

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. 26-044-P

TRACY EVANS,
Licensed Real Estate Salesperson

and

MARTHA HILTON,
Licensed Real Estate Broker

Respondents.

CONSENT DECREE

Respondent Tracy Evans (“Respondent Evans”), Respondent Martha Hilton (“Respondent Hilton”), 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 Evans is a licensed real estate salesperson in the State of West Virginia.
2. Respondent Hilton is a licensed real estate broker in the State of West Virginia.
3. At all times relevant, Respondent Hilton served as the broker for Fathom Realty, LLC, in Lewisburg, West Virginia. Respondent Evans, at all times relevant, practiced as a salesperson under Respondent Hilton’s supervision.

4. Respondents were the listing agents for real estate located at 501 Merrill Avenue, Rivesville, West Virginia.

5. In August of 2025, the buyer, Brenda F. Mayle, entered into a purchase agreement with seller, Jeffrey Marra, to purchase the property. Ms. Mayle was unrepresented in the transaction.

6. The property was sold to Ms. Mayle “as-is.”

7. On May 5, 2026, Ms. Mayle filed a Formal Complaint with the Commission alleging, generally, that Respondents failed to disclose certain defects with the property.

8. Respondents submitted a response to the Formal Complaint denying any violation of the West Virginia Real Estate License Act.

9. Licensees are required to complete a Notice of Agency Relationship form designating which party each licensee represents and whether any party is unrepresented in the transaction.

10. The Notice of Agency Relationship completed by Respondent Evans for the subject transaction correctly indicates that Fathom Realty, LLC, represented the seller, Jeffrey L. Marra. Mr. Marra and Ms. Mayle signed the form. However, the form failed to designate that Ms. Mayle was “unrepresented” in the transaction, as required.

11. At its June 12, 2026, meeting, the Commission determined there was probable cause to conclude that both Respondents violated the *West Virginia Real Estate License Act* with respect to the Notice of Agency Relationship and authorized the proposal of a consent decree to informally resolve the matter.

12. The Commission makes no adverse findings of fact with respect to Ms. Mayle’s allegations that Respondents failed to disclose defects with 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)(12) authorizes the Commission to sanction a licensee if the licensee “[f]ails to disclose, on the notice of agency relationship form promulgated by the commission, whether the licensee represents the seller, buyer, or both[.]”

4. 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.” Section 16 of the Commission’s Legislative Rule echoes this requirement. See W. Va. Code R. § 174-1-16.

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. Although the Notice of Agency Relationship form correctly indicated that Respondents represented the seller, Respondent Evans failed to designate that Ms. Mayle was unrepresented, in violation of West Virginia Code § 30-40-19(a)(12).

7. Respondent Hilton failed to adequately supervise Respondent Evans, in violation of West Virginia Code § 30-40-19(a)(30), by allowing the Notice of Agency Relationship for the subject transaction to be incomplete.

CONSENT

By signing below, each Respondent agrees to the following:

1. Respondents have had the opportunity to consult with counsel and execute this Consent Decree voluntarily, freely, without compulsion or duress and are 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. Respondents are hereby reprimanded.

2. Respondents are directed to contact Commission staff within ten (10) days of the entry of this Consent Decree to coordinate training with Commission staff on the subject of agency at a mutually convenient time and place in the future.

3. 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:

 dotloop verified
06/26/26 2:45 PM EDT
ZIPF-TT6N-QBS0-7YE8
MARTHA HILTON, Broker

06/26/2026

Date

 
TRACY EVANS, Salesperson

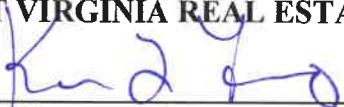
06/29/26

Date

ENTERED into the records of the Real Estate Commission this:

20th day of July, 2026.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
Keri L. Ferro, Executive Director