

SPECIAL MEETING

WEST VIRGINIA REAL ESTATE COMMISSION
300 CAPITOL STREET, SUITE 400
CHARLESTON, WEST VIRGINIA 25301

July 26, 2017

The Commission met in regular session July 26, 2017 primarily via telephone, with the staff, Chairman and counsel present in the Commission's office at 300 Capitol Street, Charleston West Virginia. The following were in attendance:

Cheryl L. Dawson, Chairman
Kathryn L. Martin, Vice Chairman
Kathy J. Zaferatos, Secretary
Joe L. Ellison, Commissioner
Densil L. Nibert, Commissioner
Debra L. Hamilton, Deputy Attorney General
Jerry A. Forren, Executive Director
Robert W. Rucker, Investigator
Nedka P. Dineva, Education Director

The minutes from the meeting held June 20, 2017 were approved with correction upon motion made by Commissioner Nibert; second by Commissioner Zaferatos and passed.

BROKER APPLICANTS

Commissioner Nibert moved to deny the application for broker's license of Larry William Knight of Davis, WV; second by Commissioner Zaferatos and passed.

Commissioner Martin moved to approve the application for broker's license of Thomas Delphin Thacker of Buckhannon, WV; second by Commissioner Nibert and passed.

APPLICANTS WITH SPECIAL CONSIDERATION

Commissioner Ellison moved to approve the application for salesperson license of Bruce Meredith Cabbage of Hagerstown, MD; second by Commissioner Martin and passed.

Commissioner Martin moved to approve the application for salesperson license of Christopher Wade Luzier of Charleston, WV; second by Commissioner Nibert and passed.

Commissioner Zaferatos moved to approve the application for salesperson license of Tanya Marie Devine of Fairmont, WV; second by Commissioner Ellison and passed.

Commissioner Ellison moved to approve the application for salesperson license of Sylvia Reynolds Stoneberger of Augusta, WV; second by Commissioner Zaferatos and passed.

Commissioner Zaferatos moved to approve the application for salesperson license of William Terrence Zimmerman of White Sulphur Springs, WV; second by Commissioner Nibert and passed.

COMPLAINTS & INVESTIGATIONS

Relating to Complaint P-17-021, Commissioner Ellison moved to find no probable cause; second by Commissioner Nibert and passed.

Relating to Complaint P-17-022, Commissioner Martin moved to find no probable cause; second by Commissioner Zaferatos and passed.

Relating to Complaint C-17-023, Commissioner Ellison moved to find probable cause only as to the Broker; second by Commissioner Zaferatos and passed.

REPORTS

Executive Director Report

None

Budget/Financial

Commissioner Martin made a motion to receive the Executive Director's budget and financial reports given on July 19, 2017; second by Commissioner Zaferatos and passed.

Personnel Matters

None

OLD & NEW BUSINESS

New Business

None

Old Business / Ongoing Projects

WVAR State Meeting - Commissioner Martin made a motion to approve a payment of \$5000.00 for sponsorship of educational activities at the upcoming conference. Commissioner Martin accepted an amendment to the motion that the funds be contingent upon WVAR allowing the Commission to have two registrations at no cost. The motion as amended was seconded by Commission Nibert and passed.

POLICIES, PRACTICES AND RULE CHANGES

FY18 Rules – Comment Review and Commission-Approved Filing

Series 1: The Commission reviewed the two comments submitted, both by WVAR. There were no motions to amend Series 1 as filed.

Series 2: The Commission reviewed the only comment submitted, which was by WVAR. There were no motions to amend Series 2 as filed.

Series 3: All submitted comments were reviewed by the Commission, and amendments were proposed to the following sections:

174-3-3.6.b. Bridge Valley Community and Technical College and Spruce School of Real Estate both offered comments in support of the new rules reflecting the current Commission policy that distance education courses must be approved by ARELLO. Chairman Dawson moved to amend 174-3-3.6.b. to reflect that policy; second by Commissioner Nibert. Less than a majority having voted for the motion, the motion failed.

The following motions were made after consideration and discussion of all Series 3 comments submitted by WVAR:

174-3-3.1. Commissioner Zaferatos made a motion to allow counsel to amend the section to allow advertising prior to Commission approval so long as there was a clear statement that the course, provider or instructor had not yet been approved; second by Commissioner Nibert and passed.

Commissioner Zaferatos made a motion to re-insert the exemption for accredited post-secondary institutions to go through the approval process; second by Commissioner Martin and passed.

174-3-3.2.c. Commissioner Zaferatos made a motion to allow counsel to amend the section to allow for a grace period and late fee after June 30 in accordance with Commission policy; second by Commissioner Martin and passed.

174-3-3.2.d. Commissioner Zaferatos made a motion to insert the word "annual" and "when" to clarify the workshop requirement; second by Commissioner Nibert and passed.

174-3-3.4.d. Commissioner Zaferatos made a motion to change 100% to 90%; second by Commissioner Martin and passed.

174-3-3.5.a.1. Commissioner Zaferatos made a motion to add the word "and" and include the stricken language; change 100% to 90%; second by Commissioner Martin and passed.

174-3-3.7.b.5. Commissioner Zaferatos made a motion to change 5 years to 3 years, change "educational" to "teaching" experience and to strike "as a teacher"; second by Commissioner Nibert and passed.

Commissioner Zaferatos made a motion to file as Agency Approved Rules: Series 1 as filed, Series 2 as filed, and Series 3 as amended. Counsel was also authorized to correct any spelling errors in Series 3. Second by Commissioner Martin and passed.

Review of Education Department


The Executive Director was directed to prepare a scope of review of the WVREC Education Department, including the needed qualifications of a third-party reviewer to evaluate and make recommendations regarding improvements for same.

The next meeting of the Real Estate Commission is scheduled for Wednesday, August 23, 2017.

Commissioner Zaferatos made a motion to adjourn; second by Chairman Dawson and passed.

APPROVED: _____


_____ Chairman


_____ Secretary