

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-24-024

CASEY MICHELLE LAMBERT,
Licensed Real Estate Salesperson
License No. WVS210301821
Respondent.

CONSENT DECREE

Respondent Casey Michelle Lambert (“Respondent Lambert”) 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 party 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 Lambert is a licensed real estate salesperson in the State of West Virginia, holding license number WVS210301821.
2. At all times relevant, Respondent Lambert practiced under the supervision of Licensed Real Estate Broker George Thomas Garten, Greenway’s Real Estate and Auction, Inc., in White Sulphur Springs, West Virginia.
3. Real estate licenses must be renewed annually, on or before June 30.

4. Respondent Lambert failed to properly renew her license on active status on or before June 30, 2023 for the 2024 licensure year. Thus, her license expired on July 1, 2023.

5. The Commission received a license status update form on October 30, 2023, to reactivate Respondent Lambert's license.

6. Respondent Lambert continued to practice real estate by being involved in five listings and two sales during the period in which her license was expired.

7. On December 12, 2023, the Commission initiated the present complaint against Respondent Lambert and Mr. Garten.

8. On January 3, 2024, Mr. Garten submitted a response to the complaint and acknowledged that the Respondent Lambert's failure to renew her license was an oversight.

9. Mr. Garten passed away on January 4, 2024.

10. At its regularly-scheduled meeting on January 24, 2024, the Commission determined there was probable cause to conclude that Respondent Lambert 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(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)(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.”

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. Respondent Lambert 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. 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 she may pursue this matter through appropriate administrative proceedings and is aware of her 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 Lambert is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.
2. Unless extended in writing by the Commission, the fine shall be paid within ninety (90) 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:



Casey M. Lambert, Salesperson

3/6/24

Date

ENTERED into the records of the Real Estate Commission this:

7th day of March, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director