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**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA  
REAL ESTATE COMMISSION,**

*Complainant,*

v.

**Formal Complaint No. C-14-035**

**SPRUCE SCHOOL OF REAL ESTATE  
and ROBERT WADE CASKEY,  
Licensed Broker  
License No. WV-0017830**

*Respondents.*

**CONSENT DECREE**

The Respondents, Spruce School of Real Estate (“Respondent School”) and Robert Wade Caskey (“Respondent Caskey”), hereinafter “Respondents,” 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 Respondents. As reflected in this Consent Decree, the parties have reached an agreement in which Respondents agree and stipulate 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.

6. The Commission, at its meeting on August 13, 2014, found probable cause to proceed against Respondents for violations related to Respondents' offering distance education courses which were not approved by the Commission.

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

8. The Commission has incurred expenses in the prosecution of this Complaint but, in its discretion, agrees to waive the assessment of such costs.

### 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. Pre-license education courses must be approved by the Commission. W. Va. Code § 30-40-14.

3. Commission Rule § 174-3-3.1 requires that "[a]ll real estate courses, course providers and instructors must be certified by and registered with the Commission prior to offering or conducting a course of education in compliance with the pre-license requirements provided for in W. Va. Code § 30-40-14 ...."

4. Respondents' advertising and provision of a pre-license Broker course which did not meet the requirements of the Commission and was not approved by the Commission violate Commission Rule § 174-3-3.1.


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Consent Decree, or execution of a new Consent Decree which may contain different or additional terms. The Commission is not bound to comply with Respondent Caskey's request for probationary reinstatement.

In the event Respondents contest the allegations of violation of the Consent Decree resulting in the suspension of Respondent Caskey's license, Respondents may request a hearing to seek reinstatement of Respondent Caskey's license. Any such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code §§ 30-1-8 and 30-40-1 *et seq.* and any procedural rules promulgated by the Commission.

At its discretion, the Commission also may schedule a hearing on its own initiative for the purpose of allowing the Commission to consider further discipline against Respondents based upon Respondents' violation of this Order of the Commission.

**CONSENT DECREE AGREED TO BY:**

  
ROBERT WADE CASKEY, Individually  
and as President of SPRUCE SCHOOL  
of REAL ESTATE

DATE 9/13/14

**ENTERED into the records of the Real Estate Commission this:**

23<sup>rd</sup> day of September, 2014.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
RICHARD E. STRADER,  
EXECUTIVE DIRECTOR