

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-22-031

JAMES J. WILDING JR.,
Licensed Real Estate Broker
License No. WV0027253
Respondent.

CONSENT DECREE

Respondent James J. Wilding Jr. (“Respondent Wilding”) 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 the 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 Wilding is a licensed real estate broker in the State of West Virginia, holding license number WV-0027253.
2. At all times relevant, Respondent Wilding served as the responsible at Jabe Companies, LLC, located in Carnegie, Pennsylvania.
3. Real estate licenses must be renewed annually, on or before June 30.

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4. Respondent Wilding failed to properly renew his license on active status on or before June 30, 2021 for the 2022 licensure year (July 1, 2021 – June 30, 2022). Thus, his license expired on July 1, 2021.

6. On or about October 20, 2021, Respondent Wilding submitted a renewal application for the 2022 licensure year.

7. The Commission requested that respondent submit information for any listings and sales that Respondent Wilding handled during the period that his license was expired. Lynn C. Haid, an administrative assistant with Jabe Companies, submitted a list of transactions that Respondent Wilding handled as a real estate broker during the period his license was expired.

8. On December 15, 2021, the Commission initiated the present complaint against Respondent Wilding.

9. Respondent submitted a response to the Commission. Respondent Wilding acknowledged his failure to timely renew his license due to COVID issues.

10. At its regularly-scheduled meeting on February 16, 2022, the Commission determined there was probable cause to conclude that Respondent Wilding violated the *West Virginia Real Estate License Act*, but authorized the proposal of a consent decree to informally resolve the matter.

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)(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.” 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. 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[.]”

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

CONSENT

By signing below, the 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 the Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he 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. Respondent acknowledges the Findings of Fact set forth above, admit 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:

1. Respondent Wilding is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the State of West Virginia.

2. Respondent Wilding shall pay his fine 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.

3. 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' license. The Commission shall immediately notify the 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. 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:



James J. Wilding Jr., Broker

Date

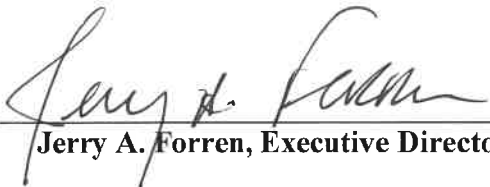
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ENTERED into the records of the Real Estate Commission this:

 day of March, 2022.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:



Jerry A. Forren, Executive Director