

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

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WEST VIRGINIA  
REAL ESTATE COMMISSION,

*Complainant,*

v.

Complaint No. L-14-029

JEFFREY MANGUS,  
Licensed Real Estate Broker  
License No. WV-0025765

*Respondent.*

**CONSENT DECREE**

Now comes the Respondent, Jeffrey Mangus (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Richard E. Strader, its Executive Director, for the purpose of resolving a complaint filed against Respondent by the Commission. 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 entity created by W. Va. Code § 30-40-1 *et seq.*, and is authorized to regulate the conduct of real estate brokers, associate brokers and salespersons.
2. Respondent is a broker licensed by the Commission, holding license number WV-0025765, currently operating Prosperity Realty in Hurricane, West Virginia.

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## 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. West Virginia Code § 30-40-7(1) gives the Commission all the discretionary power to “impose one or more sanctions as considered appropriate in the circumstances for the discipline of a licensee. Available sanctions include, but are not limited to, denial of a license or renewal thereof, administrative fine not to exceed one thousand dollars per day per violation, probation, revocation, suspension, restitution, require additional education, censure, denial of future license, downgrade of license, reprimand or order the return of compensation collected from an injured consumer.”
3. West Virginia Code § 30-40-19(a)(8) provides that the Commission has the authority to revoke, suspend or otherwise discipline 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.”
4. Respondent’s issues with his trust account included his failure to account for or to remit moneys or other assets coming into his or her possession in violation of West Virginia Code § 30-40-19(a)(8).
5. West Virginia Code § 30-40-19(a)(9) provides that the Commission has the authority to revoke, suspend or otherwise discipline a licensee if he or she “[c]ommingles moneys belonging to others with his or her own funds.”

3. Respondent agrees to pay the Commission's costs in this matter in the amount of three hundred ninety dollars (\$390.00).

4. The payments agreed to herein totaling two thousand three hundred ninety dollars (\$2,390.00) shall be paid within thirty (30) days of the entry of this Consent Decree by check made payable to the State of West Virginia and sent directly to the Commission's Office.

5. 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, upon action by the Commission, result in the summary suspension of Respondent's license until such time as Respondent achieves full compliance.

The Commission shall immediately notify Respondent, via certified mail, of the alleged violation of the Consent Decree and the summary suspension of Respondent's license. Respondent may request probationary reinstatement of the license through renewal of this Consent Decree, or execution of a new Consent Decree which may contain different or additional terms. The Commission is not bound to comply with Respondent's request for probationary reinstatement.

In the event Respondent contests the allegations of violation of the Consent Decree resulting in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of his license. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code §§ 30-1-8 and 30-40-1 *et seq.* and any procedural rules promulgated by the Commission.

At its discretion, the Commission also may schedule a hearing on its own initiative for the purpose of allowing the Commission to consider further discipline against Respondent based upon Respondent's violation of this Order of the Commission.