

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. 26-011-C

MELANIE PRATT DIMAIO,
Licensed Real Estate Salesperson
License No. WV0002806

and

EVA MELISSA DANIELS,
Licensed Real Estate Broker
License No. WWSB250301085
Respondents.

CONSENT DECREE

Respondent Melanie Pratt Dimaio (“Respondent Dimaio”), Respondent Eva Melissa Daniels (“Respondent Daniels”), 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 each 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 Dimaio is a licensed real estate salesperson in the State of West Virginia.
2. Respondent Daniels is a licensed real estate broker in the State of West Virginia.

3. At all times relevant, Respondent Daniels served as the broker for Collective RE, Inc., in Martinsburg, West Virginia. Respondent Dimaio, at all times relevant, practiced as a salesperson under Respondent Daniel's supervision.

4. Real estate licenses must be renewed annually, on or before June 30.

5. Respondent Dimaio failed to renew her license on active status on or before June 30, 2025 for the 2026 licensure year. Thus, her license expired on July 1, 2025.

6. While her license was expired, Respondent Dimaio listed a property for sale in Ridgeley, West Virginia.

7. Respondent Dimaio renewed her license on active status on August 28, 2025.

8. On October 8, 2025, the Commission initiated the present complaint against Respondents.

9. Respondent Daniels submitted a written response to the Complaint acknowledging that Respondent Dimaio's failure to renew her license was an oversight related to a transition between brokerages during this time.

10. At its December 10, 2025, meeting, the Commission determined there was probable cause to conclude that both Respondents violated the *West Virginia Real Estate License Act* and authorized the proposal of a consent decree to informally 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(l) 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)(19) authorizes the Commission to sanction a licensee if the licensee “[v]iolates any of the provisions of the *West Virginia Real Estate License Act*], any rule or order or final decision issued by the commission.” West Virginia Code § 30-40-17(a)(5) mandates that a real estate broker “[m]aintain in his or her custody and control the license of each associate broker and salesperson employed by him or her[.]”

4. West Virginia Code § 30-40-19(a)(23) authorizes the Commission to sanction a licensee if the licensee “[c]ontinues in the capacity of or accepts the services of any broker, associate broker, or salesperson who is not properly licensed[.]”

5. Also, with respect to a broker, West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if the licensee “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her[.]”

6. By allowing Respondent Dimaio to continue practicing real estate while her license was expired, Respondent Daniels violated West Virginia Code §§ 30-40-17(a)(5), 30-40-19(a)(23), and 30-40-19(a)(30).

7. Respondent Dimaio violated West Virginia Code § 30-40-19(a)(23) by continuing in the capacity of a salesperson while not properly licensed to do so.

CONSENT

By signing below, each Respondent agrees to the following:

1. Respondents have had the opportunity to consult with counsel and execute 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 either Respondent to make this settlement other than as set forth herein. Respondents acknowledge that they may pursue this matter through appropriate administrative proceedings and are aware of their legal rights regarding this matter, but intelligently and voluntarily waive such rights.

2. Respondents acknowledge the Findings of Fact set forth above, admit that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consent to the entry of the following Order:

ORDER

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

1. Respondent Diamaio is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.

2. Respondent Daniels is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.

3. Unless extended in writing by the Commission, the fines shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission. The fines shall be paid by certified check made payable to the State of West Virginia and sent directly to the Commission's Office.

4. 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 Respondents' licenses. The Commission shall immediately notify Respondents via certified mail of the alleged violation of the Consent Decree. In the event Respondents contest the alleged violation of the Consent Decree, Respondents are 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:

DocuSigned by:
Eva Daniels 2/5/2026 | 11:26 PST
C904CDD8D8C648A
Eva Melissa Daniels, Broker **Date**

DocuSigned by:
Melanie Dimaio 2/5/2026 | 11:40 PST
1780ED1E95B1D945F
Melanie Pratt Dimaio, Salesperson **Date**

ENTERED into the records of the Real Estate Commission this:

5th day of February, 2026.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: Keri L. Ferro
Keri L. Ferro, Executive Director