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BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. C-13-021

DUKE JORDAN,

Respondent.

*Salesperson /
dismissed broker but not
mentioned*

CONSENT DECREE

The Respondent, **DUKE JORDAN** (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 is a salesperson licensed by the Commission, holding license number WV-0012820.
3. On June 29, 2012, the Commission received from the Respondent a completed renewal form on which Respondent sought to renew his license on active status for the July 1, 2012-

*peni
\$500 + costs*

*broker
dismissed*

information and had not completed 3.5 of the seven (7) hours of continuing education after July 1, 2011, required to renew his real estate license.

10. Respondent's broker was also served a copy of the Complaint and given an opportunity to respond to the allegation that he failed to adequately supervise his salesperson by neglecting to ensure that Respondent had completed the required seven (7) hours of continuing education.

11. Respondent timely responded to the Complaint on March 15, 2013, admitting that his continuing education was delinquent, setting forth the same information previously provided by Respondent's broker, and explaining additional circumstances affecting his failure to complete the required seven (7) hours of continuing education.

12. On March 19, 2013, by electronic mail, Respondent supplemented his response by attaching a certificate of completion of seven (7) hours of continuing education from December 7, 2012 through March 18, 2013.

13. Respondent's broker timely responded to the Complaint on March 18, 2013, reiterating the previously provided information and stating that an office policy had been instituted that is expected to prevent any similar situations in the future.

14. Based on the responses received, the Commission found probable cause to proceed against Respondent at its meeting on May 22, 2013, and the parties have agreed to settle the Complaint informally through the entry of this Consent Decree.

15. The Commission has incurred expenses in the prosecution of this complaint in an amount in excess of \$180.00, which expenses relate solely to the Commission's legal expenses and

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 proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the findings above and to the entry of the following Order:

Order

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

1. Respondent is REPRIMANDED.

2. Within 30 days of the entry of this Consent Decree, 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 one hundred eighty dollars (\$180.00), for a total payment of six hundred and eighty dollars (\$680.00). *CC or MD* Checks shall be made payable to the State of West Virginia and sent directly to the Commission Office.

3. 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, upon action by the Commission, result in the summary suspension of Respondent's license until such time as Respondent achieves full compliance.

The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree and the summary suspension of Respondent's license. Respondent may request probationary reinstatement of the license through renewal of this Consent Decree, or