

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

2013 JUN 24 PM 2:42

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Real Estate Commission TITLE NUMBER: 174

CITE AUTHORITY: 30-40-8

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
Authorized Signature

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: June 24, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Real Estate Commission

300 Capitol Street, Suite 400

Charleston, WV 25301

LEGISLATIVE RULE TITLE: Schedule of Fees

1. Authorizing statute(s) citation 30-40-8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
May 10, 2013

b. What other notice, including advertising, did you give of the hearing?  
Posted on Commission's web site.  
Notification mailed to each licensee.  
Mailed notification to President of WV Association of Realtors, with "cc" to Chair of Government Affairs Committee & Executive Officer

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
June 11, 2013

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.  
Attached 4 comments No comments received \_\_\_\_\_

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

June 24, 2013

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- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Richard E. Strader, Executive Director

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West Virginia Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301

---

Phone: 304-558-3555 FAX: 304-558-6442 Email: Richard.E.Strader@wv.gov

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- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

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b. Date of hearing or comment period:

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

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d. Attach findings and determinations and reasons:

Attached 

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<[www.wvrec.org](http://www.wvrec.org)>

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RICHARD E. STRADER, CPA  
EXECUTIVE DIRECTOR

**SUMMARY OF PROPOSED LEGISLATIVE RULE**

AGENCY: Real Estate Commission

RULE: 174-2

STATUTORY  
AUTHORITY: WV Code §30-40-8

**SUMMARY**

Amendment to an existing rule to:

1. Increase certain fees collected by the Commission.



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**STATEMENT OF CIRCUMSTANCES  
REQUIRING PROPOSED LEGISLATIVE RULE**

AGENCY: Real Estate Commission

RULE: 174-2

STATUTORY  
AUTHORITY: WV Code §30-40-8

**STATEMENT OF CIRCUMSTANCES**

1. Increased costs of operations and a 23% decline in the number of licensees has necessitated the need to increase the fees collected by the Commission.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Schedule of Fees

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Real Estate Commission

Address: 300 Capitol Street, Suite 400  
Charleston, WV 25301

Phone Number: 304-558-3555 Email: Richard.E.Strader@wv.gov

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Costs will not be impacted.

Revenues will be increased approximately \$225,000 per year.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

| FISCAL YEAR                 |                                      |                                   |  |
|-----------------------------|--------------------------------------|-----------------------------------|--|
| Effect of Proposal          | Current Increase/Decrease (use "--") | Next Increase/Decrease (use "--") | Fiscal Year (Upon Full Implementation) |
| 1. Estimated Total Cost     | 0.00                                 | 0.00                              | 0.00                                   |
| Personal Services           |                                      |                                   |  |
| Current Expenses            |                                      |                                   |  |
| Repairs & Alterations       |                                      |                                   |  |
| Assets                      |                                      |                                   |  |
| Other                       |                                      |                                   |  |
| 2. Estimated Total Revenues | 225,000.00                           | 225,000.00                        | 225,000.00                             |

Rule Title: \_\_\_\_\_ Schedule of Fees \_\_\_\_\_

Rule Title: \_\_\_\_\_

- 3. Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

The majority of the increase will come from increases in the fee paid by real estate brokers, associate brokers and salespersons.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

None

Date: June 24, 2013

Signature of Agency Head or Authorized Representative

*Richard E. Stuebe*

**TITLE 174  
LEGISLATIVE RULE  
REAL ESTATE COMMISSION**

2013 JUN 24 PM 2:42

**SERIES 2  
SCHEDULE OF FEES**

**§174-2-1. General.**

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Commission.

1.2. Authority. -- W. Va. Code § 30-40-8.

1.3. Filing Date. --

1.4. Effective Date. --

**§174-2-2. Schedule of fees.**

2.1 Examination fee / Reexamination -- ~~\$25.00, paid at time of examination.~~ if the examination is administered by the Real Estate Commission.

2.2 Examination fee / Reexamination fee -- ~~\$25.00, paid at time of examination.~~ Up to \$150.00, not to exceed the actual cost to conduct the examination if the examination is provided by an accredited examination provider.

2.3 ~~Investigation~~ Original application fee -- \$25.00.

2.4 Broker / Associate broker license -- ~~\$100.00~~ \$150.00, per year.

2.5 Salesperson license -- ~~\$50.00~~ \$75.00, per year.

2.6 Branch office license -- ~~\$100.00~~ \$150.00, per year.

2.7 Broker / Associate Broker renewal --- ~~\$100.00~~ \$150.00, per year, payable by the fifteenth day of June.

2.8 Salesperson's renewal fee -- ~~\$50.00~~ \$75.00, per year, payable by the fifteenth day of June.

2.9 Branch office renewal -- ~~\$100.00~~; \$150.00 payable by the fifteenth day of June.

2.10 Change of Employing Broker -- \$10.00

2.11 Duplicate license -- \$10.00

2.12 Certification -- \$10.00

2.13 Change of name -- \$10.00

2.14 Change of office address -- \$10.00

2.15 Late renewal fee -- \$10.00, in addition to the required renewal fee, for each renewal application postmarked between July 1, and September 30 of the year in which due.

2.16 Reinstatement fee -- \$50.00, in addition to the required renewal fee, for each renewal application postmarked between October 1, and December 31 of the year in which due.

2.17 Reinstatement fee -- \$100.00, in addition to the required renewal fee, for each renewal application postmarked between January 1, and June 15 of the year subsequent to the year in which due.

2.18 Roster of active licensees -- \$100.00, one county -- \$5.00

2.19 Course Provider registration fee for each continuing education course -- \$50.00, per year.

2.20 Returned check charge -- ~~\$20.00~~ \$35.00.

2.21 Copies of public records -- \$0.25 per page plus staff time, if applicable, but only if the total charge equals or exceeds \$5.00.

Failure to pay any of the fees required under this rule is just cause for revocation of or refusal to issue or renew a license.



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EXECUTIVE DIRECTOR

To: Individuals That Submitted Written Comments

From: West Virginia Real Estate Commission  
Richard E. Strader, Executive Director

A handwritten signature in black ink, appearing to read "REF".

Date: June 24, 2013

Re: Legislative Rule §174-2 - Schedule of Fees

Thank you for your written comments regarding the Real Estate Commission's proposal to amend WV CSR §174-2 by changing the fee schedule that has been in effect since November 1, 2003. This change was needed because we have experienced an increase in operating costs over the last ten years and a decrease in the number of licensees as a result of the decline in the housing market.

The Commission has minimized expenditures as much as practicable while trying to maintain the same level of service and responsiveness to the licensees and the general public. We have operated at or below a break-even point in order to keep the fees stable.

The Commission has continuously monitored its financial position and it became apparent that some fees needed to be adjusted to maintain the financial health of the Commission. Certain fees were increased while others were left unchanged. The proposed increases will provide the necessary funding to maintain the level and quality of services provided by the Commission.

**RECEIVED**

**MAY 17 2013**

**W.VA. REAL ESTATE  
COMMISSION**

WV Real Estate Commission Proposed Rule Change

John Wohlever

1. Why haven't the late fees been increased? Please consider increasing the fees for individuals who fail to meet the requirement to renew their license.
2. Will the fees be reduced once the economy recovers and the number of real estate agents and brokers increases again?
3. Why are WV real estate fees so much more expensive than Maryland, Virginia, or Pennsylvania? The cost to renew a license in WV will be over double than any other state. Are there areas where the WV Real Estate Commission could eliminate waste in lieu of increasing fees?

**COMMISSION PROPOSES FEE INCREASE** - With the recent decline in the number of licensees, the Commission has found it necessary to raise some of the fees it collects in order to make up for the reduction in revenue. The increased fees, if passed, will not take effect until 2014. A public comment period has been established which will end on June 11, 2013 at 12:00 noon. You may access a copy of the Notice of Public Comment Period and the amended Rule by: "[Clicking Here](#)".

May 17, 2013

Richard E. Strader  
Executive Director  
WV Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301

**RECEIVED**

MAY 20 2013

W.VA. REAL ESTATE  
COMMISSION

Dear Sir,

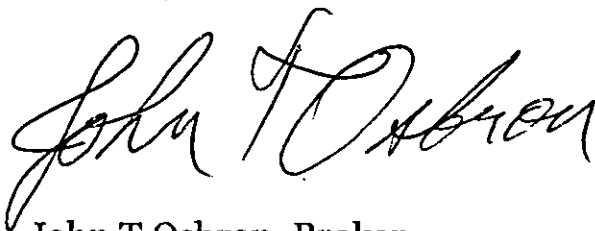
Perhaps the decline in licensees is due to the dismal real estate market. We compensate for the reduction in revenue by reducing our costs.

We do not have the authority to reach into someone else's pocket and increase our revenue.

Raising fees may result in further reduction in licensees, thus requiring raising fees, thus... Where do you stop?

I propose that you cut your cost instead of raising our costs by raising the fees we are already struggling to pay.

Sincerely,



John T Osbron, Broker  
Honeymoon Properties, Inc.  
HC 75 Box 27B  
Alderson, WV 24910  
304-667-2953

#5 North Hills Drive  
Parkersburg, WV 26104-9212  
May 28, 2013

**RECEIVED**

**MAY 30 2013**

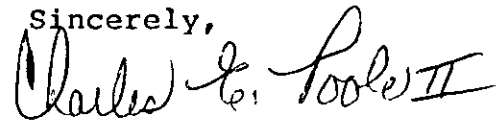
**W.VA. REAL ESTATE  
COMMISSION**

West Virginia Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301  
Attn: Real Estate Commissioner ~~XX~~

Dear Commissioner:

I strongly oppose any increase in fees for our licenses ~~XXXXXXXXXXXX~~  
~~XXXXXXXXXX~~ especially since you indicate that the increase is needed to make  
up for the decrease in income by the Commission due to the reduction in  
licensees. The point is that we are already overburdened with fees just to  
maintain our licenses if you include all the MLS dues and fees that we are  
required to pay. That is exactly the reason that licensees are cancelling  
their licenses. Don't you realize that by increasing license fees, it will  
cause that many more licenses to cancel their licenses and then again you  
will want to increase license fees. This has got to stop somewhere Mr.  
Commissioner. This is a tough business to make a decent living at, and can't  
you see that you you are only making it tougher. Don't run the rest of the  
licenses off or you won't collect anything in license fees.

Sincerely,



Associate Broker



**W.H. BURTON & ASSOCIATES**

68 High Street, PO Box 1139  
Morgantown, WV 26507-1139

VOICE: (304) 296-9620  
FAX: (304) 296-9625  
WWW: <http://www.whburton.com>  
E-Mail: [bill@whburton.com](mailto:bill@whburton.com)

May 28, 2013

**RECEIVED**

**MAY 30 2013**

**W.VA. REAL ESTATE  
COMMISSION**

Mr. Richard E. Strader, Executive Director  
West Virginian Real Estate Commission  
300 Capitol Street, Suite 400  
Charleston, WV 25301

RE: Title 174 Legislative Rule Real Estate Commission Series 2 Schedule of Fees

Dear Mr. Strader:

While I understand the need to increase the fees, I do not understand why the fees were not increased in all sections of 174-2-2 Schedule of Fees.

The administrative costs have increased in all areas and as such all fees should have been increased.

My recommendations on the fees not increased, by section, are as follows:

- Section 2.1 Examination fee/Reexamination - \$50.00
- Section 2.3 Original Application fee - \$50.00
- Section 2.10 Change of employing broker - \$25.00
- Section 2.11 Duplicate License - \$25.00
- Section 2.12 Certification - \$25.00
- Section 2.13 Change of Name - \$25.00
- Section 2.14 Change of office address - \$25.00
- Section 2.15 Late renewal fee - \$25.00
- Section 2.16 Reinstatement fee - \$75.00
- Section 2.17 Reinstatement fee - \$150.00
- Section 2.18 Roster of active licensees - \$150, one county; \$15.00
- Section 2.19 Course Provider registration - \$75.00
- Section 2.21 Copies of public records - \$1.00 per page (no staff time)

If you have any questions, contact me at 304-290-7734 or by emails at [bill@whburton.com](mailto:bill@whburton.com).

Sincerely,

William H. Burton, Jr.  
ABR®, ABRM®, AHWD, ARM®, CRB, CRS, GREEN, GRI, SFR®  
Broker  
W.H. Burton & Associates





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**AMENDMENTS MADE TO PROPOSED RULE**

AGENCY: Real Estate Commission

RULE: 174-2

STATUTORY  
AUTHORITY: WV Code §30-40-8

**AMENDMENTS**

The Real Estate Commission amended the language contained in WV CSR §174-2-2.2 in order to clarify the language.