

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**

*Complainant,*

**V.**

**Formal Complaint No. C-24-013**

**STEVE A. DUBRUELER  
Licensed Real Estate Broker  
License No. WV0003503**

**AND**

**GILLIAN JOY GREENFIELD  
Licensed Associate Broker  
License No. WVA220040208**

*Respondents.*

**CONSENT DECREE**

Respondent Steve A. DuBrueler (“Respondent DuBrueler”), Respondent Gillian Joy Greenfield (“Respondent Greenfield”), and the West Virginia Real Estate Commission (“Commission”) enter into the following Consent Decree for the purpose of resolving the above-styled complaint. As reflected in this Consent Decree, the parties have reached an agreement and stipulate to the Findings of Fact, Conclusions of Law, and disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

**FINDINGS OF FACT**

1. Respondent DuBrueler is a licensed real estate broker in the State of West Virginia, holding license number WV0003503.
2. Respondent Greenfield is a licensed real estate associate broker in the State of West Virginia, holding license number WVA220040208.
3. At all times relevant, Respondent DuBrueler was the responsible broker for Caldwell Banker Premier, located in Winchester, Virginia. Respondent Greenfield is licensed with Coldwell Banker Premier and practices under the supervision of Respondent DuBrueler.
4. On September 27, 2023, the Commission initiated the present Formal Complaint against Respondents concerning Respondents' involvement in multiple West Virginia properties being listed for sale by Matthews Real Estate Investment Services, which is not a registered West Virginia real estate brokerage. Specifically, either or both Respondents were listed as "Broker of Record" on ten Matthews Real Estate Investment Services listings, despite the fact that the advertisements for these listings directed consumers to agents who are not licensed to practice real estate in West Virginia.
5. Additionally, Respondent Greenfield is listed on one or more of the advertisements as a broker using a license number from an expired license.

6. In his response to the Formal Complaint, Respondent DuBrueler contended that the advertisements are the result of third parties, over which he has no control.

7. At its regular meeting on December 12, 2023, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondents' above-referenced conduct violated the *West Virginia Real Estate License Act*, and authorized the proposal of this Consent Decree to resolve the matter.

### **CONCLUSIONS OF LAW**

1. Pursuant to the *West Virginia Real Estate License Act*, West Virginia Code § 30-40-1, et seq., the Commission is charged with the regulation of the practice of real estate brokerage in this State, and, thus, has jurisdiction over this Formal Complaint.

2. In relevant part, West Virginia Code § 30-40-7(1) authorizes the Commission to impose sanctions for violations of the *West Virginia Real Estate License Act*, including, but not limited to, an administrative fine not to exceed \$1,000 per day per violation; probation; revocation; suspension; restitution; additional education; denial of future license; downgrade of license; reprimand; and/or the return of compensation collected from an injured consumer.

3. The *West Virginia Real Estate License Act* does not recognize agreements by West Virginia licensees that purport to allow agents or brokerages not licensed in this State to practice real estate in this State. See W.Va. Code § 30-40-3 ("It is unlawful for any person

to engage in directly or indirectly, or to advertise or hold himself or herself out as engaging in or carrying on the business or act in the capacity of a real estate broker, associate broker, or salesperson within this state without first obtaining a license as provided for in this article. Prior to practicing real estate brokerage in this state, a license shall be obtained from the commission even if the person or entity is licensed in another state and is affiliated or otherwise associated with a licensed real estate broker in this state.”)

4. West Virginia Code § 30-40-19(a)(23) authorizes the Commission to sanction a licensee if he or she “accepts the services of any . . . salesperson who is not properly licensed[.]”

5. West Virginia Code § 30-40-19(a)(35) authorizes the Commission to sanction a licensee if he or she “[l]ends a broker’s license to any person, including a salesperson, or permits a salesperson to operate as a broker[.]”

6. Respondent DuBrueler’s conduct set forth above violates West Virginia Code §§ 30-40-19(a)(23) and (35).

7. The Commission’s Legislative Rule governing advertising provides, in relevant part, that “[n]o salesperson, associate broker or team shall advertise any property under his, her or their own name without the name of the responsible broker. All advertising by an associate broker, salesperson or team must be under the direct supervision of and in the name of the responsible broker.” W.Va. Code R. § 174-1-17.2.

8. Respondent Greenfield's conduct set forth above violates the above-quoted Legislative Rule.

**CONSENT**

By signing below, Respondent agrees to the following:

1. Respondents have had the opportunity to consult with counsel and execute 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 Respondents to make this settlement other than as set forth herein. Respondents acknowledge that they may pursue this matter through appropriate administrative proceedings and are aware of their legal rights regarding this matter, but intelligently and voluntarily waive such rights.

2. Respondents acknowledges the Findings of Fact set forth above, admit that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consent to the entry of the following Order:

**ORDER**

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


1. Respondents shall each pay a fine in the amount of \$1,000.00, by check made payable to the State of West Virginia and submitted to the Commission office.

2. Respondents shall each complete three (3) hours of continuing education on the subject of West Virginia license law. Respondents shall submit to the Commission documentation evidencing completion of the course within the timeframe set forth herein. The three (3) hours required by this Consent Decree are in addition to the continuing education hours required for the annual renewal of Respondents' respective licenses.

3. Respondents shall pay the fine and complete the required three (3) additional hours of continuing education within six (6) months of the entry of this Consent Decree.

4. 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 result in further disciplinary action, including, but not limited to, suspension of Respondents' licenses. The Commission shall immediately notify the non-complying Respondent(s) via certified mail of the alleged violation of the Consent Decree. In the event Respondents contest the alleged violation of the Consent Decree, Respondents are entitled to a hearing to challenge the alleged violation.

**CONSENT DECREE AGREED TO BY:**

DocuSigned by:  
  
0E3A592932AB41A  
**Steve A. DuBrueler**

1/15/2024  
\_\_\_\_\_  
**Date**


DocuSigned by:  
  
8A6D347C334A42E  
**Gillian Joy Greenfield**

1/15/2024  
\_\_\_\_\_  
**Date**

ENTERED into the records of the Real Estate Commission this:

15<sup>th</sup> day of January, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By:   
Keri L. Ferro, Executive Director