

WEST VIRGINIA REAL ESTATE COMMISSION,
Complainant,

V.

Formal Complaint No. C-24-028

ROBERT D. COOPER, JR.,
Licensed Real Estate Broker
License No. WVB190300566

and

SAMANTHA L. HOWARD,
Licensed Real Estate Salesperson
License No. WVS220302180
Respondents.

CONSENT DECREE

Respondent Robert D. Cooper, Jr. ("Respondent Cooper"), Respondent Samantha L. Howard ("Respondent Howard"), 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 in which each Respondent agrees and stipulates 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 Cooper is a licensed real estate broker in the State of West Virginia, holding license number WVB190300566.
2. Respondent Howard is a licensed real estate salesperson in the State of West Virginia, holding license number WVS220302180.

3. At all times relevant, Respondent Cooper served as the broker for Full Service, LLC, dba Century 21 Full Service Realty in Ripley, West Virginia. Respondent Howard practices under Respondent Cooper's supervision as a salesperson in the brokerage.

4. Real estate licenses must be renewed annually, on or before June 30.

5. Respondent Howard failed to properly renew her license on active status on or before June 30, 2023 for the 2024 licensure year. Thus, her license expired on July 1, 2023.

6. The Commission received a license status update form on November 3, 2023, seeking to reactivate Respondent Howard's license.

7. During the period that her license was expired, Respondent Howard was advertised as a salesperson and was involved in multiple real estate transactions.

8. On January 24, 2024, the Commission initiated the present complaint against respondents.

9. Respondents acknowledged that Respondent Howard's failure to renew and continuation in practice while expired was an oversight.

10. At its regularly scheduled meeting on March 20, 2024, the Commission determined there was probable cause to conclude that both respondents violated the *West Virginia Real Estate License Act*, and authorized the proposal of a consent decree to informally 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. West Virginia Code § 30-40-19(a)(19) authorizes the Commission to sanction a licensee if the licensee “[v]iolates any of the provisions of the *West Virginia Real Estate License Act*], any rule or order or final decision issued by the commission.” West Virginia Code § 30-40-17(a)(5) mandates that a real estate broker “[m]aintain in his or her custody and control the license of each associate broker and salesperson employed by him or her[.]”

4. West Virginia Code § 30-40-19(a)(23) authorizes the Commission to sanction 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. Also with respect to a broker, West Virginia Code § 30-40-19(a)(30) authorizes the Commission to sanction a licensee if the licensee “[f]ails to adequately supervise all associate brokers and salespersons employed by him or her[.]”

6. By allowing Respondent Howard to be advertised as a salesperson and to engage in real estate transactions while her license was expired, Respondent Cooper violated West Virginia Code §§ 30-40-17(a)(5), 30-40-19(a)(23), and 30-40-19(a)(30).

7. Respondent Howard violated West Virginia Code § 30-40-19(a)(23) by continuing in the capacity of a salesperson while not properly licensed to do so.

CONSENT

By signing below, each Respondent agrees to the following:

1. Respondents have 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 either Respondent 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 acknowledge 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. Respondent Cooper is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.

2. Respondent Howard is hereby reprimanded and shall pay a fine in the amount \$1,000.00, payable to the State of West Virginia.

3. Respondent Cooper shall reimburse the Commission its administrative costs, including attorney fees, in the amount of \$70.00.

4. Unless extended in writing by the Commission, the fines and costs shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission. The fines and costs

shall be paid by certified check made payable to the State of West Virginia and sent directly to the Commission's Office.

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 Respondents 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. 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.

CONSENT DECREE AGREED TO BY:



Robert D. Cooper, Jr., Broker

4/30/2024

Date



Samantha L. Howard, Salesperson

4/30/24

Date

ENTERED into the records of the Real Estate Commission this:

1st day of May, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director