

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. L-24-016

CHARLES PERRY HAWLEY
Licensed Real Estate Broker
License No. WV0002093

And

ROBERT J. KROP
Licensed Real Estate Associate Broker
License No. WVA210040108

Respondents.

CONSENT DECREE

Respondent Charles Perry Hawley ("Respondent Hawley"), Respondent Robert J. Krop ("Respondent Krop"), 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 Hawley is a licensed real estate broker in the State of West Virginia, holding license number WV0002093.
2. Respondent Krop is a licensed real estate associate broker in the State of West Virginia, holding license number WVA210040108.

3. At all times relevant, Respondent Hawley served as the broker for Keller Williams Realty Centre located in Frederick, Maryland. Respondent Krop is licensed with Keller Williams Realty Centre and, thus, practices under the supervision of Respondent Hawley.

4. On October 5, 2023, the Commission received a Formal Complaint filed by Brittany Newman, licensed real estate broker with Dream Driven Properties, LCC, located in Harpers Ferry, West Virginia.

5. Ms. Newman was the listing agent for a property located at 633 Wild Rose Lane, Harpers Ferry, West Virginia. The listing was “withdrawn” from the Bright Multiple Listing Service on August 30, 2023. A “withdrawn” listing means that the listing was withdrawn from the MLS, but a listing agreement still exists between the agent (in this case, Ms. Newman) and the seller.

6. On September 13, 2023, Respondent Krop and Keller Williams Realty Centre entered into a listing agreement with the owner of 633 Wild Rose Lane, despite the existence of a listing agreement between the owner and Ms. Newman, relying upon the owner's assurance that she had cancelled her listing agreement.

7. The property went under contract on September 18, 2023, and sale of the property closed on September 28, 2023.

8. In their response to the Formal Complaint, Respondents state that the seller advised them that she had cancelled her listing agreement with Ms. Newman prior to Respondents entering into their own listing agreement with the seller.

9. While the seller may have desired to cancel her listing agreement with Ms. Newman, Ms. Newman still had a valid listing agreement with the seller on September 13, 2023, of which Respondents should have been aware.

10. At its regular meeting on November 1, 2023, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondents' 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(1) 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)(39) authorizes the Commission to sanction a licensee if he or she "[n]egotiates a real estate transaction directly with any person that is represented exclusively by another broker, unless the conduct is specifically authorized by the other broker[.]"

4. Respondent Krop's conduct set forth above violated West Virginia Code § 30-40-19(a)(39).

5. West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if he or she "[i]f a broker, fails to supervise all associate brokers and salespersons affiliated with him or her[.]"

6. Respondent Hawley violated West Virginia Code § 30-40-19(a)(30) by failing to supervise Respondent Krop and allowing the listing of the 633 Wild Rose Lane while the property was the subject of a valid listing agreement with Ms. Newman.

CONSENT

By signing below, Respondents agree 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 mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondents 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. Notwithstanding any other provision in this Consent Decree, Respondents agree to enter into this Consent Decree to prevent any further administrative or legal action against them.

3. Respondents acknowledge the Findings of Fact and Conclusions of Law set forth above and consent to the entry of the following Order:

ORDER

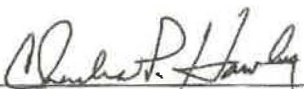
On the basis of the foregoing, the Commission hereby ORDERS as follows:

1. Respondents shall each pay a fine in the amount of \$500.00, payable to the State of West Virginia and submitted to the Commission office within sixty (60) days of entry of this Consent Decree.

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 Respondents' licenses. The Commission shall immediately notify Respondents via certified mail of the alleged violation

of the Consent Decree. In the event Respondents, or either of them, contest the alleged violation of the Consent Decree, they are entitled to a hearing to challenge the alleged violation. Nothing in this Consent Decree shall be deemed to be an admission of guilt, nor shall anything in this Consent Decree be admitted to evidence in any future administrative or legal proceedings by, between, or among the parties.

CONSENT DECREE AGREED TO BY:



Charles Perry Hawley

2/5/24

Date



Robert J. Krop


2/5/24

Date

ENTERED into the records of the Real Estate Commission this:

7th day of February, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director