

19(a)(1) + 16 CE
RECEIVED

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

FEB 14 2014

WEST VIRGINIA REAL ESTATE COMMISSION,

ATTORNEY GENERAL'S
OFFICE

Complainant,

v.

Formal Complaint No. C-13-025

CHARLES WILSON,
Licensed Salesperson,
License No. WV-0012739

Respondent.

CONSENT DECREE

The Respondent, CHARLES WILSON (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-0012739.

regm/s

9. Respondent's Broker, by correspondence dated May 1, 2013, informed the Commission that he had terminated Respondent on September 5, 2012; on June 29, 2012, he believed Respondent had completed the requisite continuing education as evidenced by an affidavit provided him by Respondent; and he did not know ~~the~~ the affidavit was falsified.

10. Respondent's Broker further informed the Commission in his Response an office policy has been instituted where, rather than relying on staff, he will personally verify all certificates of completion before submitting Great Expectation's renewal applications to the Commission.

11. The Commission received a timely response from Respondent on May 17, 2013, stating that he completed the 7 hours of continuing education reflected on his renewal form, which form was signed off on and submitted to Great Expectations, and that he was unaware and never notified that he needed to do anything further to complete the course.

12. In further response, Respondent refuted Great Expectations' representations they were unable to contact him, stated he had done no real estate transactions since January 2012 and currently held inactive status, and provided a completion certificate for a 7-hour continuing education course completed on May 13, 2013.

13. Based on the responses received, the Commission found probable cause to proceed against Respondent at its meeting on June 18, 2013.

14. 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 \$260.00, which expenses relate solely to the Commission's legal expenses and

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 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 acknowledges the Findings of Fact set forth above, admits to the violations set forth above in the Conclusions of Law, and consents 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 two hundred sixty dollars (~~\$390.00~~^{260.00}), for a total payment of seven hundred and sixty dollars (~~\$890.00~~^{760.00}). Payment shall be made by certified check or money order payable to the State of West Virginia and sent directly to the offices of the Commission.
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,

ENTERED into the records of the Real Estate Commission this:

12th day of February, 2014.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:



**RICHARD E. STRADER,
EXECUTIVE DIRECTOR**