

23, 30

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

Agenda
file

WEST VIRGINIA
REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. C-14-030

ANGELA McCOWN,
Licensed Broker
License No. WV-0012894

Respondent.

CONSENT DECREE

The Respondent, Angela McCown (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.

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8. Regardless of when Respondent turned over the check to her salesperson, Respondent accepted the salesperson's services by paying a referral fee for services rendered during a time when the salesperson was unlicensed.

9. The Commission finds that Respondent was also aware of the unlicensed salesperson's referral work, for which she expected to be compensated by Respondent's brokerage, and therefore failed to supervise the salesperson during a time when she was not properly licensed.

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

11. The Commission has incurred expenses in the prosecution of this Complaint in an amount in excess of five hundred twenty dollars (\$520.00), 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. West Virginia Code § 30-40-19(a)(23) provides that the Commission may revoke, suspend or otherwise discipline a licensee if the licensee "[c]ontinues in the capacity of or accepts the services of any broker, associate broker or salesperson who is not properly licensed."

3. Respondent's payment of a referral fee to an inactive licensee constitutes the acceptance of the services of an unlicensed person in violation of W. Va. Code § 30-40-19(a)(23).

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 hereby REPRIMANDED.
2. Respondent shall pay a fine in the amount of five hundred dollars (\$500.00), payable to the State of West Virginia.
3. Respondent shall also pay the costs associated with this Complaint in the amount of five hundred twenty dollars (\$520.00).
4. The total payment of one thousand and twenty dollars (\$1,020.00) shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission by certified check or money order made payable to the State of West Virginia and sent directly to the Commission's Office.
5. 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