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BEFORE THE WEST VIRGINIA REAL ESTATE COMMISSION

WEST VIRGINIA REAL ESTATE COMMISSION,

Complainant,

v.

Complaint No. C-14-032

**DEBORAH STEVENS,
Licensed Real Estate Broker
License No. WV-0009733,**

Respondent.

CONSENT DECREE

Now comes the Respondent, Deborah Stevens (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-0009733, who owns Stevens' Realty & Management in Parsons, West Virginia.
3. The facts and circumstances of this complaint relate to a real estate transaction which resulted in a third-party complaint filed by Naral F. Hotsinpillar on November 30, 2013, against a

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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(l) 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 belongs to others.”
4. Respondent’s failure to send the check to the listing broker upon acceptance of the offer, as required by the contract, did not comply with the legal requirement to remit moneys in a licensee’s possession which belong to others within a reasonable time, 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.”

1. Respondent is REPRIMANDED.
2. Respondent shall pay a fine in the amount of \$500.00 for her violation of West Virginia Code § 30-40-19(a)(8) and (9).
3. Respondent agrees to pay Commission's costs in this matter in the amount of three hundred ninety dollars (\$390.00).
4. The payments agreed to herein totaling eight hundred and ninety dollars (\$890.00) shall be paid within 30 days of the entry of this Consent Decree by certified check or money order made payable to the State of West Virginia and sent directly to the Commission 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 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.