

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. P-21-012

**BRENDA S. YOUNG,
Licensed Real Estate Salesperson
License No. WV-0003363**

Respondent.

CONSENT DECREE

Respondent Brenda S. Young (“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-0003363. At all times relevant, Respondent was licensed with Boswell and Associates, LLC, d/b/a Century 21 – Sterling Realty in Martinsburg, West Virginia.
2. Richard M. Boswell III is a licensed real estate broker in the State of West Virginia and is broker of record for Boswell and Associates, LLC, d/b/a Century 21 – Sterling Realty.

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3. Charity Greenfield is a licensed real estate salesperson with Weichert Realtors – Blue Ribbon, also in Martinsburg, West Virginia.

4. On September 29, 2020, the Commission received a Formal Complaint from Donna A. Russ of Martinsburg. Ms. Russ filed the complaint against Respondent, Mr. Boswell, and Ms. Greenfield.

5. Ms. Russ's complaint contained numerous allegations against the three named licensees, all of which stemmed from the listing of Ms. Russ's property for sale and her potential purchase of another home.

6. At its regular meeting on December 16, 2020, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that certain aspects of Respondent's conduct violated the *West Virginia Real Estate License Act*. The Commission determined that there was no probable cause to proceed with the complaint against Mr. Boswell and Ms. Greenfield.

7. Respondent served as the listing agent for Ms. Russ's home located at 108 Meadowbrook Circle, Martinsburg, West Virginia ("Meadowbrook"). Respondent also served as Ms. Russ's buyer's agent to assist with Ms. Russ's purchase of a home located at 706 John Street, Martinsburg, West Virginia ("John Street"). Ms. Greenfield served as the listing agent for John Street.

8. With respect to John Street, Ms. Russ had a home inspection performed as part of the purchase process. Ms. Russ contended that there were several repairs to John Street that she wanted

Respondent to ask the sellers to address. Despite Ms. Russ's wishes, Respondent did not present Ms. Greenfield with Ms. Russ's requested repairs to the property.

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)(37) authorizes the Commission to sanction a licensee if the licensee "[e]ngages in any act or conduct which constitutes or demonstrates bad faith [or] incompetency[.]"

4. Respondent's failure to submit her client's requested repairs for John Street violates West Virginia Code § 30-40-19(a)(37).

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:

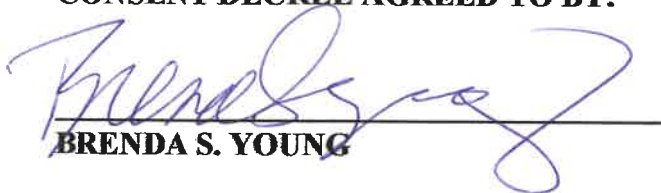
ORDER

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 \$1,000.
3. Within 6 months of entry of this Consent Decree, Respondent shall complete a continuing education course on the subject of contracts. This requirement is in addition to the annual continuing education requirement for all licensees necessary for license renewal.
4. Respondent shall reimburse the Commission its costs associated with this Complaint and its attorney fees, in the amount of \$572.00.
5. The total payment of \$1,572.00 shall be paid within 180 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.

CONSENT DECREE AGREED TO BY:



BRENDA S. YOUNG

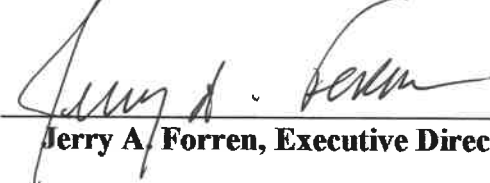
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Date

ENTERED into the records of the Real Estate Commission this:

23rd day of February, 2021.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Jerry A. Forren, Executive Director