

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

V.

Formal Complaint No. L-12-032

SCOTT WORLEY,

Respondent.

CONSENT DECREE

The Respondent, SCOTT WORLEY (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Richard E. Strader, its Executive Director, enter into the following Consent Decree for the purpose of resolving the above-styled complaint that has been filed against Respondent. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in this Consent Decree concerning the proper disposition of this matter. The Commission, having approved such agreement, does hereby Find and Order as follows:

Findings of Fact

1. The Commission is a state agency created by *The West Virginia Real Estate License Act*, W. Va. Code § 30-40-1, *et seq.*, and is empowered to regulate the practice of real estate brokerage in the State of West Virginia.
2. At all times relevant, Respondent was licensed in the State of West Virginia as a real estate salesperson.

9. Respondent states that he withheld \$100.00 from the initial payment of \$1,300.00 in December 2011 in order to cover expenses related to the transaction.

10. There is no written agreement between Respondent, his broker, and/or Ms. Dycus regarding the rental of the property, commission, or payment of expenses.

11. Respondent failed to remit any of the rental payments to his supervising broker to be placed in his trust account as required.

Conclusions of Law

1. West Virginia Code § 30-40-1 *et seq.*, vests the Commission with the authority and responsibility to regulate real estate brokers, associate brokers and salespersons in the State of West Virginia.

2. Pursuant to West Virginia Code § 30-40-19(a)(8), the Commission may suspend, revoke or otherwise sanction a licensee who “[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.”

3. By failing to remit to his broker any of the rental payments received on Ms Dycus’ behalf, and by failing to account for the entirety of the payments due and owing to Ms. Dycus, Respondent’s conduct violated West Virginia Code § 30-40-19(a)(8).

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

ENTERED into the records of the Real Estate Commission this:

29th day of November, 2012.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: Richard E. Strader
RICHARD E. STRADER,
EXECUTIVE DIRECTOR