

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Formal Complaint No. L-23-008

**LAIRD KNIGHT
Licensed Real Estate Salesperson
License No. WV0029500**

Respondent.

CONSENT DECREE

Respondent Laird Knight (“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 WV0029500.
2. At all times relevant, Respondent practiced under the supervision of Angela Crawford, licensed real estate broker with EXP Realty in Huntington, West Virginia. Respondent practices from his home in Morgantown, West Virginia.

3. On September 2, 2022, Katrina Bonfili, licensed real estate salesperson, filed a Formal Complaint with the Commission alleging that, on two separate occasions, Respondent failed to deposit earnest money that Respondent received in the course of two real estate transactions.

4. The first earnest money was received by Respondent in or around June of 2022 and related to the sale of a property located at 222 Willowdale Road. According to the Complaint, Respondent did not deliver this earnest money to his broker because it was in the form of a money order.

5. The second earnest money was received by Respondent in or around August of 2022 and related to the sale of a property located at 80 Sine Place. According to the Complaint, Respondent failed to deliver this earnest money to his broker because Respondent could not locate the check after receiving it.

6. On September 14, 2022, Respondent submitted a response to the Formal Complaint. In relevant part, with respect to 222 Willowdale Road, Respondent stated that the mobile payment system utilized by EXP Realty does not accept money orders. Respondent stated that he prepared an addendum removing the earnest money deposit from the transaction to accommodate the EXP's mobile payment system, to which the parties agreed. With respect to 80 Sine Place, Respondent believed the earnest money check was in his briefcase, but could not locate the check. After asking Ms. Bonfili's client to stop payment on the check, Respondent found the check on his desk.

7. In neither transaction did Respondent deliver to his broker the earnest money he received.

8. At its regular meeting on October 5, 2022, 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*.

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)(8) authorizes the Commission to sanction a licensee if he or she “[f]ails, within a reasonable time, to account for or remit moneys or other assets coming into his or possession, which belong to others.”

4. West Virginia Code § 30-40-19(a)(19) authorizes the Commission to sanction a licensee if he or she violates any of the Legislative Rules promulgated by the Commission.

5. The Commission's Legislative Rule, 174 CSR 1 § 15.2, provides as follows:

Funds received by salesperson or associate broker. -- Every salesperson and associate broker who receives any trust funds shall immediately or by the next business day following receipt pay over or deliver the trust funds to the responsible broker. No salesperson or associate broker shall collect any money in connection with any real estate transaction, whether as a commission, deposit, payment, rental, or otherwise, except in the name of and with the consent of the responsible broker.

6. Respondent's conduct in failing to deliver earnest money to his broker in the two referenced transactions violates West Virginia Code § 30-40-19(a)(8) and 174 CSR 1 § 15.2, and renders his license subject to discipline.

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 she may pursue this matter through appropriate administrative proceedings and is aware of her 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 is hereby reprimanded.
2. Respondent shall pay a fine in the amount of \$1,000.00.
3. Respondent is also assessed the Commission's costs, to include its attorney fees, in the amount of \$420.00.

4. The total payment of \$1420.00 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 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. Any 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. 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.

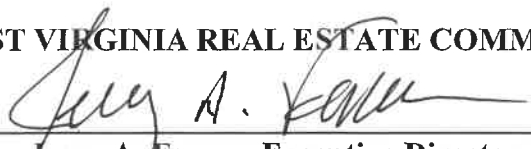
CONSENT DECREE AGREED TO BY:

		<small>dotloop verified 12/11/22 6:02 PM CST UTGR-PO9I-S95H-SQNY</small>
Laird Knight	Date	

ENTERED into the records of the Real Estate Commission this:

12th day of December, 2022.

WEST VIRGINIA REAL ESTATE COMMISSION,

By: 
Jerry A. Forren, Executive Director