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BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION **WV. REAL ESTATE COMMISSION**

**WEST VIRGINIA
REAL ESTATE COMMISSION,**

Complainant,

v.

Complaint No. C-16-29

**BILLY JOE GREATHOUSE,
Licensed Real Estate Broker
License No. WV-0018813**

**CORY B. GREATHOUSE,
Licensed Real Estate Salesperson
License No. WV-0023365**

Respondents.

CONSENT DECREE

The Respondents, Billy Joe Greathouse (hereinafter "Respondent Broker") and Cory B. Greathouse ("Respondent Salesperson") (collectively "Respondents"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Cheryl L. Dawson, its Chairman, enter into the following Consent Decree for the purpose of resolving the above-styled complaint that has been filed against Respondents. As reflected in this Consent Decree, the parties have reached an agreement in which Respondents agree and stipulate 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 is a state entity created by W. Va. Code § 30-40-1 *et seq.*, and is authorized to regulate the conduct of real estate brokers, associate brokers and salespersons.

2. Respondent Billy Joe Greathouse is a licensed real estate broker in the State of West Virginia, holding license number WV-0018813, and serves as the broker for Greathouse Realty ("Respondent's brokerage"), located at 2889 Pennsylvania Avenue, Weirton, West Virginia 26062.

3. Respondent Broker is the responsible broker for Respondent Cory B. Greathouse, a licensed real estate salesperson in the State of West Virginia, holding license number WV-0023365.

4. On April 20, 2016, the Commission initiated the above-styled complaint, which was served by certified mail and received on June 15, 2016, by each Respondent.

5. The Complaint alleges that Respondent Broker failed to ensure the license of one of his salespersons had been renewed prior to engaging in real estate activities on behalf of Respondent's brokerage and that Respondent Salesperson continued to do business during the 2015-2016 licensure year even though he failed to renew his license until November 18, 2015.

6. Respondent broker submitted a timely response through counsel admitting the allegations, stating that he had not requested documentation from any of his fifteen (15) salespeople that they had completed the necessary continuing education requirements, and informing the Commission that Respondent Salesperson was removed as an office manager of the Weirton office and removed as a signatory to office accounts as a result of the conduct set forth in the Complaint.

7. Respondent Salesperson, by separate response, stated it was his duty as office manager to verify the completion of continuing education and admitted he handled the situation improperly.

8. Based on the responses received, the Commission, at its meeting on July 20, 2016, found probable cause to proceed against Respondents for violation of West Virginia Code §§ 30-40-19(a)(23) and (30) and related legislative rules.

9. The parties have agreed to settle the Complaint informally through the entry of this Consent Decree.

10. The Commission has incurred expenses in the prosecution of this complaint in an amount in excess of Three Hundred Ninety Dollars (\$390.00), 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 § 30-40-19(a)(23) provides that the Commission may revoke, suspend or otherwise discipline 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."

3. Respondent Broker accepted the services of Respondent Salesperson, who was unlicensed from July 1, 2015 to November 18, 2015, rendering both in violation of W. Va. Code § 30-40-19(a)(23).

4. 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.”

5. Respondent’s failure to confirm that all licenses of his salespeople had been renewed for the 2015-2016 licensure year, which would have revealed Respondent Salesperson’s failure to renew his license, evidences his failure to supervise his employees, in violation of W. Va. Code § 30-40-19(a)(30).

6. Any licensee who does not register as required by W. Va. Code R. § 174-1-13, but continues to operate when a license is required, is in violation of the West Virginia Real Estate License Act. W. Va. Code R. § 174-1-13.2.

7. Respondent Salesperson’s continued operation during the unlicensed period violates W. Va. Code R. § 174-1-13.2.

8. The Commission may assess administrative costs, which shall be placed in the account of the Commission. Any fine shall be deposited in the state treasury’s general revenue account. W. Va. Code § 30-1-8(a).

CONSENT

By signing below, Respondent Billy Joe Greathouse and Respondent Cory B. Greathouse, individually or collectively as applicable, agree to the following:

1. Respondent Broker, by counsel, and Respondent Salesperson, who has had the opportunity to consult with counsel, 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 Respondents 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 to their respective violations set forth above in the Conclusions of Law, and consent to the entry of the following Order:

ORDER

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

1. Respondents are hereby REPRIMANDED.
2. Each Respondent shall pay a fine in the amount of Five Hundred Dollars (\$500.00), payable to the State of West Virginia.
3. Respondents shall also pay the costs associated with this Complaint in the amount of Three Hundred Ninety Dollars (\$390.00).
4. The total payment of One Thousand Three Hundred Ninety Dollars (\$1,390.00) 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 the 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.
6. 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 the

non-compliant Respondent's license. The non-compliant 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 the non-compliant Respondent's request for probationary reinstatement.

7. In the event the non-compliant Respondent contests the allegations of violation of the Consent Decree resulting in the suspension of the non-compliant Respondent's license, the non-compliant Respondent may request a hearing to seek reinstatement of his 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.

8. 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 the non-compliant Respondent based upon Respondent's violation of this Order of the Commission.

AGREED TO BY:


BILLY JOE GREATHOUSE

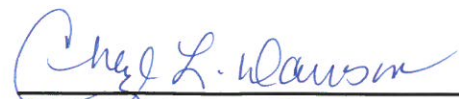
10-6-16
DATE


CORY B. GREATHOUSE

10-6-16
DATE

ENTERED into the records of the Real Estate Commission this 20 day of OCTOBER, 2016.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
CHERYL L. DAWSON
Its: CHAIRMAN

