

MEETING

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

October 20, 2016

The Commission met in regular session October 20, 2016 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

The minutes from the meeting held September 21, 2016 were approved, upon motion made by Commissioner Ellison; second by Commissioner Martin.

Commissioner Ellison moved to enter into executive session to consider matters described in WV Code 6-9A-4(b)(2)(A), (4), (6) and/or (7); second by Commissioner Martin and passed.

Commissioner Martin moved to return to regular session; second by Commissioner Zaferatos.

BROKER APPLICANTS

Commissioner Ellison moved to approve the application for broker's license of Casey Bowie, Jane Lew, WV; second by Commissioner Nibert and passed.

Commissioner Martin moved to approve the application for broker's license of Ann Rexroad, Buckhannon, WV; second by Commissioner Ellison and passed.

Commissioner Zaferatos moved to approve the application for broker's license of Tara Anne Helsley, Kingwood, WV; second by Commissioner Nibert and passed.

Commissioner Martin moved to approve the application for broker's license of Bradley Martin Morris, Clarksburg, WV; second by Commissioner Zaferatos and passed.

APPLICANTS WITH CONVICTION OR DISCIPLINARY ACTION

Commissioner Ellison moved to approve the application for Broker license of John Aaron Michael of Shepherdstown, WV; second by Commissioner Zaferatos and passed.

Commissioner Ellison moved to approve the application for salesperson license of Kevin Joseph Giompalo of Huntington, WV; second by Commissioner Nibert and passed.

Commissioner Zaferatos moved to approve the application for salesperson license of Kristi Ann Kitchen of Charleston, WV; second by Commissioner Nibert and passed.

Commissioner Nibert moved to approve the application for salesperson license of Ashley Owen Harper of Hurricane, WV; second by Commissioner Martin and passed.

Commissioner Ellison moved to approve the application for salesperson license of Robert Kay Stephens of Martinsburg, WV; second by Commissioner Martin and passed.

COMPLAINTS

Commissioner Martin moved to take Complaint C-16-032 off the table; second by Commissioner Ellison and passed. Commissioner Martin then moved to dismiss the complaint without prejudice and to toll statute of limitations; second by Commissioner Ellison and passed.

In regard to Complaint P-17-005, Commissioner Ellison recused himself and Commissioner Zaferatos moved to find no probable cause; second by Commissioner Nibert and passed.

REPORTS

Executive Director Report

Executive Director Forren presented his report and gave a short presentation of the new WVREC website and On-line Licensing System. Once the new licensing system is operational, the WVREC will no longer accept paper renewals.

Executive Director Forren also discussed his meeting with the Governor's office to clarify the Commissioners' term appointments. There was still a question regarding whether one Commissioner's first term was for full term or rest of unexpired term, which will be revisited with the Governor's Office. All other Commission questions and comments were also addressed.

Budget/Financial

Executive Director Forren reviewed the year-to-date financials as budgeted. Commissioner Zaferatos moved to receive the Executive Director's Financial Reports; second by Commissioner Nibert and passed.

Education Report

Executive Director Forren updated the Commissioners on progress for the On-line Examination System and the status of the RFP with Purchasing. Since the contract will be a "No Cost" contract, we have been told to proceed.

Exam Results

Report on examinations given on October 7, 2016; the results by name may be obtained from the Commission's examination file:

Broker Examinations - 7

Number Passed - 2

Percentage Passed - 29%

Number Failed - 5

Percentage Failed - 71%

Salesperson Examinations - 43

Number Passed - 24

Percentage Passed - 56%

Number Failed - 19

Percentage Failed - 44%

Audit Report

There were 4 Audits conducted since the September 2016 meeting.

OLD & NEW BUSINESS

New Business

Timber/Mineral Exception – The Commission discussed the exception set forth in W. Va. Code 30-40-5(c)(7) and affirmed its position that the sale of surface land is a real estate transaction and is not excepted from the provisions of Article 40.

PERD Audit – The Draft Report received discussed. The exit meeting has been scheduled for Tuesday October 25, 2016. It will be attended by Chairman Dawson, Executive Director Forren and Commission Counsel Hamilton.

Old Business / Ongoing Projects - no agenda items

POLICIES, PRACTICES AND POSSIBLE RULE CHANGES – no agenda items

TRAVEL AND PER DIEM EXPENSES

Per Diem payments were reported by the Commissioners as follows:

Cheryl L. Dawson	6 days
Kathryn L. Martin	2 days
Kathy J. Zaferatos	2 days
Joe L. Ellison	2 days
Densil L. Nibert	2 days

The next regular meeting of the Real Estate Commission is scheduled for Monday, November 14, 2016.

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

APPROVED: 11-14-16

Cheryl K. Lawson
Chairman

Katherine J. Zafirov
Secretary