

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-12-024

MELISSA MARIE JONES,
Respondent.

CONSENT DECREE

The Respondent, Melissa Marie Jones (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Richard E. Strader, its Executive Director, enter into the following Consent Decree for the purpose of resolving the above-styled complaint that has been 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 and Conclusions of Law set forth in this Consent Decree 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 *The West Virginia Real Estate License Act*, W. Va. Code § 30-40-1, *et seq.*, and is empowered to regulate the practice of real estate brokerage in the State of West Virginia.
2. At all times relevant, Respondent was a licensed real estate salesperson in the State of West Virginia.
3. On June 9, 2011, the Commission received from the Respondent a completed renewal form on which Respondent sought to renew her license on active status and on which Respondent

indicated that she had completed the required seven (7) hours of continuing education on June 7, 2011.

4. Based on the Respondent's representation, the Commission renewed her license for the 2011-2012 licensure year (July 1, 2011 - June 30, 2012).

5. On November 18, 2011, Respondent was randomly selected by the Commission to verify completion of the continuing education indicated on the renewal form. Respondent was required to produce the completion certificate(s) for the courses.

6. On November 30, 2011, Respondent notified the Commission that she had not completed the courses in question, despite having indicated so on her renewal form. In this same letter, she expressed her desire to cancel her license as she no longer wished to practice real estate and her license was returned to the Commission.

7. The Commission received Respondent's license, but has not cancelled the license.

8. On February 12, 2012, the Commission initiated the above-styled complaint on the basis that Respondent falsified her 2011-2012 renewal form by indicating that she had completed continuing education that was never completed.

9. In response to the complaint, Respondent acknowledged and apologized for the fact that she indicated courses were completed that were never completed.

Conclusions of Law

1. West Virginia Code § 30-40-1 *et seq.*, vests the Commission with the authority and responsibility to regulate real estate brokers, associate brokers and salespersons in the State of West Virginia.

2. Pursuant to West Virginia Code § 30-40-19(a)(1), the Commission may suspend, revoke or otherwise sanction a licensee who “[o]btains, renews or attempts to obtain or renew a license, for himself, herself or another, through the submission of any application or other writing that contains false, fraudulent or misleading information.”

3. West Virginia Code § 30-40-16 requires that every licensee complete seven (7) hours of continuing education annually in order to renew his or her license.

4. By representing on her 2011-2012 renewal form that she had completed the required continuing education when she had not completed such education, Respondent renewed her license though the submission of an application containing false, fraudulent or misleading information, in violation of West Virginia Code § 30-40-19(a)(1).

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 to make this settlement other than as set forth herein. Respondent acknowledges that she may pursue this matter through appropriate administrative proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the following Order:

Order

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

1. Respondent's salesperson license is hereby terminated and is not eligible for reinstatement.
2. Respondent is no longer authorized to engage in the practice of real estate brokerage in the State of West Virginia.

AGREED TO BY:

Melissa Jones
MELISSA MARIE JONES

4/23/12
DATE

ENTERED into the records of the Real Estate Commission this:

30th day of April, 2012.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: Richard E. Strader
RICHARD E. STRADER,
EXECUTIVE DIRECTOR

