

(12) agency relationship

BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

IN THE MATTER OF:

26(d)

JEANIE DAVIS  
Licensed Real Estate Broker  
License No. WV-0011824

Formal Complaint No. P-13-009

CONSENT DECREE

Now comes the Respondent, JEANIE DAVIS (hereinafter "Respondent"), and the West Virginia Real Estate Commission (hereinafter "Commission"), by Richard E. Strader, its Executive Director, and Debra L. Hamilton, its counsel, for the purpose of resolving a complaint filed against Respondent by Annie E. Goodwin (hereinafter "Complainant"). 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.
2. Respondent is a real estate broker licensed by the Commission, holding license number WV-0011824.
3. Respondent entered into a Purchase Agreement with Complainant on August 13, 2012.
4. Based on what Respondent characterized as "unique and unusual circumstances" requiring "a fast and expedient closing" the purchase agreement was signed by the Buyer (the

Net  
\$1200 + Costs

suspension, restitution, required 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)(12) provides that the Commission may revoke, suspend or impose any other sanction against a licensee if the licensee “[f]ails to disclose, on the notice of agency relationship form promulgated by the [C]ommission, whether the licensee represents the seller, buyer or both”.

4. West Virginia Code § 30-40-26(d) states that “[e]very licensee shall disclose in writing, on the notice of agency relationship form promulgated by the [C]ommission, whether the licensee represents the seller, the buyer or both. The disclosure shall be made prior to any person signing any contract for representation by a licensee or a contract for the sale or purchase of real estate.”

5. The Commission may assess administrative costs, which shall be placed in the account of the Commission. Any fine shall be deposited in the state treasury’s general revenue account. West Virginia Code § 30-1-8(a).

### **CONSENT**

Respondent, both in her individual capacity and as a licensed real estate broker, by signing below, 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

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 her 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.

**AGREED TO BY:**

\_\_\_\_\_  
**JEANIE DAVIS, Individually**

\_\_\_\_\_  
**DATE**

**ENTERED into the records of the Real Estate Commission this:**

\_\_\_\_\_ day of \_\_\_\_\_, 2013

**WEST VIRGINIA REAL ESTATE COMMISSION,**

By: \_\_\_\_\_  
**RICHARD E. STRADER,**  
**EXECUTIVE DIRECTOR**