

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

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JAN 21 2016  
WV Real Estate  
Commission

WEST VIRGINIA REAL ESTATE COMMISSION,

*Complainant,*

v.

Formal Complaint No. C-16-020

JESSICA JONES,  
Licensed Broker  
License No. WV0025012

**CONSENT DECREE**

Now comes the Respondent, Jessica Jones ("Respondent"), and the West Virginia Real Estate Commission (hereinafter sometimes referred to as the "Commission" or "Complainant), by Cheryl Dawson, its Chairman, for the purpose of resolving a complaint filed against Respondent by the West Virginia Real Estate Commission. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in this Consent Decree concerning the proper disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

**FINDINGS OF FACT**

1. The Commission, as the state entity created to regulate the conduct of real estate brokers, associate brokers and salespersons, has jurisdiction over this Complaint.
2. Respondent Jessica Jones is a real estate broker licensed by the Commission, holding license number WV0025012 and serving as the broker for Full Service, LLC dba Full Service Realty in Parkersburg, West Virginia ("Full Service Realty").

3. On November 18, 2015, the Commission initiated a complaint alleging that Respondent had failed to adequately supervise a salesperson employed by her. Specifically, the complaint alleged and provided documentation showing:

a. Jeremy Alan Crites is a real estate salesperson licensed by the Commission, holding license number WV0028614 and serving as a salesperson for Full Service Realty;

b. Jeremy Alan Crites falsified his 2015-2016 renewal by indicating he had completed seven (7) hours of continuing education on May 28 and 29, 2015, although the continuing education was not completed until October 26, 2015, after a continuing education audit;

c. Respondent failed to adequately supervise her salesperson, Jeremy Alan Crites, by neglecting to ensure that Mr. Crites had completed the seven (7) hours of continuing education required in order to maintain his real estate license in an "Active" status, and certifying that Mr. Crites' falsified application for renewal was true and correct.

4. The complaint, dated November 19, 2015, was sent to Respondent and Mr. Crites, both of whom signed a timely response admitting the allegations.

5. The Commission found probable cause to proceed against Respondent at its meeting on December 16, 2015.

6. The Commission finds that, in certifying the falsified renewal application, Respondent failed to adequately supervise a salesperson employed by her, in violation of W. Va. Code § 30-40-19(a)(30).

7. The Commission has incurred expenses in the prosecution of this complaint in the amount of Two Hundred Sixty Dollars (\$260.00), which expenses relate solely to the

Commission's legal expenses and do not include costs reflecting time expended by Commission staff and other expenses incurred by the Commission.

### **CONCLUSIONS OF LAW**

1. West Virginia Code § 30-40-1 *et seq.*, vests the Commission with the authority and responsibility to regulate real estate brokers, associate brokers and salespersons in the State of West Virginia.

2. West Virginia Code § 30-40-7 requires every licensee to complete seven (7) hours of continuing education for each fiscal year.

3. West Virginia Code § 30-40-7 gives the Commission all the powers set forth in West Virginia Code § 30-1-1 *et seq.*, and additional powers, including in West Virginia Code § 30-40-7 (l) the discretionary power to “impose one or more sanctions as considered appropriate in the circumstances for the discipline of a licensee. Available sanctions include, but are not limited to, denial of a license or renewal thereof, administrative fine not to exceed one thousand dollars per day per violation, probation, revocation, suspension, restitution, required additional education, censure, denial of future license, downgrade of license, reprimand or order the return of compensation collected from an injured consumer.”

4. Pursuant to W. Va. Code § 30-40-19(a)(1), the Commission may suspend, revoke or otherwise sanction a licensee who “[o]btains, renews or attempts to obtain or renew a license, for himself, herself or another, through the submission of any application or other writing that contains false, fraudulent or misleading information.”

5. West Virginia Code § 30-40-19(a)(30) provides that the Commission has the authority to revoke, suspend or otherwise discipline a licensed broker if the broker “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her.”

6. The Respondent's certification of her salesperson's false renewal application, which allowed the salesperson to renew his license through the submission of an application that contained false information, constitutes a violation of W. Va. Code § 30-40-19(a)(1) and also constitutes a failure to supervise, in violation of West Virginia Code § 30-40-19(a)(30).

7. The above violations render the Respondent's license subject to discipline by the Commission.

8. The Commission may assess administrative costs. West Virginia Code § 30-40-21(g). Costs shall be placed in the account of the Commission, and any fine shall be deposited in the state treasury's general revenue account. West Virginia Code § 30-1-8(a).

### **CONSENT**

Respondent, by signing below, agrees to the following:

1. Respondent is not represented by 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 and/or court proceedings and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the findings above and the entry of the following Order affecting her conduct as a real estate broker.

### **ORDER**

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

1. Respondent is hereby **REPRIMANDED**.
2. Respondent shall pay a fine in the amount of Five Hundred Dollars (\$500.00).
3. Respondent shall also pay the costs associated with this Complaint in the amount of Two Hundred Sixty Dollars (\$260.00).

4. The total payment of Seven Hundred Sixty (\$760.00) shall be paid by certified check or money order made payable to the State of West Virginia and sent directly to the Commission's Office within thirty (30) days of the entry of this Consent Decree by the Commission.


5. 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 upon action by the Commission, result in the summary suspension of the non-compliant Respondent's license until such time as the non-compliant Respondent achieves full compliance.

The Commission shall immediately notify the non-compliant Respondent via certified mail of the alleged violation of the Consent Decree and the summary suspension of Respondent's license. The Respondent may request probationary reinstatement of the license through renewal of this Consent Decree, or execution of a new Consent Decree which may contain different or additional terms. The Commission is not bound to comply with Respondent's request for probationary reinstatement.

In the event Respondent contests the allegations of violation of the Consent Decree resulting in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of her license. Any 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.

At its discretion, the Commission also may schedule a hearing on its own initiative for the purpose of allowing the Commission to consider further discipline against Respondent based upon Respondent's violation of this Order of the Commission.

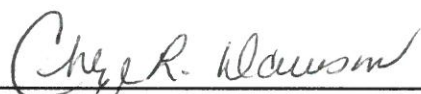
**AGREED TO BY:**

  
JESSICA JONES

1/12/16  
DATE

ENTERED into the records of the Real Estate Commission this 27 day of January, 2016.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
CHERYL L. DAWSON,  
COMMISSION CHAIRMAN