

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint
No. 26-040-C

JAMES D. SCALO,
Licensed Real Estate Broker
License No. WVB240301023
Respondent.

CONSENT DECREE

Respondent James D. Scalo ("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 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 is a licensed real estate broker in the State of West Virginia. He is the broker for Burns Scalo Brokerage LLC, dba NAI Burns Scalo Brokerage Services in Pittsburgh, Pennsylvania.
2. At all times relevant, Respondent was the broker for Nicholas Scalo, who, until December 31, 2025, was a licensed real estate salesperson in the State of West Virginia. While licensed as a salesperson in this state, Nicholas Scalo practiced under Respondent's supervision.

3. Real estate licenses must be renewed annually, on or before June 30.
4. Nicholas Scalo completed his required continuing education classes for the 2026 licensure year as of June 30, 2025.
5. Although Nicholas Scalo had completed such continuing education requirements for the 2026 licensure year as of June 30, 2025, Nicholas Scalo failed to renew his salesperson license on active status on or before June 30, 2025, for the 2026 licensure year. Thus, his license expired on July 1, 2025. His license was subsequently cancelled because he failed to renew on or before December 31, 2025.
6. During the period his license was expired (July 1 – December 31, 2025) and cancelled (after December 31, 2025, and as late as March 24, 2026), Nicholas Scalo continued to practice real estate in the State of West Virginia while under Respondent's supervision.
7. On March 24, 2026, the Commission initiated the present complaint against Respondent. Nicholas Scalo was not named in the complaint as he was not then licensed in this state. As of April 20, 2026, Nicholas Scalo has become relicensed in this state.
8. Respondent submitted a written response acknowledging that Nicholas Scalo failed to renew his license but asserted that such failure was due to administrative oversight.
9. Respondent has asserted that it has implemented additional internal controls in an attempt to ensure that no such administrative oversight occurs again.
10. At its May 14, 2026, 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 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 Nicholas Scalo to continue practicing real estate while his license was both expired and cancelled, Respondent violated West Virginia Code §§ 30-40-17(a)(5), 30-40-19(a)(23), and 30-40-19(a)(30).

CONSENT

By signing below, Respondent agrees to the following:

1. Respondent has 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 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 \$1,000.00, payable to the State of West Virginia.

2. Respondent is also assessed the Commission's administrative costs associated with this matter, including its attorney fees, totaling \$140.00.

3. Unless extended in writing by the Commission, the fine and costs totaling \$1140.00 shall be paid within thirty (30) days of entry of this Consent Decree by the Commission. The fine and costs 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 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:



JAMES D. SCALO, Broker

6/15/24

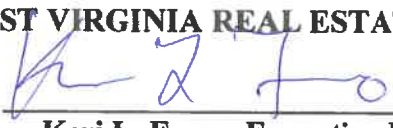
Date

ENTERED into the records of the Real Estate Commission this:

16th day of June, 2026.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:



Keri L. Ferro, Executive Director