

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. C-23-013

**ANGELA MARIE CRAWFORD
Licensed Real Estate Broker
License No. WVB2200300797**

Respondent.

CONSENT DECREE

Respondent Angela Marie Crawford (“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 and stipulate 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 broker in the State of West Virginia, holding license number WVB2200300797.
2. At all times relevant, Respondent served as the broker for EXP Realty, LLC, located in Huntington, West Virginia. Respondent’s physical address is 10 Milton Lane, Wheeling, West Virginia.

3. On November 10, 2022, the Commission initiated the present Formal Complaint against Respondent alleging that (1) Respondent failed to adequately supervise one the licensed real estate salespersons practicing under her supervision; and (2) Respondent's trust account was overdrawn, as discovered during an audit by the Commission's investigator in or around September of 2022.

4. With respect to the first allegation, on September 2, 2022, the Commission received Formal Complaint L-23-008 alleging that, on two separate occasions, Laird Knight, a licensed real estate salesperson practicing under Respondent's supervision, failed to deposit earnest money that he received in the course of two real estate transactions.

5. The first earnest money was received by Mr. Knight in or around June of 2022 and related to the sale of a property located at 222 Willowdale Road. Mr. Knight indicated that he did not deliver this earnest money to Respondent because it was in the form of a money order.

6. The second earnest money was received by Mr. Knight in or around August of 2022 and related to the sale of a property located at 80 Sine Place. Mr. Knight failed to deliver this earnest money to Respondent because he could not locate the check after receiving it.

7. On December 12, 2022, the Commission and Mr. Knight entered into a Consent Decree resolving Formal Complaint L-23-008. Therein, Mr. Knight acknowledged that his failure to remit the earnest money deposits violated the *West Virginia Real Estate License Act* and accepted a reprimand and fine as a result. Mr. Knight has since paid the fine in full.

8. With respect to Respondent's alleged failure to adequately supervise Mr. Knight in the two transactions at issue in Formal Complaint L-23-008, the Commission's investigator

questioned Respondent as to why there were two instances in which contractually-agreed-upon earnest money was never deposited in the brokerage trust account. Respondent advised the investigator that she has to rely on her licensed real estate salespersons to comply with the law. Respondent also characterized these salespersons as “independent contractors,” indicating a misperception that she has no, or at least minimal, responsibility to supervise them.

9. In her December 2, 2022, written response to the present Formal Complaint, Respondent correctly acknowledged her responsibility to adequately supervise the salespersons in her brokerage and that she meets with her salespersons weekly via Zoom and “in person all year.” With respect to the earnest money at issue in L-23-008, she stated that she was unable to deposit or account for the funds because Mr. Knight never submitted the funds to her, yet she was aware that the contracts at issue called for payment of an earnest money deposit.

10. The second allegation in the present Formal Complaint concerns Respondent’s trust account, which the Commission discovered to be overdrawn on September 23, 2022. In the course of inquiring about the trust account, the Commission’s investigator discovered that the e-signature on one of the brokerage’s checks was that of the former broker, who left the brokerage about four months prior.

11. Following an audit by the Commission’s investigator on September 30, 2022, Respondent’s trust account was eventually made solvent on October 4, 2022.

12. At its regular meeting on December 14, 2022, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondent’s above-referenced conduct 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)(8) authorizes the Commission to sanction a licensee if he or she “[f]ails, within a reasonable time, to account for or remit moneys or other assets coming into his or possession, which belong to others.”

4. West Virginia Code § 30-40-19(a)(29) authorizes the Commission to sanction a licensee if he or she “[f]ails to maintain adequate records on the broker’s ‘trust fund account[.]’”

5. In the case of a broker, West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if he or she “fails to adequately supervise all associate brokers and salespersons employed by him or her[.]”

8. Respondent’s conduct set forth herein violates West Virginia Code §§ 30-40-19(a)(8), (29), and (30), and renders her license subject to discipline.

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 of \$5,000.00.
3. Respondent is also assessed the Commission's costs, to include its attorney fees, in the amount of \$448.00.
4. Within six months of the entry of this Consent Decree, Respondent shall complete the "Trust Module" portion of the required pre-license education course for brokers. Respondent shall submit to the Commission documentation evidencing completion of the course within the timeframe set forth herein.

5. The total payment of \$5,448.00 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.

6. 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:



Angela Marie Crawford


2-7-23

Date

ENTERED into the records of the Real Estate Commission this:

10th day of February, 2023.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Jerry A. Forren, Executive Director