

## MEETING

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

April 18, 2018

The Commission met in regular session on April 18, 2018 at 600 Quarrier Street, Charleston West Virginia. The following were in attendance:

Cheryl L. Dawson, Chairman  
Kathryn L. Martin, Vice Chairman  
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 March 21, 2018 were approved, with motion made by Commissioner Martin; second by Commissioner Nibert and passed.

### Appearances

None

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

Commissioner Ellison moved to return to regular session; second by Commissioner Nibert and passed.

### BROKER APPLICANTS

Commissioner Ellison moved to approve the application for broker license of Brittany Lauren Davis of Ripley, WV; second by Commissioner Nibert and passed.

### APPLICANTS WITH SPECIAL CONSIDERATION

Commissioner Nibert moved to approve the application for salesperson license of Tonia Elizabeth Bauguess of Shepherdstown, WV; second by Commissioner Ellison and passed.

Commissioner Nibert moved to approve the application for salesperson license of Henri Mauricio Magana of Leesburg, Md; second by Commissioner Ellison and passed.

Commissioner Ellison moved to approve the application for salesperson license of Bradley Aaron Comstock of Stephens City, VA; second by Commissioner Nibert and passed.

Commissioner Nibert moved to deny the application for salesperson license of Barbara Lee Baker of Shepherdstown, WV; second by Commissioner Ellison and passed.

Commissioner Nibert moved to approve the application for salesperson license of Christina Renee McAfee of Harpers Ferry, WV; second by Commissioner Ellison and passed.

## OTHER LICENSURE- RELATED ISSUES

None

## COMPLAINTS & INVESTIGATIONS

Relating to Complaint L-18-017, an update on settlement was given by the Executive Director.

Commissioner Martin moved to return to executive session; second by Commissioner Ellison and passed.

Commissioner Nibert moved to return to regular session; second by Commissioner Martin and passed.

Relating to Complaint P-18-019, Commissioner Ellison moved to take the matter off the table; second by Commissioner Nibert and passed. Commissioner Ellison then moved to find no probable cause; second by Commissioner Nibert and passed.

Relating to Complaint C-18-020, with Commissioner Nibert recused, Commissioner Martin moved to find probable cause and to consolidate with C-18-020 with P-18-015 as to the Respondent in C-18-020; second by Commissioner Ellison and passed. NOTE: Counsel was directed to proceed separately with an offer of settlement as to the other respondent in P-18-015.

Relating to Investigation I-18-009, with Commissioner Ellison recused, Commissioner Martin moved to initiate a complaint; second by Commissioner Nibert and passed.

## REPORTS

### Executive Director Report

Executive Director Forren presented his report. He first updated the Commission on the current status of the soft launch for the License Renewal System and stated he was not charging for paper renewals the first year of on-line renewal. He then provided an update about the Governor's efforts to fill the vacancy on the Commission, inviting Commissioners to submit recommendations to the Governor. Mr. Forren then showed them a draft copy of the new law book, which has been sent to the printer. 1200 copies were ordered, and a copy will be mailed to each broker. Mr. Forren reported on his upcoming plans to travel to the Eastern Panhandle (EP) to meet with EP brokers and to present to a large CE class.

### Broker Audit

The Broker Audit Report was reviewed and all questions were addressed

### Budget/Financial

Executive Director Forren reviewed the year-to-date financials as budgeted. Commissioner Martin made a motion to receive the report; second by Commissioner Nibert and passed.

### Settlement / Compliance Report

The Commission was briefed on the settlements:

L-17-019: Respondent Bell has not complied with his terms of settlement; if still not in compliance, the matter will be on the May agenda

C-18-016 was settled as to the remaining Respondents, Joseph Miller and Teresa Rugeley.

### Education Report

All continuing education CE's were approved. Exam results and the New Licensee Report were reviewed.

### Legislative Report

Executive Director Forren informed members that the Commission's new rules were final filed on April 12 and will go into effect on July 1, 2018

### Personnel Matters

None

### OLD & NEW BUSINESS

#### New Business

The topic of paying commissions to LLCs was discussed, and it is the Commission's opinion that the broker must pay commissions to the licensee and not an LLC or company owned by the licensee.

The topic of Craigslist rental scams was discussed. The Executive Director was instructed to post a warning to the Agencies Facebook page.

#### Old Business / Ongoing Projects

None

### POLICIES, PRACTICES AND RULE CHANGES

None

### TRAVEL AND PER DIEM EXPENSES

Per Diem payments were reported by the Commissioners as follows:

Cheryl L. Dawson	4 days
Joe L. Ellison	2 days
Densil L. Nibert	2 days
Kathy Martin	2 days

The next meeting of the Real Estate Commission is scheduled for Thursday, May 24, 2018.

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

APPROVED: 6-27-18

Craig L. Clausen  
Chairman

[Signature]  
Secretary