

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**

*Complainant,*

**V.**

**Formal Complaint Nos. C-24-018 and P-24-020**

**LISA ANN LYONS,  
Licensed Real Estate Broker  
License No. WV0012738**

*Respondent.*

**CONSENT DECREE**

Respondent Lisa Ann Lyons (“Respondent”) 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 is a licensed real estate broker in the State of West Virginia, holding license number WV0012738. Respondent’s brokerage is Hometown Property Management located in Parkersburg, West Virginia.

**Formal Complaint No. C-24-018**

2. On November 1, 2023, the Commission voted to initiate Formal Complaint No. C-24-018 against Respondent concerning allegations from one of Respondent’s clients (an owner of rental

properties managed by Respondent) who alleged that Respondent had failed to remit payment to her as required by her property management agreement.

3. The Commission's investigator, Robert Plume, attempted to audit the brokerage office on July 14, 2023, by visiting the location address on file with the Commission. This address was incorrect; the office address had changed with no notification to the Commission.

4. Investigator Plume contacted Respondent and scheduled an audit for July 20, 2023. During the July 20, 2023, audit, the investigator discovered the following concerns: Respondent had failed to reconcile her rental trust account for an extended period of time; It was impossible to reconcile the account given the lack of record of outstanding checks; Maintenance charges were passed through a non-existent entity called "B&L Services," invoices from which were paid by Respondent's operating account; Respondent's record of owner accounts in that she managed according to the AppFolio software was not accurate and could not be reconciled with Respondent's actual ledger; and a random selection of four owner accounts showed inconsistent distribution of monies to each owner.

5. Investigator Plume returned to the brokerage the following day to continue the audit. At this end of this visit, Investigator Plume provided Respondent with a list of action items to be completed within 30 days.

6. By October 18, 2023, Respondent had failed to complete the list of actions items.

7. Investigator Plume and a second Commission investigator, Chase Fischer, met with Respondent at the brokerage on October 23, 2023. Although most of Respondent's clients had been paid their monies due in October, Respondent was still unable to provide an accurate record of

outstanding checks, making reconciliation impossible. Respondent was given an October 27 deadline to provide a list of outstanding checks.

8. Respondent failed to provide the list until October 30. And, the list provided failed to identify the date the check was written and to whom the check was made payable. Accordingly, the investigators could not reconcile Respondent's trust account.

9. At its regular meeting on November 1, 2023, the Commission voted unanimously to initiate a Formal Complaint. Formal Complaint No. C-24-018 was issued on November 21, 2023, detailing the above-referenced allegations.

10. On December 21, 2023, Respondent submitted a written response. Respondent stated, among other things, that personal and family health issues interfered with her ability to keep her trust account properly reconciled.

11. At its regular meeting on May 15, 2024, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondent's above-referenced conduct violated the *West Virginia Real Estate License Act*.

#### **Formal Complaint No. P-24-020**

12. On November 16, 2023, the Commission received a Formal Complaint against Respondent from Thomas W. Dukas, one of Respondent's clients. This Complaint was docketed as Formal Complaint No. P-24-020.

13. Mr. Dukas detailed his attempts between August and November of 2023 to obtain certain records, agreements, and his share of disbursements due him from his two rental properties managed by Respondent.

14. Respondent did not respond to Formal Complaint No. P-24-020.

15. Subsequent to the filing of the Complaint and as a result of the involvement of the Commission, Mr. Dukas received the requested records and disbursements due him. Upon information and belief, Mr. Dukas terminated his property management agreements with Respondent.

16. At its regular meeting on May 15, 2024, the Commission considered all of the information received on the matter and determined that there was probable cause to conclude that Respondent's above-referenced conduct violated the *West Virginia Real Estate License Act*.

### 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(l) 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. West Virginia Code § 30-40-19(a)(19) authorizes the Commission to sanction a licensee if he or she “[v]iolates any provision of this article, any rule, or any order or final decision issued by the commission[.]”

4. West Virginia Code § 30-40-18(a) requires as follows: “Every person licensed as a broker under the provisions of this article who does not immediately deliver all funds received, in relation to a real estate transaction, to his or her principal or to a neutral escrow depository shall

maintain and reconcile one or more trust fund accounts in a recognized financial institution and shall place all funds therein: *Provided*, That nothing contained herein shall require a broker to maintain a trust fund account if the broker does not hold any money in trust for another party.”

5. West Virginia Code § 30-40-18(h) requires as follows: “The broker shall, at a minimum, maintain records of all funds deposited into the trust fund account, which shall clearly indicate the date and from whom the money was received, date deposited, date of withdrawal, to whom the money belongs, for whose account the money was received, and other pertinent information concerning the transaction. All records shall be open to inspection by the commission or its duly authorized representative at all times during regular business hours at the broker’s place of business.”

6. West Virginia Code § 30-40-19(a)(8) authorizes the Commission to sanction a licensee if he or she “[f]ails, within a reasonable time, to account for or to remit moneys or other assets coming into his or her possession, which belong to others[.]”

7. West Virginia Code § 30-40-19(a)(13) authorizes the Commission to sanction a licensee if he or she “[f]ails to voluntarily furnish copies of the notice of agency relationship, listing contract, sale contract, lease contract, or any other contract to each party executing the same[.]”

8. West Virginia Code § 30-40-19(a)(41) authorizes the Commission to sanction a licensee if he or she “[f]ails or refuses, on demand, to furnish copies of a document to a person whose signature is affixed to the document[.]”

9. West Virginia Code § 30-40-19(a)(29) authorizes the Commission to sanction a licensee if he or she “[f]ails to maintain accurate records on the broker’s trust fund account[.]”

10. Respondent's above-referenced conduct as alleged in the two Formal Complaints filed against her violates West Virginia Code §§ 30-40-19(a)(8), (13), (19), (29), and/or (41), rendering her license subject to discipline by the Commission.

### 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 she may pursue this matter through appropriate administrative proceedings and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

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

### ORDER

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

1. Respondent's broker's license shall be suspended for a period of six (6) months; however, the suspension shall be stayed and Respondent shall be placed on probation for a period of no less than fifteen (15) months, during which she is required to comply with the following conditions:

A. Respondent shall engage the services of a certified public accountant ("CPA") at her own expense to reconcile her rental trust account. All records demonstrating the CPA's

reconciliation of the rental trust account must be submitted to the Commission for review and approval no later than 90 days from the entry of this Consent Decree;

B. Following the Commission's approval of the CPA's trust account reconciliation, Respondent shall send monthly reconciliation reports to the Commission due on the first of each month, each of which must be approved by the Commission;

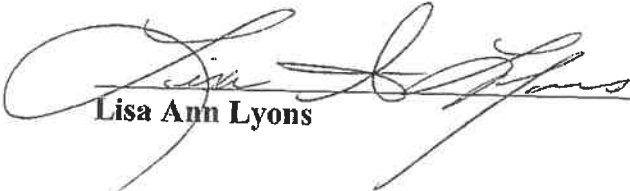
C. Within six (6) months of the entry of this Consent Decree, Respondent shall complete seven (7) hours of continuing education on the subject of property management, which hours are in addition to the hours required for annual renewal of Respondent's broker's license;

D. Within six (6) months of the entry of this Consent Decree, Respondent shall pay a fine in the amount of \$2,000, by check made payable to the State of West Virginia and submitted to the Commission; and

E. Within six (6) months of the entry of this Consent Decree, Respondent shall reimburse the Commission's administrative costs, including its attorney fees, in the prosecution of these Complaints in the amount of \$588.00.

2. Respondent's failure to comply with any of the above conditions, without the prior written consent of the Commission, shall constitute a violation of Respondent's probation and will result in the immediate suspension of Respondent's broker's license for a period of six (6) months pursuant to this Consent Decree. In lieu of suspension, the Commission may, at its sole discretion, elect to continue the period of probation during which the above terms will remain in effect. In the event Respondent contests the alleged violation of the Consent Decree, Respondent is entitled to a hearing to challenge the alleged violation.

**CONSENT DECREE AGREED TO BY:**

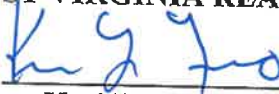
  
\_\_\_\_\_  
Lisa Ann Lyons

8-1-24  
\_\_\_\_\_  
Date

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

1<sup>st</sup> day of August, 2024.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
\_\_\_\_\_  
Keri L. Ferro, Executive Director