

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

**Complaint No. C-17-003
Consolidated with C-17-008**

**JOHN WAYNE OREM
Licensed Real Estate Broker
License No. WV-0003150**

Respondent.

CONSENT DECREE

Now comes the Respondent John Wayne Orem (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Cheryl L. Dawson, its Chairman, for the purpose of resolving the above-referenced complaints filed against Respondent by the Commission. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent hereby agrees and stipulates to the Proceedings, Conclusions of Law and Order 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:

PROCEEDINGS

1. The Commission is a state entity created by W. Va. Code § 30-40-1 *et seq.*, and is empowered to regulate the conduct of real estate brokers, associate brokers and salespersons.
2. Respondent Orem is a real estate broker licensed by the Commission, holding license number WV-0003150, and currently is the Broker for John Orem & Associates LLC dba East Coast Realty.

3. The Commission initiated C-17-003 against Respondent on July 20, 2016, and found probable cause to proceed on November 14, 2016.

4. The Commission initiated C-17-008 against Respondent on November 14, 2016, and found probable cause to proceed on January 18, 2017.

5. Respondent, represented by Counsel, was proceeding to hearing on the two complaints, but by agreement of the parties, it was agreed to resolve the matter as set forth in the Order below without setting forth findings of fact in this Consent Decree.

6. This agreement was premised on Respondent's representation that he would surrender his broker's license for a two-year period, after which time he would be eligible to apply for his broker's license as set forth below; that he would immediately cease conducting real estate transactions in West Virginia through John Orem & Associates LLC until such time as the brokerage is under the supervision of a licensed broker who has followed the Commission's procedure for becoming the supervising broker of John Orem & Associates LLC; that he will not attempt to conduct real estate transactions in West Virginia through any other real estate brokerage for which he or his spouse are owners or principals unless there is a licensed supervising broker; and that he will pay the administrative costs in the discounted amount agreed to below.

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

8. The Commission has incurred expenses in the prosecution of this Complaint in excess of Fifteen Thousand Dollars (\$15,000.00), which expenses include the Commission's legal expenses, expenses incurred in connection with evidentiary depositions agreed to by the parties, expenses related to the administrative law judge, and a portion of the time expended by the Commission's investigator, but does not include other expenses incurred by the Commission in the investigation and prosecution of this Complaint.

CONCLUSIONS OF LAW

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

2. Pursuant to West Virginia Code § 30-40-19(a)(19), the Commission has the authority to revoke, suspend or otherwise discipline a licensee if the licensee “[v]iolates any of the provisions of this article, any rule or any order or final decision issued by the commission.”

3. The parties agree to settle this matter while foregoing the itemization of sections in West Virginia Code § 30-40-19(a)(19) which the Commission sought to prove and for which Defendant had the right to defend.

CONSENT

Respondent, by the execution hereof, agrees to the following:

1. Respondent is 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 he is aware that he may pursue this matter through appropriate administrative and/or court proceedings and is aware of other legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the entry of the following Order affecting his conduct as a real estate broker.

ORDER

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

1. Respondent Orem agrees to **SURRENDER** his broker's license forthwith, and the same is invalidated effective on the date of entry of this Order.
2. Respondent shall pay the costs associated with this Complaint in the significantly discounted amount of Ten Thousand Dollars (\$10,000.00), with Six Thousand Dollars (\$6,000) to be paid on or before December 10, 2017.
3. Respondent is **PROHIBITED** from conducting any real estate business through John Orem & Associates LLC or any other business in which Respondent or his wife is a principal unless and until a licensed broker has assumed supervision of the business in accordance with the procedures of the Commission.
4. Respondent is further **ORDERED** to **CEASE AND DESIST** from engaging in any activity or conduct regulated by the Commission until such time as he is licensed to engage in such activity or conduct.
5. The balance of the administrative costs shall be paid on or before March 31, 2017, each payment to be in an amount not less than One Thousand Dollars (\$1,000.00) per payment. Payment of all administrative costs shall be made by check or money order payable to the State of West Virginia and sent directly to the Commission.
6. Respondent is eligible for a salesperson's license upon payment of the initial Six Thousand Dollars (\$6,000.00) of administrative costs, and such salesperson license may be applied for and obtained pursuant to West Virginia Code R. § 174-1-19 even though Respondent will not at that time hold a valid broker's license.
7. Respondent is eligible to apply for a broker's license two years after the date of entry of this Consent Order if Respondent has complied with all the terms set forth above,

including payment in full of the administrative costs agreed to herein. Such application shall not be pursuant to West Virginia Code R. § 174-1-19 even if Respondent at that time holds a current salesperson's license, but shall be in accordance with the requirements of the Commission for an initial broker's license, which shall include a background check.

8. Notwithstanding the procedures of the Commission set forth in statute, rule or otherwise, in the event Respondent obtains and seeks to renew a license with the Commission, Respondent is **PROHIBITED** from obtaining his continuing education required for renewal from on-line classes or other distance learning, but is required to attend all such continuing education in person and sign an affidavit regarding such attendance under penalty of false swearing.

9. 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 further action of the Commission, including the filing of additional charges and/or the summary suspension of any license issued by this Commission to Respondent, until such time as Respondent achieves full compliance.

The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree and the summary suspension of Respondent's license. 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 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.

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:



11/29/2017 | 4:32 PM EST

JOHN WAYNE OREM, Respondent

DATE

ENTERED into the records of the Real Estate Commission this 7 day of December, 2017.

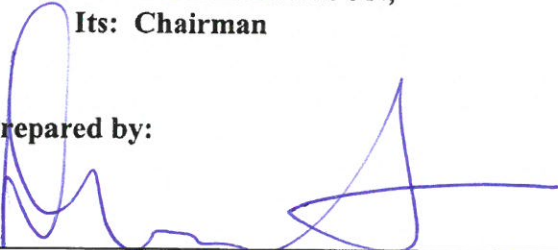
WEST VIRGINIA REAL ESTATE COMMISSION,

By:



CHERYL L. DAWSON,
Its: Chairman

Prepared by:



Debra L. Hamilton (WV Bar No. 1553)
Deputy Attorney General
OFFICE OF ATTORNEY GENERAL
State Capitol Building 1, Room 26-E
Charleston, WV 25302-0220

Counsel for West Virginia Real Estate Commission

Reviewed and approved by:



Christopher D. Janelle, Esq. (WV Bar No. 6068)
125 East King Street
Martinsburg, WV 25401

Counsel for Respondent