

MEETING

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

May 24, 2017

The Commission met in regular session May 24, 2017 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 April 19, 2017 were approved upon motion made by Commissioner Ellison; second by Commissioner Martin and passed.

Commissioner Nibert 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 Nibert and passed.

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

BROKER APPLICANTS

Commissioner Martin moved to deny the application for broker's license of Nicholas Steven Chapman of Barboursville, WV; second by Commissioner Nibert and passed.

Commissioner Zaferatos moved to deny the application for broker's license of Joshua Michael Conaway of Beaver, WV; second by Commissioner Ellison and passed.

APPLICANTS WITH SPECIAL CONSIDERATION

Commissioner Ellison moved to approve the application for salesperson license of Nolan Edward Calabro of Slatyfork, WV; second by Commissioner Martin and passed.

Commissioner Ellison moved to approve the application for salesperson license of Gregory M. Chandler of St. Albans, WV; second by Commissioner Martin and passed.

Commissioner Zaferatos moved to deny the application for salesperson license of Corbin Douglas Creamer of Kearneysville, WV; second by Commissioner Martin and passed.

Commissioner Ellison moved to approve the application for salesperson license of Michael Joseph Dukich of Rivesville, WV; second by Commissioner Nibert and passed.

Commissioner Nibert moved to approve the application for salesperson license of Lee Michael Lewis of Charleston, WV; second by Commissioner Zaferatos and passed. Commissioner Dawson recused herself from all discussion and decision making.

Commissioner Nibert moved to approve the application for salesperson license of Brian Boyce McCoy of Westover, WV; second by Commissioner Ellison and passed.

Commissioner Nibert moved to deny the application for salesperson license of Richard Lee Witherspoon of Dunbar, WV; second by Commissioner Zaferatos and passed.

Commissioner Ellison moved to approve the application for salesperson license of Lisa Marie Reed of Charleston, WV; second by Commissioner Nibert and passed. Commissioner Dawson recused herself from all discussion and decision making.

## COMPLAINTS & INVESTIGATIONS

Relating to Complaint C-17-018, Commissioner Zaferatos moved to find probable cause; second by Commissioner Martin and passed with Commissioner Ellison requesting to be recorded as voting no.

## REPORTS

### Executive Director Report

Executive Director Forren presented his report, which included briefings to Commissioners on the progress of the on-line license renewal system and the decision to do a full conversion when the admin module is ready. The old database hosted by the WV Office of Technology will be discontinued and reported his attendance at the Beckley Board of Realtors meeting and the upcoming Pendleton County meeting. Mr. Forren also relayed communications from the Governor's Office regarding Commissioner appointments, announcing that Commissioner Zaferatos will be reappointed effective July 1, 2017 and stated his intention to find new office space upon expiration of the current lease in 2018.

### 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 Report

Counsel explained the terms of settlement in P-16-034 and the possible need to prepare an Addendum to extend the time for compliance with the continuing education requirement. The Consent Decree will be posted to the website by June 1, 2017. A Consent Decree was also signed in C-17-014.

### Education Report

Executive Director Forren briefed the Commission on the progress with on-line examinations. We will be reviewing our results within the next 45 days to see if adjustments should be made for the time given on the National portion of the exam.

### Exam Results

Report on examinations given in April, 2017; the results by name may be obtained from the Commission's examination file:

Broker Examinations - 2

Number Passed - 1                      Percentage Passed - 50%

Number Failed - 1                      Percentage Failed - 50%

Salesperson Examinations (National) - 48

Number Passed - 18                      Percentage Passed - 38%

Number Failed - 30                      Percentage Failed - 63%

Salesperson Examinations (State) - 45

Number Passed - 34                      Percentage Passed - 76%

Number Failed - 11                      Percentage Failed - 24%

Broker Audit Report

There were 10 Audits conducted since the April 2017 meeting.

Legislative Report

The ongoing budget issue was discussed.

Personnel Matters

A temp was hired on a part-time basis and will go full-time to fill in for the Administrative Assistant, who will be off this summer.

OLD & NEW BUSINESS

New Business - none

Old Business / Ongoing Projects

The Commission was updated on final plans for the ARELLO district 2/3 meeting this June.

POLICIES, PRACTICES AND RULE CHANGES

The Commission briefly reviewed the draft Series 2 and Series 3 proposed rules and confirmed a schedule which would allow further review of Series 1, 2 and 3, followed by Commission approval of each for filing on or preferably before June 28, 2017.

Advertising and Social Media - There was a brief discussion about posts on Facebooks, "pocket listings," and signage in yards, including a review of the legislative rule regarding advertising and other relevant sections of the Commission's statute and rules.

TRAVEL AND PER DIEM EXPENSES

Per Diem payments were reported by the Commissioners as follows:


Cheryl L. Dawson	11 days
Kathy J. Zaferatos	2 days
Joe L. Ellison	2 days
Densil L. Nibert	2 days
Kathy Martin	2 days

The next regular meeting of the Real Estate Commission is scheduled for Tuesday, June 20, 2017.

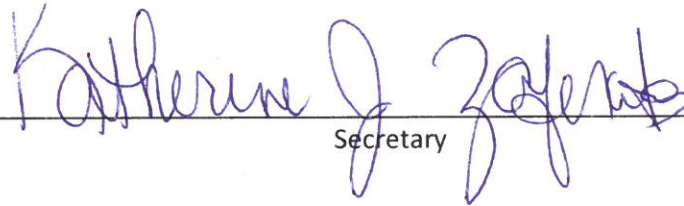
Commissioner Nibert made a motion to adjourn; second by Commissioner Ellison and passed.

APPROVED: \_\_\_\_\_

5-24-17



Chairman



Secretary