

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**  
*Complainant,*

**v.**

**Formal Complaint No. C-19-006**

**CORTNEY NICOLE BONNER,**  
**Licensed Salesperson**  
**License No. WV-0030466**  
*Respondent.*

**RECEIVED**

**FEB 04 2019**

**WV REAL ESTATE  
COMMISSION**

**CONSENT DECREE**

Respondent Cortney Nicole Bonner ("Respondent"), 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 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 is a licensed real estate salesperson in the State of West Virginia, holding license number WV-0030466.
2. On or about November 1, 2018, the Commission initiated the above-styled Formal complaint against Respondent based on Respondent's failure to disclose on her annual license renewal that she had been a party to a criminal proceeding in the prior 12 months.
3. Specifically, on or about April 6, 2018, Respondent was charged with the manufacture, delivery, or possession with the intent to manufacture or deliver, a Schedule I or II

narcotic, a felony offense. The charge was based on conduct allegedly committed by Respondent on or about September 18, 2017.

4. On Respondent's online application for renewal of her salesperson license for the licensure period ending on June 30, 2019 (licensure period July 1, 2018 - June 30, 2019), Respondent marked "No" to the following question: "Are you now or have you been, within the past 12 months: (1) a party to any civil suit or proceeding arising out of any transaction involving real property, other than actions for eviction or for the collection of back rent, or, (2) a party to any criminal proceeding other than a misdemeanor traffic violation?"

5. By letter to the Commission dated November 14, 2018, Respondent acknowledged her failure to disclose the arrest on the annual renewal form and stated that she believed her responsible broker had already reported her arrest to the Commission. Respondent further stated that, when she marked "No" on the renewal application, she believed the question was asking for incidents about which the Commission was not already aware. Respondent denied any attempt to intentionally mislead the Commission.

6. At its regular meeting on December 10, 2018, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondent's failure to disclose her arrest on the annual renewal form violated the *West Virginia Real Estate License Act*.

### **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(l) 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)(1) authorizes the Commission to sanction a licensee if the licensee “[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[.]”

4. West Virginia Code § 30-40-19(a)(2) authorizes the Commission to sanction a licensee if the licensee “[m]akes any substantial misrepresentation[.]”

5. 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.” Legislative Rule, 174 CSR 1 § 20.3 (2018) mandates that licensees report to the Commission when he or she is a defendant in any criminal proceeding other than a misdemeanor traffic violation.

6. Respondent’s failure to disclose the above-referenced criminal proceeding violates West Virginia Code §§ 30-40-19(a)(1), (2), and (19), and renders her license subject to discipline by the Commission.

### **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 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:

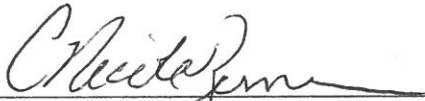
### **ORDER**

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

1. Respondent is hereby reprimanded.
2. Respondent shall pay a fine in the amount \$500.00 payable to the State of West Virginia.
3. Respondent shall also reimburse the Commission its costs associated with this Complaint and its attorney fees, in the amount of \$260.00.
4. The total payment of \$760.00 shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission by certified check or money order made payable to the State of West Virginia and sent directly to the Commission's Office.
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

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. 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.

**CONSENT DECREE AGREED TO BY:**

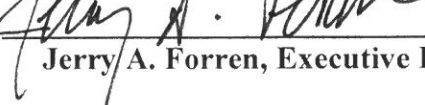
  
Cortney Nicole Bonner

1/30/19  
Date

**ENTERED into the records of the Real Estate Commission this:**

4<sup>th</sup> day of February, 2019.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
Jerry A. Forren, Executive Director