



State of West Virginia
Office of the Attorney General
State Capitol Complex
Building 6, Suite 402
Charleston, WV 25305

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WV REAL ESTATE
COMMISSION

Patrick Morrissey
Attorney General

(304) 558-8989
Fax (304) 558-4509

January 13, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

John H. Gilliland
President and CEO
Investment Real Estate LLC
10 Bentzel Mill Road
York, PA 17404

Re: *W.Va. Real Estate Commission v. Gilliland*
Formal Complaint No. C-22-020

Dear Mr. Gilliland:

I am counsel to the West Virginia Real Estate Commission and assist with the handling of its Formal Complaints. The Commission recently determined that probable cause exists to conclude that your conduct in the above-referenced complaint violated the *West Virginia Real Estate License Act*. However, in order to resolve the complaint without proceeding through the formal hearing process, the Commission has authorized me to offer the enclosed Consent Decree.

You will find that the Consent Decree contains specific findings, as well as an agreed-to resolution. Please review the Consent Decree, and, if acceptable, sign and return it to the Commission no later than twenty (20) days from receipt of this correspondence. If you have any questions, please do not hesitate to contact me at (304) 558-8989.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony D. Eates II".

Anthony D. Eates II
Deputy Attorney General

cc. Jerry A. Forren, WVREC

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-22-020

JOHN HAYES GILLILAND,
Licensed Real Estate Broker
License No. WV0028894
Respondent.

CONSENT DECREE

Respondent John Hayes Gilliland (“Respondent Gilliland”) 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 the 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 Gilliland is a licensed real estate broker in the State of West Virginia, holding license number WV-0028894.
2. At all times relevant, Respondent Gilliland served as the responsible broker for Investment Real Estate, LLC, located in York, Pennsylvania.
3. Real estate licenses must be renewed annually, on or before June 30.

4. Respondent Gilliland failed to properly renew his license on active status on or before June 30, 2021 for the 2022 licensure year. Thus, his license expired on July 1, 2021, and, remained on expired status until August 30, 2021 when the license was renewed on active status.

5. The Commission requested that Respondent Gilliland submit information for any listings and sales that he handled during the period that his license was expired. Respondent Gilliland submitted a written response stating that he listed one property on or about August 24, 2021, during the period that his license was expired.

6. On November 2, 2021, the Commission initiated the present complaint against Respondent Gilliland.

7. At its regularly-scheduled meeting on December 15, 2021, the Commission determined there was probable cause to conclude that Respondent Gilliland violated the *West Virginia Real Estate License Act*, but 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.” 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. Respondent Gilliland violated West Virginia Code § 30-40-19(a)(23) by continuing in the capacity of a broker while not properly licensed to do so.

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 either 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 waive 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 Gilliland is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the State of West Virginia.

2. Respondent Gilliland shall pay his fine within thirty (30) days of the entry of this Consent Decree by the Commission by check or money order 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.

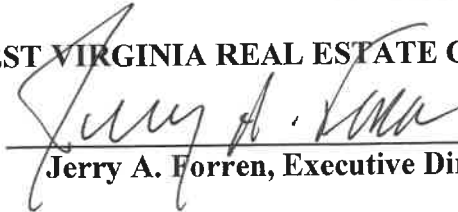
CONSENT DECREE AGREED TO BY:


_____ Date 1/28/22
John Hayes Gilliland, Broker

ENTERED into the records of the Real Estate Commission this:

4th day of February, 2022.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
_____ Jerry A. Forren, Executive Director