

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Complaint No. C-09-036

DON KARNES,
Licensed Real Estate Broker
License No. WV00008369
Respondent.

CONSENT DECREE

The Respondent, Don Karnes (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Richard E. Strader, its Executive Director, execute this Consent Decree for the purpose of resolving a Formal Complaint filed against Respondent. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact, Conclusions of Law and Order set forth herein concerning the proper disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. The Commission is a state agency created by West Virginia Code § 30-40-1, *et seq.*, and is empowered to regulate the practice of real estate brokerage in the State of West Virginia.

2. Respondent is a licensed real estate broker and is subject to the Commission's license requirements.

3. At all times relevant, Respondent served as the licensed broker for River Valley Properties, LLC, in Nitro, West Virginia.

4. David Casebolt and John Valleau are licensed real estate salespersons currently operating under the supervision of Respondent.

5. Mr. Casebolt first engaged in real estate activities for River Valley Properties, LLC, in or about November 2008 after transferring from another company.

6. However, Mr. Casebolt's license was not properly transferred to River Valley Properties, LLC, until May 13, 2009.

7. Mr. Valleau first engaged in real estate activities for River Valley Properties, LLC, in or about January 2009 after transferring from another company.

8. However, Mr. Valleau's license was not properly transferred to River Valley Properties, LLC, until May 13, 2009.

9. Respondent has acknowledged the oversight and has accepted responsibility for allowing Mr. Caebolt's and Mr. Valleau's licenses to go into inactive status.

10. The Commission initiated a Formal Complaint against Respondent on June 18, 2009.

CONCLUSIONS OF LAW

1. West Virginia Code § 30-40-19(a)(30) provides that the Commission has the authority to revoke, suspend or otherwise discipline a licensed broker if the broker "[f]ails to adequately supervise all associate brokers and salespersons employed by him or her."

2. By failing to ensure that Mr. Casebolt's and Mr. Valleau's licenses were properly transferred, Respondent failed to adequately supervise two of his salespersons.

3. The above violation renders the Respondent's license subject to discipline by the Commission.

CONSENT

Respondent, by signing below, 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 he may pursue this matter through appropriate administrative remedy, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the entry of the following Order affecting his conduct as a real estate broker.

ORDER

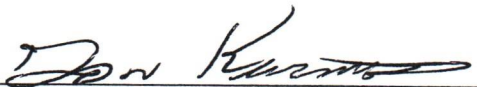
On the basis of the foregoing, the Commission hereby **ORDERS** as follows:

1. Respondent shall pay to the State of West Virginia, by and through the Commission, a fine in the amount of \$500.00, plus administrative costs in the amount of \$160.00, for a total payment of \$660.00. Such payment shall be tendered to the Commission in full within 30 days of the date of entry of the Consent Order. Payment shall be made by certified check or money order and be made payable to the State of West Virginia, and is to be sent directly to the Commission.

2. Any deviation from the requirements of this Order, without the prior written consent of the Commission, shall constitute a violation of this Consent Decree, and may result in the further disciplinary action against the Respondent. The Commission shall immediately notify Respondent via certified mail of the specific nature of the charges, and in the event Respondent contests an alleged violation of this Consent Decree, Respondent

is entitled to hearing. The hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code §§ 30-1-8 and 30-40-1 *et seq.*

CONSENT DECREE AGREED TO BY:

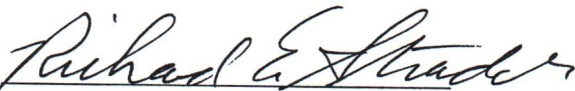

DON KARNES, Individually

Nov. 11, 2009
DATE

ENTERED into the records of the Real Estate Commission this:

16th day of November, 2009

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
RICHARD E. STRADER,
EXECUTIVE DIRECTOR

