

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

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WEST VIRGINIA
REAL ESTATE COMMISSION,

Complainant,

AUG 26 2015

Attorney General Office
Tax Division

v.

Formal Complaint No. C-15-026

REBECCA STEIN,
Licensed Broker
License No. WV-0006113

Respondent.

CONSENT DECREE

The Respondent, Rebecca Stein (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.

MISSING pgs
replied

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 W. Va. Code § 30-40-19(a)(5), the Commission has the authority to revoke, suspend or otherwise discipline a licensee if the licensee “[u]ses misleading or false advertising.”
3. Respondent's failure to remove the unlicensed salesperson's picture from the website of Respondent's brokerage and from era.com constitutes misleading or false advertising in violation of W. Va. Code § 30-40-19(a)(5).
4. 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.”
5. Respondent's allowing an unlicensed salesperson in Respondent's brokerage have listings constitutes the acceptance of the services of an unlicensed person in violation of W. Va. Code § 30-40-19(a)(23).
6. West Virginia Code § 30-40-19(a)(30) provides that the Commission has the authority to revoke, suspend or otherwise discipline a licensed broker if the broker “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her.”

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 Respondent based upon Respondent's violation of this Order of the Commission.

CONSENT DECREE AGREED TO BY:



REBECCA STEIN

8-7-15
DATE

ENTERED into the records of the Real Estate Commission this:

24th day of August, 2015.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
RICHARD E. STRADER,
EXECUTIVE DIRECTOR