

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA REAL ESTATE COMMISSION,**

*Complainant,*

**V.**

**Formal Complaint No. C-24-019**

**SEAN BEUCHE  
Licensed Real Estate Salesperson  
License No. WVS240303184**

*Respondent.*

**CONSENT DECREE**

Respondent Sean Beuche (“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. At the time of the allegations in the Complaint, Respondent was a licensed real estate broker in the State of West Virginia, holding license number WVB220300809. Respondent is currently a licensed salesperson practicing under the supervision of Broker David Lynn Durbin, CBRE, Inc., d/b/a CBRE West Virginia.

2. At all times relevant, Respondent was the responsible broker for Marcus and Millichap Real Estate Investment Services, Inc., Philadelphia, PA 19123.

3. On November 1, 2023, the Commission initiated the present Formal Complaint against Respondent concerning an advertisement that was brought to the Commission's attention on September 14, 2023. The advertisement was for a property located at 80 Skyline Plaza Drive, Tennerton, West Virginia 26201. The advertisement indicated that the property was exclusively listed for sale by David Gant and Lori Schneider, neither of whom are licensed to practice real estate in this State. Respondent's name was listed on the bottom of the advertisement as "broker of record."

4. On October 5, 2023, Commission investigator Robert Plume notified Respondent about the potential violations of the *West Virginia Real Estate License Act* evidenced by the advertisement. The following day, Respondent notified Commission staff that the advertisement had been corrected.

5. On October 16, 2023, Seth M. Mott, Marcus and Millichap First Vice President and Deputy General Counsel, submitted a letter to Mr. Plume reiterating that the advertisement had been corrected and was the result of miscommunication with a third-party marketing company.

6. The Commission initiated the present Complaint at its meeting on November 1, 2023.

7. At its regular meeting on February 28, 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*, 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(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. 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's above-referenced conduct while licensed as the broker for Marcus and Millichap violates West Virginia Code §§ 30-40-19(a)(23) and (35).

### **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 he may pursue this matter through appropriate administrative proceedings and is aware of his 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 shall 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 within 30 days of entry of this Consent Decree.

2. In addition, Respondent shall reimburse the Commission's administrative costs, including attorney fees, in the amount of \$280.00, by check made payable to the State of West Virginia and submitted to the Commission office within 30 days of entry of this Consent Decree.

3. 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 Respondent's license. The Commission shall immediately notify Respondent via certified mail of the alleged violation of the Consent Decree. 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:**

DocuSigned by:  
  
90E72F768D84457...  
Sean Beuche

5/14/2024 | 14:03:14 EDT  
Date

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

15 day of May, 2024.

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By:   
Keri L. Ferro, Executive Director