

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

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

v.

**Formal Complaint No. C-21-006**

**JAN REED HOOVER,  
Licensed Real Estate Broker  
License No. WV0006583**

**and**

**JODI LYNN WARNER,  
Licensed Real Estate Salesperson  
License No. WV0029204  
*Respondents.***

**CONSENT DECREE**

Respondent Jan Reed Hoover (“Respondent Hoover”), Respondent Jodi Lynn Warner (“Respondent Warner”), 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 each 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 Hoover is a licensed real estate broker in the State of West Virginia, holding license number WV0006583.
2. Respondent Warner is a licensed real estate salesperson in the State of West Virginia, holding license number WV0029204.
3. At all times relevant, Respondent Hoover served as the responsible broker for Respondent Warner.

4. Real estate licenses must be renewed annually, on or before June 30.
5. On June 21, 2019, Respondent Warner renewed her salespersons license on inactive status for the 2020 licensure year (July 1, 2019 to June 30, 2020).
6. On November 26, 2019, Respondent Hoover paid Respondent Warner, and Respondent Warner accepted, a referral fee in the amount of \$1082.90, while Respondent Warner was on inactive status.
7. At the time Respondent Hoover made the above payment to Respondent Warner, Respondent Hoover did not possess an active license for Respondent Warner.
8. On August 19, 2020, the Commission voted to initiate the present Formal Complaint against Respondent Hoover and Respondent Warner.
9. On October 9, 2020, at its regularly-scheduled meeting, the Commission determined there was probable cause to conclude that both respondents 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 § 30-40-17(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. Also with respect to a broker, West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if the licensee “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her[.]”

5. Respondent Hoover’s failure to maintain in her custody an active license for Respondent Warner and failure to ensure Respondent Warner was properly licensed while practicing real estate brokerage violates West Virginia Code §§ 30-40-17(a)(5), 19(a)(19), and 19(a)(30).

6. 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[.]”

7. Respondent Hoover violated West Virginia Code § 30-40-19(a)(23) by accepting the services of Respondent Warner, who was not properly licensed.

8. Respondent Warner violated West Virginia Code § 30-40-19(a)(23) by continuing in the capacity of a salesperson while not properly licensed to do so.

### **CONSENT**

By signing below, each Respondent agrees to the following:

1. Respondents have 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. Respondents

acknowledge that they may pursue this matter through appropriate administrative proceedings and are aware of their legal rights regarding this matter, but knowingly and voluntarily waive such rights.

2. Respondents acknowledge the Findings of Fact set forth above, acknowledge that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consent to the entry of the following Order:

**ORDER**

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

3. Respondent Hoover is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the West Virginia Real Estate Commission.

4. Respondent Warner is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the West Virginia Real Estate Commission.


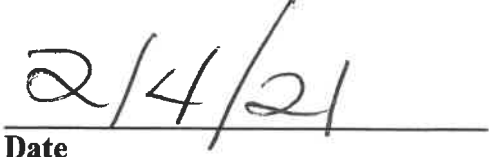


5. Respondents shall also reimburse the Commission its costs associated with this Complaint and its attorney fees, in the amount of \$390.00. Each respondent shall be responsible for one-half of this amount, totaling \$195.00 each.

6. Each respondent shall pay his/her fine and share of costs within thirty (30) days of the entry of this Consent Decree by the Commission by certified check or money order made payable to the West Virginia Real Estate Commission and sent directly to the Commission's Office.


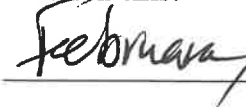
7. Any deviation from the requirements of this Consent Decree, without the prior written consent of the Commission, shall constitute a violation of an order of the Commission and may result in further disciplinary action, including, but not limited to, suspension of Respondents' licenses. The Commission shall immediately notify Respondents via certified mail of the alleged

violation of the Consent Decree. In the event Respondents contest the alleged violation of the Consent Decree, Respondents are 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.

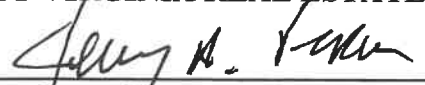
**CONSENT DECREE AGREED TO BY:**

 _____ Jan Reed Hoover	 _____ Date
 _____ Jodi Lynn Warner	 _____ Date

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

 day of , 2020<sup>1</sup>

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
\_\_\_\_\_  
Jerry A. Forren, Executive Director