

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-22-015

JOHN DANIEL ADERHOLT,
Licensed Real Estate Broker
License No. WV0028580

and

CHARLES KRUSHANSKY,
Licensed Real Estate Salesperson
License No. WV0029715
Respondents.

CONSENT DECREE

Respondent John Daniel Aderholt (“Respondent Aderholt”), Respondent Charles Brook Krushansky (“Respondent Krushansky”), 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 Aderholt is a licensed real estate broker in the State of West Virginia, holding license number WV-0028580.

2. Respondent Krushansky is a licensed real estate salesperson in the State of West Virginia, holding license number WV-0029715.

3. At all times relevant, Respondent Aderholt served as the responsible broker for Respondent Krushansky at Century Realty, LLC, located in Wheeling, West Virginia.

4. Real estate licenses must be renewed annually, on or before June 30.

5. Respondent Krushansky failed to properly renew his license on active status on or before June 30, 2020 for the 2021 licensure year (July 1, 2020 – June 30, 2021). Thus, his license expired on July 1, 2020. The license remained expired until June 16, 2021, when it was cancelled due to failure to pay the license renewal fee.

6. The Commission requested that respondents submit information for any listings and sales that Respondent Krushansky handled during the period that his license was expired. Respondent Aderholt submitted a list of transactions that Respondent Krushansky handled as a real estate salesperson during the period her license was expired.

7. On September 28, 2021, the Commission initiated the present complaint against respondents.

8. Respondent Aderholt submitted a joint response to the Commission. Respondent acknowledged that Respondent Krushansky's failure to timely renew his license was an oversight compounded by the environment created by the COVID-19 pandemic.

9. At its regularly-scheduled meeting on December 15, 2021, the Commission determined there was probable cause to conclude that both respondents 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(1) 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. 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[.]”

6. By allowing Respondent Krushansky to practice real estate while his license was expired, Respondent Aderholt violated West Virginia Code §§ 30-40-17(a)(5), 30-40-19(a)(23), and 30-40-19(a)(30).

7. Respondent Krushansky 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 intelligently and voluntarily waive such rights.

2. Respondents acknowledge 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 Aderholt is hereby reprimanded and shall pay a fine in the amount \$500.00, payable to the State of West Virginia.

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

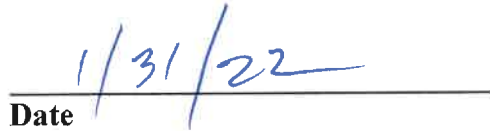
3. Each respondent shall pay his fine within thirty (30) days of the entry of this Consent Decree by the Commission by check or money order made payable to the State of West Virginia and sent directly to the Commission's Office.

4. 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:



John Daniel Aderholt, Broker



Date



Charles Brook Krushansky, Salesperson

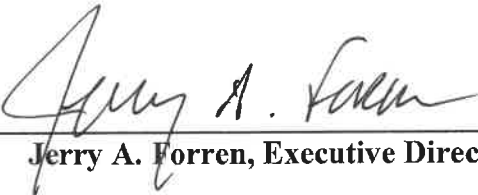


Date

ENTERED into the records of the Real Estate Commission this:

3rd day of February, 2022.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
Jerry A. Forren, Executive Director



RECEIVED

FEB 03 2021

State of West Virginia
Office of the Attorney General
State Capitol Complex
Building 6, Suite 402
Charleston, West Virginia 25305

WV REAL ESTATE
COMMISSION

Patrick Morrissey
Attorney General

(304) 558-8989
Fax (304) 558-4509

January 13, 2022

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

John D. Aderholt
Century Realty, LLC
1233 Main Street, Suite 1500
Wheeling, WV 26003

*Re: W.Va. Real Estate Commission v. Aderholt and Krushansky
Formal Complaint No. C-22-015*

Dear Mr. Aderholt:

I am counsel for the West Virginia Real Estate Commission and assist with the handling of its Formal Complaints. As you're aware, the Commission recently determined that probable cause exists that Mr. Krushansky's practice without an active salespersons license violated the *West Virginia Real Estate License Act*. However, in order to resolve this complaint without proceeding through the formal hearing process, the Commission has authorized me to offer the enclosed Consent Decree to you and Mr. Krushansky. Please share a copy of the enclosed Consent Decree with him.

You will find that the Consent Decree contains specific findings related to the Complaint, as well as an agreed-to disposition. Please review the Consent Decree, and, if acceptable, sign and return it to the Commission within twenty (20) days from receipt of this correspondence. If you have any questions, please do not hesitate to contact me at (304) 558-8989.

Sincerely,

A handwritten signature in black ink that reads "Anthony D. Eates II".

Anthony D. Eates II
Deputy Attorney General

cc. Jerry A. Forren, WVREC