

**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 The listing was “withdrawn” from the Bright Multiple Listing Service on August 30, 2023. A “withdrawn” listing means that the listing was withdrawn from the MLS, but a listing agreement still exists between the agent (in this case, Ms.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[.]”



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:

7<sup>th</sup> day of February, 2024.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

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