

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**West Virginia Real Estate Commission,**

*Complainant,*

**V.**

**Formal Complaint No. C-23-035**

**Vickie L. Jenkins,  
Licensed Real Estate Broker  
License No. WV0021005**

*Respondent.*

**RECEIVED**

**MAY 04 2023**

*West Virginia  
Real Estate Commission*

**CONSENT DECREE**

Respondent Vickie L. Jenkins (“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 WV0021005.
2. At all times relevant, Respondent served as the broker for Pinnacle Property Management, LLC, located in Morgantown, West Virginia.

3. The Commission initiated the present Formal Complaint against Respondent on February 22, 2023, following an audit by the Commission's auditor/investigator, Robert Plume, on February 7, 2023.

4. The audit revealed that Respondent had changed the address of the brokerage without notification to the Commission; the office location did not have a sign for Pinnacle Property Management. LLC; one of leases reviewed by auditor/investigator (111 Eagle Drive, Madsville, WV) was not signed by the property owner; and Respondent's owner agreements did not have expiration dates.

5. Respondent submitted a written response to the complaint on April 4, 2023. Respondent noted that all of the issues revealed by the audit had been, or were in the process of being, corrected.

6. At its April 19, 2023, meeting, 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*, and, given the corrective measures taken by Respondent, authorized the proposal of this Consent Decree to resolve the Complaint.

#### **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)(19) authorizes the Commission to sanction a licensee if he or she “[v]iolates any provisions of this article, any rule or any order or final decision issued by the commission[.]”

4. West Virginia Code § 30-40-17(a)(4) states that “[e]very person holding a broker's license under the provisions of this article shall. . .[m]ake application to the commission before changing the address of any office or within ten days after any change[.]” Respondent’s failure to timely notify the Commission of the change of address for Pinnacle Property Management, LLC, violates West Virginia Code § 30-40-17(a)(4).

5. West Virginia Code § 30-40-26(g) requires that “[a]t the time of securing the signature of any party to a contract, the licensee shall deliver a true copy of the contract to the person whose signature was obtained.” Subsection (h) requires that “[u]pon the final acceptance or ratification of any contract, the licensee shall promptly deliver a true copy to each party that has signed the contract.” Respondent’s failure to secure the signature of the property owner for the lease for 111 Eagle Drive, Maidsville, WV violates West Virginia Code § 30-40-26(g) and (h).

6. West Virginia Code § 30-40-26(b) states that “[a]ny contract in which a broker is obligated to represent a principal to a real estate transaction shall contain a definite expiration date,

and no provision may be included in any contract whereby the principal is required to notify the broker of his or her intention to cancel the contract after the definite expiration date.” Respondent’s use of owner agreements with no expiration dates violates West Virginia Code § 30-40-26(b).

7. The Commission’s Legislative Rule requires as follows with respect to office signs:

All brokers holding an active license shall erect and maintain a sign on or about the entrance of their principal office and each branch office, which shall be easily observed and read by persons about to enter any of the offices. Every sign shall prominently display the name of the broker, the term “Broker” and the company name, if any, all in letters not less than 1 inch in height. If the broker so desires, the names of the salespersons or associate brokers may be placed below the name of the broker.

W.Va. Code R. § 174-1-13.1.

Respondent’s failure to maintain a sign for Pinnacle Property Management, LLC, violates 174 CSR 1 § 13.1.

### 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 \$1,000.00.
3. Respondent is assessed the Commission's costs, to include its attorney fees, in the amount of \$350.00.
4. The total payment of \$1,350.00 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.
5. 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:**

  
\_\_\_\_\_  
Vickie L. Jenkins

5-3-23  
\_\_\_\_\_  
Date

**ENTERED into the records of the Real Estate Commission this:**

4<sup>th</sup> day of May, 2023.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
\_\_\_\_\_  
Keri L. Ferro, Executive Director