

§174-1-21. Broker Supervision of Salespersons and Associate Brokers.

21.1. Pursuant to West Virginia Code § 30-40-19(a)(30), the Commission may revoke, suspend, or otherwise sanction a broker who fails to supervise all associate brokers and salespersons affiliated with him or her. A broker's failure to supervise salespersons and associate brokers practicing under the broker's supervision includes, but is not limited to, the following conduct:

21.1.a. Allowing a person to engage in activities requiring an active license issued by the Commission while that person's license is inactive, expired, cancelled, suspended, revoked, or otherwise invalid;

21.1.b. Failing to ensure that a salesperson or associate broker complies with any restrictions or conditions placed upon his or her license;

21.1.c. Directing or requiring that a salesperson or associate broker violate state or federal laws while conducting licensed activity;

21.1.d. Allowing a salesperson or associate broker to violate state or federal law related to the practice of real estate while conducting licensed activity, if the broker has actual knowledge or, through reasonable diligence of the impending or continuing violation;

21.1.e. Failing to promptly correct or mitigate a violation of license law or regulation committed by a salesperson or associate broker after learning of the conduct giving rise to the violation;

21.1.f. Failing to ensure that all forms used by a salesperson or associate broker comply with applicable statutes and regulations of the Commission;

21.1.g. Failing to ensure that all salespersons and associate brokers maintain reasonable and timely communication with the broker regarding all aspects of the brokerage's agency relationships with its clients and the brokerage's real estate transactions;

21.1.h. Failing to ensure that a salesperson's or associate broker's advertisements conform with the laws and regulations of the Commission;

21.1.i. Failing to provide new salespersons or associate brokers with information regarding the requirements of the WV Real Estate License Act;

21.2. The broker's duty to supervise all salespersons and associate brokers affiliated with him or her is not affected by the fact that the broker may not be physically located in the same office, location, or geographical area as the salesperson or associate broker.