

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. C-24-035

**ROBERT CHRISTOPHER DUNAVENT
Licensed Real Estate Salesperson
License No. WVS210301758**

Respondent.

CONSENT DECREE

Respondent Robert Christopher Dunavent (“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 salesperson in the State of West Virginia, holding license number WVS210301758, which purports to be with the brokerage Mountaintop Condos, LLC, located in Oakland, Maryland.
2. Respondent also holds Salesperson license WVS210301330, which is with Taylor-Made Deep Creek Real Estate Company, under the supervision of licensed real estate broker Terah Crawford.

3. In November 2023, the Commission became aware of advertisements in the Snowshoe Mountain area of West Virginia in the name of Mountaintop Condos, LLC. Mountaintop Condos, LLC, was a licensed West Virginia brokerage until July 12, 2023, when its broker, Greg McNeely, did not renew his West Virginia's broker's license. Mr. McNeely's West Virginia broker's license was cancelled effective December 31, 2023. Upon information and belief, Mr. McNeely relocated to Florida.

4. Mountaintop Condos, LLC, is no longer a licensed brokerage in the State of West Virginia. Respondent is listed as the contact for the company on the advertisements. There is no broker listed, as required. The advertisements and website for Mountaintop Condos, LLC give the impression to the public that it is still a licensed West Virginia brokerage, when it is not.

5. On February 28, 2024, the Commission initiated the present Formal Complaint against Respondent alleging multiple violations of the *West Virginia Real Estate License Act* relating to the advertising for Mountaintop Condos, LLC.

6. Respondent submitted a written response to the Complaint on April 7, 2024. Respondent acknowledged the accuracy of the allegations in the Complaint and set forth the circumstances which led to the continued advertising of Mountaintop Condos, LLC, beyond the cancellation of Mr. McNeely's broker's license.

7. 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*, 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. West Virginia Code § 30-40-19(a)(5) authorizes the Commission to sanction a licensee if he or she “[u]ses false or misleading advertising[.]”

4. Respondent’s above-referenced conduct, even if intentional, violates West Virginia Code § 30-40-19(a)(5).

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.

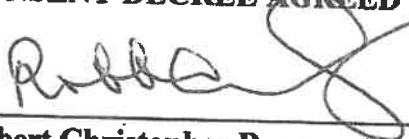
2. Respondent acknowledges the Findings of Fact set forth above, admits that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consents to the entry of the following Order:

ORDER

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

1. Respondent shall cease any and all advertising under the name of Mountaintop Condos, LLC, until such time as (1) Respondent becomes licensed as a real estate broker in this State, or (2) the property management activities of Mountaintop Condos, LLC, are assumed by a West Virginia licensed real estate broker, under whom Respondent's practice as a licensed salesperson may be supervised.
2. 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.
3. Respondent shall also 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.
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 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:



Robert Christopher Dunavent


6/17/24

Date

ENTERED into the records of the Real Estate Commission this:

16th day of June, 2024.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 

Keri L. Ferro, Executive Director