and sworn certification that "all of the information given in [the] application is

true and correct...” when, in fact, Ward knowingly and falsely represented on the application she had no criminal conviction. Based on Ward’s sworn application which contained a knowingly false representation, the Commission issued Ward a real estate broker’s license, no. 16228. A copy of Ward’s March 2004 Application for Broker’s License was admitted into evidence at the Commission hearing.

VII.

On or about October 2, 2020, the Commission received written correspondence from licensee Vickey Ward. Therein, Ward informed the Commission of the voluntary closure of her broker’s license and otherwise did not contest or deny the allegations set forth in the Commission’s September 11, 2020 Notice of Administrative Closure of License File. A copy of Ward’s October 2, 2020 correspondence was admitted into evidence at the Commission hearing.

VIII.

Licensee Vickey Ward, Broker, willfully and/or fraudulently misrepresented or withheld the true status of her felony criminal history upon application to the Commission for licensure and thereafter. Ward had a continuing duty to truthfully disclose the status of her criminal record to the Commission.

CONCLUSIONS OF LAW

IX.

The Commission finds, upon clear and convincing evidence introduced at the Commission hearing of this cause, the above and foregoing described facts, and actions and omissions of Vickey Ward, Broker, constitute violations of the Real Estate Brokers License Law of 1954, §§73-35-1,

et seq., Miss. Code Ann. (1972), as amended, and the Rules and Regulations of the Commission and, more specifically, Miss. Code Ann. §73-35-10, §73-35-21 and Rules 3.1F and 5.1B which provide, in relevant parts:

§73-35-10(2)

(a) The commission must ensure that applicants for real estate licenses do not possess a background that could call into question public trust. An applicant found by the commission to possess a background which calls into question the applicant's ability to maintain public trust shall not be issued a real estate license.

(b) The commission shall not issue a real estate license if:

(ii) The applicant has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic or foreign court:

2. At any time preceding the date of the application, if such felony involved an act of fraud, dishonesty or a breach of trust, or money laundering.

§73-35-21(1)

The commission may, upon its own motion ... hold a hearing for the refusal of license or for the suspension or revocation of a license previously issued, or for such other action as the commission deems appropriate. The commission shall have full power to refuse a license for cause or to revoke or suspend a license where it has been obtained by false or fraudulent representation, or where the licensee ... is deemed to be guilty of:

(g) Entering a guilty plea or conviction in a court of competent jurisdiction of this state, or any other state or the United States of any felony;

(n) Any act or conduct, whether of the same or a different character ... which constitutes or demonstrates bad faith, ... untrustworthiness, or dishonest, fraudulent or improper dealing...

Rule 3.1F 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.

Rule 5.1B Every licensee shall, within ten days, notify the Real Estate Commission of any adverse court decisions in which the licensee appeared as a defendant.

ORDER

Having issued its Findings of Fact and Conclusions of Law based upon clear and convincing evidence introduced at the Commission hearing of the above styled cause, the Commission hereby issues its Order as follows:

1. The license of Vickey Ward, Broker, currently in inactive status, shall not be reactivated or renewed and the Commission license file for Vickey Ward, No. 16228, shall be and is hereby CLOSED.

This Order shall become effective thirty (30) days from the date of this Order.

This the 6 day of November, 2020.

MISSISSIPPI REAL ESTATE COMMISSION

By: 

KEN AUSTIN, Chairperson, For and on Behalf of the
Mississippi Real Estate Commission

