

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. P-23-045

**JACOB ROBINSON
Licenses Real Estate Salesperson
License No. WVS190300617**

Respondents.

CONSENT DECREE

Respondent Jacob Robinson ("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 Robinson is a licensed real estate salesperson in the State of West Virginia, holding license number WVS190300617.
2. At all times relevant, Respondent was licensed with Better Homes and Gardens Real Estate in Cross Lanes, West Virginia.

Respondent's above-referenced conduct, specifically, serving as dual agent for the sale of real estate the licensee personally owned, violated the *West Virginia Real Estate License Act*.

10. At its August 16, 2023, meeting, the Commission dismissed Larry David Dean from the Formal Complaint, finding that there was no probable cause to conclude that his 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)(37) authorizes the Commission to sanction a licensee if he or she “[e]ngages in any act or conduct which constitutes or demonstrates bad faith, incompetency, untrustworthiness, or dishonest, fraudulent, or improper dealing[.]”

4. 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, as Respondent Robinson did in this transaction.

3. On April 19, 2023, the Commission received a Formal Complaint filed by Jeffrey C. Stevens II against Respondent and Larry David Dean, associate broker with Better Homes and Gardens Real Estate.

4. On June 10, 2022, Mr. Stevens met with Respondent to discuss Mr. Steven's interest in purchasing a "side by side duplex" located at 511/513 Stratton Street, Logan, West Virginia ("Subject Property") from Respondent.

5. Respondent was the contract owner of the Subject Property. Larry David Dean was the second lien holder on the Subject Property.

6. Mr. Stevens and Respondent agreed upon the purchase price for the Subject Property, which was memorialized in a June 20, 2022, purchase agreement.

7. Despite the fact that Respondent was the contract owner of the Subject Property, according to the Notice of Agency Relationship dated June 18, 2022, Respondent purported to serve as a dual agent representing both the Buyer (Mr. Stevens) and the Seller (himself) in the transaction. Larry David Dean did not purport to represent Mr. Stevens in the transaction.

8. Mr. Stevens was aware that a fire had damaged the Subject Property prior to him taking possession, but he elected to proceed without an inspection or personally visiting the Subject Property. His Formal Complaint alleged, generally, that the damage to the Subject Property was more significant than he expected.

9. 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

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 Robinson to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative proceedings and are aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.
2. Respondent acknowledges the Findings of Fact and Conclusions of Law set forth above and 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 Robinson's license. The Commission shall immediately notify Respondent Robinson via certified

mail of the alleged violation of the Consent Decree. In the event Respondent Robinson contests the alleged violation of the Consent Decree, he is entitled to a hearing to challenge the alleged violation.

CONSENT DECREE AGREED TO BY:



Jacob Robinson

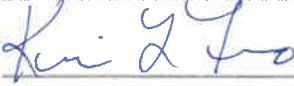
09/06/23

Date

ENTERED into the records of the Real Estate Commission this:

4th day of September, 2023.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director