

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. 26-001-P

PATRICK WILLIAM LUCEY,
Licensed Real Estate Salesperson
License No. WV0028138
Respondent.

CONSENT DECREE

Respondent Patrick William Lucey ("Respondent") and the West Virginia Real Estate Commission ("Commission") enter into the following Consent Decree for the purpose of resolving the above-styled complaint. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact, Conclusions of Law, and disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. Respondent is a licensed real estate salesperson in the State of West Virginia, holding license number WV0028138.
2. On July 7, 2025, the Commission received a Formal Complaint filed by Cayden Samuels alleging that Respondent violated the Real Estate License Act with respect to Respondent's representation of Mr. Samuels in his purchase of a property located at 116 Stewarts Hill Road, Wheeling, West Virginia, ("Subject Property") in late 2024.

3. At the time of the events described in the Formal Complaint, Respondent was licensed with Citywide Realty, Inc., in Wheeling, West Virginia.

4. The Commission's review of the Complaint, accompanying documents, and Respondent's response revealed that septic tank on the Subject Property failed a dye test, requiring the tank to be pumped the following day. The invoice from the company that performed the pumping noted that the "baffles are in good working condition."

5. Mr. Samuels then asked Respondent if the tank should be re-inspected, to which Respondent stated, "No. When it was pumped. They checked the baffles. The baffles are usually the only thing that ever goes wrong with the septic. The baffles are in good working condition."

6. Mr. Samuels relied upon Respondent's knowledge and representation in deciding to forgo further inspection of the septic tank.

7. In reality, although the baffles were working, the entire septic system needed to be replaced because the leach field had collapsed.

8. At its August 20, 2025, meeting, the Commission determined there was probable cause to conclude that Respondent violated the *West Virginia Real Estate License Act* and authorized the proposal of a consent decree to resolve the matter.

CONCLUSIONS OF LAW

1. Pursuant to the *West Virginia Real Estate License Act*, West Virginia Code § 30-40-1, et seq., the Commission is charged with the regulation of the practice of real estate brokerage in this State, and, thus, has jurisdiction over this Formal Complaint.

2. In relevant part, West Virginia Code § 30-40-7(1) authorizes the Commission to impose sanctions for violations of the *West Virginia Real Estate License Act*, including, but not

limited to, an administrative fine not to exceed \$1,000 per day per violation; probation; revocation; suspension; restitution; additional education; denial of future license; downgrade of license; reprimand; and/or the return of compensation collected from an injured consumer.

3. West Virginia Code § 30-40-19(a)(3) authorizes the Commission to sanction a licensee if the licensee “[m]akes any false promises or representations of a character likely to influence, persuade, or induce a person involved in a real estate transaction[.]”

4. Additionally, West Virginia Code § 30-40-19(a)(37) authorizes the Commission to sanction a licensee if the licensee “[e]ngages in any act or conduct which constitutes or demonstrates...incompetency [.]”

5. Respondent violated West Virginia Code § 30-40-19(a)(3) and/or West Virginia Code § 30-40-19(a)(37) by representing to Mr. Samuels that the septic system on the Subject Property did not require re-inspection, knowing that Mr. Samuels would rely on Respondent’s representation, when in fact the septic system required re-inspection to reveal its failure.

CONSENT

By signing below, Respondent agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges the Findings of Fact set forth above, admits that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consents to the entry of the following Order:

ORDER

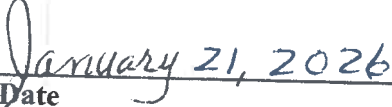
On the basis of the foregoing, the Commission hereby ORDERS as follows:

1. Respondent shall pay a fine in the amount \$500.00, payable to the State of West Virginia.
2. Unless extended in writing by the Commission, all fines shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission. The fine shall be paid by certified check made payable to the State of West Virginia and sent directly to the Commission's Office.
3. Any deviation from the requirements of this Consent Decree, without the prior written consent of the Commission, shall constitute a violation of an order of the Commission and may result in further disciplinary action, including, but not limited to, suspension of Respondent's license. The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree. In the event Respondent contests the alleged violation of the Consent Decree, Respondent is entitled to a hearing to challenge the alleged violation. Such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code §§ 30-1-8 and 30-40-1 *et seq.* and any procedural rules promulgated by the Commission.

CONSENT DECREE AGREED TO BY:



PATRICK WILLIAM LUCEY, Salesperson



Date

ENTERED into the records of the Real Estate Commission this:

22 day of January, ~~2025~~ 2026

WEST VIRGINIA REAL ESTATE COMMISSION.

By:

K L Ferro

Keri L. Ferro, Executive Director