

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. P-23-002

CHRISTY WOOD

Licensed Real Estate Salesperson

License No. WV0007569

Respondent.

CONSENT DECREE

Respondent Christy Wood ("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 salesperson in the State of West Virginia, holding license number WV0007569.
2. At all times relevant, Respondent practiced under the supervision of Elise Wade, licensed real estate broker with Real Living Solutions in Princeton, West Virginia.
3. On June 23, 2022, the Commission received a Formal Complaint from Bryan Garretson against Respondent. Respondent represented Mr. Garretson both in the listing of his townhome and in his purchase of a new home in 2021. Mr. Garretson signed a Notice of Agency

Relationship with Respondent on May 5, 2021, certifying that Respondent represented him as a Buyer.

4. At the time Mr. Garretson engaged Respondent as his agent, Respondent was the listing agent on a property located at 110 Kimberly Lane, Princeton, West Virginia ("Kimberly Lane"). The owners/sellers of Kimberly Lane were Jonathan and Erin Kirkland.

5. At the time Respondent listed Kimberly Lane for sale on behalf of the Kirklands, the Kirklands were under contract to purchase Respondent's personal home, located at 384 Quailview Drive, Princeton, West Virginia ("Quailview").

6. Kimberly Lane was listed for sale for \$329,000 on March 8, 2021, and reduced to \$323,000 on April 26, 2021.

7. Respondent proposed to purchase Kimberly Lane from the Kirklands. In the course of the purchase process, Respondent, through First Community Bank, obtained an appraisal of Kimberly Lane on April 27, 2021. This appraisal valued Kimberly Lane at \$320,000.

8. Respondent did not purchase Kimberly Lane.

9. Respondent showed Kimberly Lane to Mr. Garretson, who offered to purchase it for \$307,000. Respondent indicated to Mr. Garretson that the appraisal for Kimberly Lane was already done and reflected a value sufficient to cover the purchase price, referring to the appraisal she had previously obtained from First Community Bank.

10. Mr. Garretson alleges that Respondent did not inform him that the appraisal on Kimberly Lane was performed because of Respondent's prior interest in purchasing the property. Additionally, Mr. Garretson alleges that Respondent did not inform him that the Kirklands were

under contract to purchase Respondent's personal home, Quailview. Respondent disputes these allegations.

11. The Kirklands accepted Mr. Garretson's offer to purchase Kimberly Lane for \$307,000 and the parties subsequently closed on the sale. Mr. Garretson currently owns and resides at Kimberly Lane.

12. According to the Complaint, it was not until his closing on Kimberly Lane that Mr. Garretson learned that the Kirklands (the sellers of Kimberly Lane) intended to purchase Quailview.

13. Mr. Garretson believes Respondent pressured him to purchase Kimberly Lane for a price higher than its market value because of Respondent's self-interest in wanting the Kirklands to be in a better position to purchase Quailview. To substantiate this belief, Mr. Garretson obtained an appraisal of Kimberly Lane in June of 2022, which concluded that, in May of 2021, the property would have been valued at \$259,000. The appraisal obtained by Mr. Garretson evidences that Kimberly Lane's market value is substantially less than the value Mr. Garretson believed it to be, which belief was grounded the appraisal performed for Respondent.

14. On July 29, 2022, Respondent submitted a response to the Formal Complaint. Respondent denied that she intentionally harmed or misled Mr. Garretson. She contended that she was "as transparent as possible with Mr. Garretson and the Kirklands."

15. At its regular meeting on October 5, 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)(37) authorizes the Commission to sanction a licensee if he or she “[e]ngages in any act or conduct which constitutes . . . improper dealing[.]”

4. Respondent’s conduct set forth in the above findings of fact, if proven at a hearing, violates West Virginia Code § 30-40-19(a) (37) in that the Commission has found that Respondent failed to document her interest in the sale of Kimberly Lane, which renders her license subject to discipline.

5. Respondent denies all allegations that her conduct violates the *Real Estate License Act* and enters this Consent Decree only to resolve a contested claim.

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. Although Respondent disputes Mr. Garretson's allegations, Respondent acknowledges that the Commission has determined that there is probable cause to conclude that her conduct, if proven at a hearing, violates the *Real Estate License Act*, and, therefore, Respondent consents to the entry of the following Order:

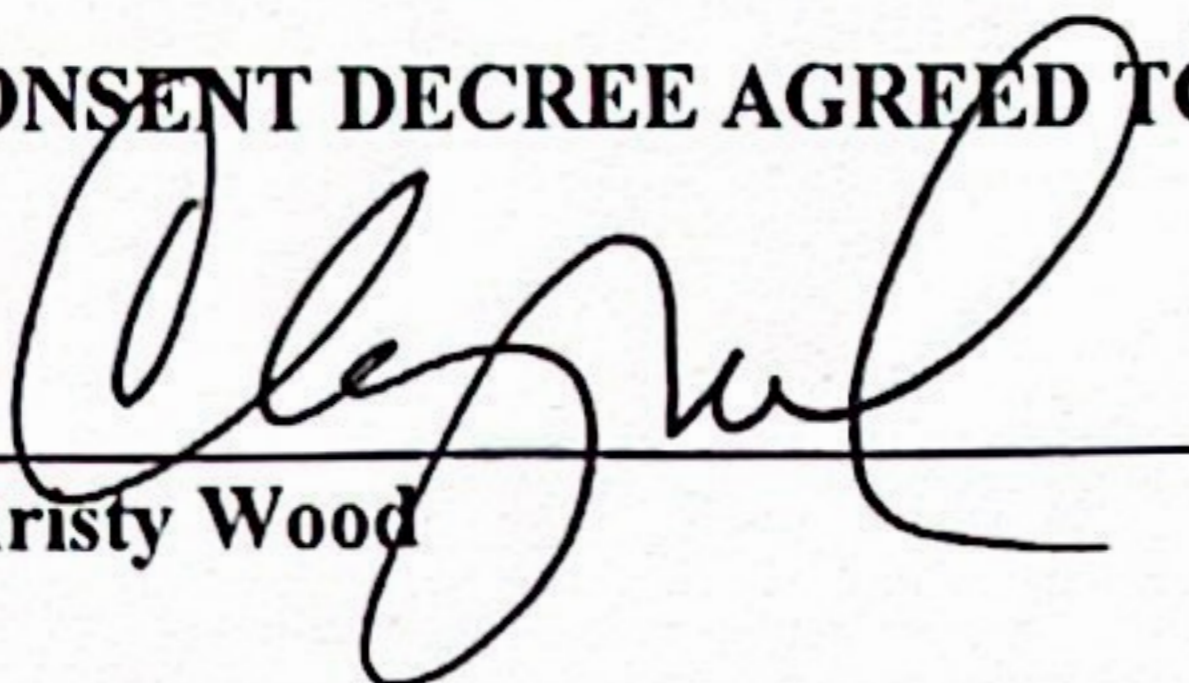
ORDER

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 \$1,000.00.
3. Respondent is also assessed the Commission's costs, to include its attorney fees, in the amount of \$630.00.
4. The total payment of \$1,630.00 shall be paid within sixty (60) 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.
5. Respondent shall also complete a continuing education course on the subject of West Virginia License Law. Such course must be completed within six months of the entry of this Consent Decree. This course is in addition to the hours required for renewal of Respondent's license.
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:



Christy Wood

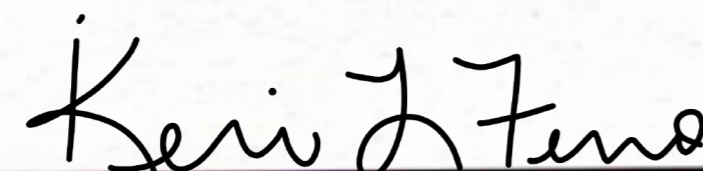
6-9-2023

Date

ENTERED into the records of the Real Estate Commission this:

9th day of June, 2023.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director