

Reformal  
fine

**BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION**

**WEST VIRGINIA  
REAL ESTATE COMMISSION,**

*Complainant,*

v.

**Formal Complaint No. L-14-041**

**MARLEIN HABASH,  
Licensed Salesperson  
License No. WV-0020896**

*Respondent.*

**CONSENT DECREE**

The Respondent, Marlein Habash (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, as the State entity created to regulate the conduct of real estate brokers, associate brokers and salespersons, has jurisdiction over this Complaint.

Commission's legal expenses and do not include costs reflecting time expended by Commission staff and other expenses incurred by the Commission.

### **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 W. Va. Code § 30-40-19(a)(3), the Commission has the authority to revoke, suspend or otherwise discipline a licensee if the licensee “[m]akes any false promises or representations of a character likely to influence, persuade or induce a person involved in a real estate transaction.”

3. Pursuant to W. Va. Code § 30-40-19(a)(5), the Commission has the authority to revoke, suspend or otherwise discipline a licensee if the licensee “[u]ses misleading or false advertising.”

4. Respondent's continued use of signage with the name of her former broker constitutes a false representation which had the potential to influence, persuade or induce others, in violation of W. Va. Code § 30-40-19(a)(3), and constitutes misleading or false advertising, in violation of W. Va. Code § 30-40-19(a)(5).

5. West Virginia Code § 30-40-19(a)(23) provides that the Commission may revoke, suspend or otherwise discipline 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.”

2. Respondent maintains that she removed the signs as soon as practicable under the circumstances, but has chosen not to contest the Commission's position that the removal of the signs was not timely. Accordingly, Respondent acknowledges the Findings of Fact set forth above, admits to the violations set forth above in the Conclusions of Law, and consents to the entry of the following Order:

**ORDER**

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

1. Respondent is hereby REPRIMANDED.
2. Respondent shall pay a fine in the amount of three hundred dollars (\$300.00), payable to the State of West Virginia.
3. Respondent shall also pay the costs associated with this Complaint in the amount of three hundred seventy-five dollars (\$375.00).
4. The total payment of six hundred and twenty-five dollars (\$675.00) shall be paid within thirty (30) days of the entry of this Consent Decree by the Commission by certified check or money order 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