

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**

*Complainant,*

v.

**Formal Complaint  
No. P-23-020**

**MATTHEW RIDGEWAY  
Licensed Real Estate Salesperson  
License No. WV0006670**

*Respondent.*

**CONSENT DECREE**

Respondent Matthew Ridgeway (“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 WV0006670.
2. At all times relevant, Respondent practiced at Re/Max Real Estate Group in Charles Town, West Virginia. Respondent is the owner of the company.
3. On January 31, 2023, the Commission received a Formal Complaint filed by Paige Pohopin against Respondent.

4. In January of 2022, Ms. Pohopin met with Respondent to discuss purchasing a lot on which to build a new home. Ms. Pohopin ultimately contracted with Builders Unlimited, Inc., to construct her home on Lot 21 of Section 1-D in the Shannondale subdivision near Harpers Ferry and Charles Town, West Virginia. Ms. Pohopin's contract with Builders Unlimited was "all in" and included the lot on which the home was to be built.

5. At the time Ms. Pohopin contracted with Builders Unlimited, Respondent was in the process of purchasing Lot 21 of Section 1-D in the Shannondale subdivision from a third party, and planned to subsequently convey the lot to Builders Unlimited upon approval of the building permit. Respondent informed Ms. Pohopin of this arrangement before she contracted with Builders Unlimited.

6. According to the Notice of Agency Relationship signed by the parties in March of 2022, Respondent served as a dual agent for the Buyer (Ms. Pohopin) and the Seller (Builders Unlimited).

7. Ms. Pohopin's Formal Complaint details the difficulties and delays she encountered with Builders Unlimited during the construction process.

8. At its regular meeting on June 28, 2023, 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, specifically, serving as a dual agent for the sale of real estate he personally owned, 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[.]” It is the Commission’s position that it is “improper dealing” for a real estate licensee to purport to serve as an agent for a party in purchase or sale of the licensee’s own property.

### 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 he may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges but neither admits nor denies the Findings of Fact set forth above. Respondent denies that his conduct violates the *West Virginia Real Estate License Act*. However, to avoid the uncertainty and expense of further litigation, Respondent consents to the entry of the following Order:

### **ORDER**

On the basis of the foregoing, the Commission hereby ORDERS as follows:

1. Within six months of the entry of this Consent Decree, Respondent shall complete three (3) hours of continuing education on the subject of agency. Respondent shall submit to the Commission documentation evidencing completion of the course(s) within the timeframe set forth herein. The continuing education hours required by this Consent Decree are in addition to the hours required for annual renewal of Respondent's real estate salesperson's license.

2. 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.

3. This Consent Decree is not an admission of liability by Respondent or an adjudication of any fact or legal issue relating to this matter, and shall not be admissible against Respondent or have any preclusive effect in any proceeding connected in any way to this matter. Notwithstanding the foregoing, in a proceeding by the Commission alleging a violation of this Consent Decree, the Commission may use this Consent Decree solely for the purpose of establishing the existence and terms of the parties' agreement.

CONSENT DECREE AGREED TO BY:

  
Matthew Ridgeway

10/15/2023  
Date

ENTERED into the records of the Real Estate Commission this:

17<sup>th</sup> day of October, 2023.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:   
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Keri L. Ferro, Executive Director