

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. C-13-019

ELIZABETH SMITH,

Respondent.

broker dismissed

CONSENT DECREE

The Respondent, Elizabeth Smith (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, as the state entity created to regulate the conduct of real estate brokers, associate brokers and salespersons, has jurisdiction over this Complaint.
2. Respondent, prior to the circumstances giving rise to this Complaint, was a real estate salesperson licensed by the Commission, holding license number WV-0023651.

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10. Respondent, in response to the Complaint, admitted that the information on the renewal form regarding continuing education was false and that she had not completed the continuing education courses, set forth various hardships she was experiencing, and asked that no action be taken against her Broker, who had no knowledge of her circumstances.

11. Based on the responses received, the Commission dismissed the complaint against Respondent's Broker and found probable cause to proceed against Respondent.

12. The parties have agreed to settle the Complaint informally through the entry of this Consent Decree.

13. The Commission has incurred expenses in the prosecution of this complaint in an amount in excess of \$310.00, which expenses relate solely to the Commission's legal expenses and do not include costs reflecting time expended by Commission staff and other expenses incurred by the Commission.

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 on active status.

ORDER

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

1. Respondent is REPRIMANDED.
2. Respondent shall pay a fine in the amount of five hundred dollars (\$500.00), plus the Commission's costs in this matter in the amount of three hundred and ten dollars (\$310.00), for a total payment of six hundred and eighty dollars (\$810.00).
3. The fine and costs may be made in payments by certified check or money order made payable to the State of West Virginia and sent directly to the Commission Office on or before June 30, 2014.
4. Respondent is prohibited from practicing as a real estate salesperson until her license is returned to active status by the Commission, which status shall not be ^{granted} returned until the payments agreed to in this Consent Decree are paid in full and Respondent submits to the Commission documentation demonstrating completion of such continuing education as may be required by the Board.

AGREED TO BY:

ELIZABETH SMITH

DATE

ENTERED into the records of the Real Estate Commission this:

_____ day of _____, 2013.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: _____
RICHARD E. STRADER,
EXECUTIVE DIRECTOR