



eXp Realty

Policy and Procedures

These West Virginia Policies and Procedures (“WV P&Ps”) of eXp Realty comprise an integral and material part of the eXp Realty U.S. Policies and Procedures (“eXp P&Ps”), and are expressly incorporated by this reference into the eXp P&Ps in their entirety, verbatim and at length, and constitute a part of the eXp Realty Independent Contractor Agreement (“ICA”) as though fully set forth herein. Unless otherwise defined in these WV P&Ps, capitalized terms used herein shall have the meanings ascribed to them in the eXp P&Ps and the ICA.

Table Of Contents

[GENERAL WEST VIRGINIA POLICIES](#)

[Policy Updates](#)

[Order of precedence:](#)

[Definition:](#)

[OFFICE LOCATION](#)

[BRANCH OFFICES](#)

[EARNEST MONEY](#)

[CONTINUING EDUCATION](#)

[FORMS](#)

[MENTOR PROGRAM](#)

[MEETINGS](#)

[ASSOCIATION OF REALTORS® and MLS](#)

[MLS's WHO HAVE OPTED OUT OF THE NAR SETTLEMENT](#)

[eXp ACCESS POLICY](#)

[LISTING SHOWING COURTESY](#)

[MARKETING & ADVERTISING](#)

[VOLUNTARY DISSOCIATION](#)

[Under Contract Transactions](#)

[DO NOT CALL / TELEPHONE SOLICITATION ACTS](#)

[AGENT SAFETY](#)

[WIRE FRAUD](#)

[ADDITIONAL LINKS](#)

GENERAL WEST VIRGINIA POLICIES

All Agents doing business in the State of West Virginia (WV) with eXp Realty LLC. ("eXp Realty"), are expected to abide by both the eXp Realty U.S. Policies and Procedures ("eXp P&Ps"), located at www.exprealty.com/policies, and these eXp Realty LLC. Policies and Procedures ("WV P&Ps"). To the extent that these WV P&Ps conflict with the eXp P&Ps due to specific Connecticut laws or regulations, these WV P&Ps will govern. If there are any questions about these WV P&Ps or the eXp P&Ps in general, contact the State Broker or Managing Broker(s).

[WV Agent website](#)

Policy Updates

Adhering to eXp P&P, WV eXp P&P, WV Legislative Law Book, NAR Code of Ethics & NAR Pathways to Professionalism creates consistency, cooperation, teamwork and a defensible position for the agents, broker, brokerage and eXp Realty, LLC.

The most current [West Virginia Real Estate License Act and Legislative Rules](#) (Law Book) issued by the West Virginia Real Estate Commission is considered to be included in the West Virginia eXp Policies & Procedures and takes precedent over the West Virginia eXp Policies & Procedures and eXp Policies & Procedures. A copy of the most current West Virginia Real Estate License Act and Legislative Rules and the most current eXp Realty Policies & Procedures Manual are attached below.

Order of precedence:

1. West Virginia Real Estate License Act & Legislative Rules - [Law Book Link](#)
2. eXp Realty WV Policies & Procedures
3. eXp Realty Policies & Procedures - www.exprealty.com/policies.

The West Virginia eXp Policies & Procedures are in addition to and complement eXp Realty Policies & Procedures and WV Real Estate License Act & Legislative Rules, [NAR Code of Ethics](#) and [NAR Pathways to Professionalism](#).

Any willful violation of any law, regulation, policy contained in this Manual or any policy specified in eXp Realty Policies may be cause for immediate dismissal by the eXp Realty..

Definition:

“Designated Broker” means a person holding a broker’s license who has been appointed by a partnership, association, corporation, or other form of business organization engaged in the real estate brokerage business, to be responsible for the acts of the business and to whom the partners, members, or board of directors have delegated full authority to conduct the real estate brokerage activities of the business organization. §30-40-4 Definitions

OFFICE LOCATION

West Virginia eXp has one state brick & mortar primary office as required by law.
The office location: 6294 East Pea Ridge Rd. Huntington, WV 25705

BRANCH OFFICES

No other additional brick and mortar offices can be open and / or operational unless / until approved by eXp Realty and the West Virginia Designated Managing Broker

Any Agent who desires to have a Branch Office will follow WV law, rules and regulations in addition to eXp requirements.
WV Statute requirements §30-40-17

(3) Conspicuously display his or her branch office license in each branch office and the license of each associate broker and salesperson employed by the broker who is primarily working from each branch office.

WV Statute requirements §174-1-14

14.1 License required; exception. Every licensed broker who desires to conduct brokerage transactions at any location other than his or her principal place of business under the same brokerage name must make application for a branch office license and pay the required fee in order to receive a license certificate for each branch office. A temporary shelter in a subdivision being sold by the broker, for the convenience and protection of licensees, clients and customers and at which transactions are not closed and licensees are not permanently assigned, is not considered to be a branch office. The permanence, use and character of activities conducted at the office or shelter shall determine whether it must be registered.

14.2 Manager of a branch office. Every broker who obtains a license for a branch office must designate one associate broker or salesperson as manager of each branch office. A broker may act as the manager of a branch office if the broker is capable of adequately supervising all associate brokers and salespersons assigned to that branch office. If the broker chooses to appoint a manager of a branch office, the licensee must be an active licensee and have at least two (2) years actual experience.

Prior to making an application, Agents will have a meeting with the DMB.

Agents will fill out the internal application for DMB branch office approval. [Branch Office Application](#)

Agents will provide the proper insurance declaration.

Agents will provide proof of ownership or lease agreement.

Agents will provide photos of the external front of the building.

Agent will provide two years of closed sales production.

Agent will provide proof of the branch office license issued by the West Virginia Real Estate Commission.

EARNEST MONEY

It is eXp West Virginia state policy not to hold earnest money unless absolutely necessary. Agents should direct the consumer to deliver their earnest money to their real estate attorney or the closing attorney or title company.

If an Agent accepts earnest money, the earnest money deposits must be directly deposited by the agent through the eXp [FTNI Remote Deposit program](#) IMMEDIATELY OR BY THE NEXT BUSINESS DAY AFTER RECEIPT.

A copy of the deposit receipt MUST BE UPLOADED TO SKYSLOPE IMMEDIATELY AFTER DEPOSIT according to WV Statute §174-1-15. Trust Funds and Accounts. “15.2 Funds received by salesperson or associate broker- Every salesperson and associate broker who receives any trust funds shall immediately or by the next business day following receipt pay over or deliver the trust funds to the responsible broker. No salesperson or associate broker shall collect any money in connection with any real estate transaction, whether as a commission, deposit, payment, rental, or otherwise, except in the name of and with the consent of the responsible brokerage. 15.3 Deposit of trust funds - Unless otherwise directed or allowed in the signed purchase agreement, every broker who receives any trust funds shall immediately or by the next business day following receipt deposit the trust funds in the broker’s trust account.”

Agents must always document the file properly with an accompanying buyer brokerage agreement and / or buyer purchase contract or other directly relevant references to ensure correct and prompt deposit.

Any request to release earnest money outside of closing must be requested in writing that will include the property address, listing agent contact information, selling agent contact information, buyer and seller contact information and signatures. If both parties do not agree on release of earnest money and who shall receive the earnest money, it will remain in the WV Broker Trust Account until an agreement can be made and / or WV Legislative Law requires.

Earnest money will be sent to the closing attorney / title company for return to the client. Submit the [Request Document](#) and upload a copy in Skyslope.

CONTINUING EDUCATION

Each Agent is required to complete Continuing Education per WV law §30-40-16. Continuing professional education.

(a) Every licensee shall complete seven hours of continuing professional education for each fiscal year, with each hour equaling fifty minutes of instruction.

(b) Upon application for the renewal of a real estate license on active status, each licensee must furnish satisfactory evidence, as established by the commission, that he or she has completed seven hours of approved continuing professional education during the term of the previous license: Provided, that if the commission issues a license certificate for a period of more than one fiscal year, each licensee must furnish satisfactory evidence that he or she has completed the equivalent of seven hours of continuing professional education for each year covered by the term of the previous license.

Each Agent is required to fulfill the NAR Code of Ethics training requirement.

It is the responsibility of each Agent to provide a copy of their current West Virginia License to the West Virginia eXp Designated Managing Broker. WV eXp Agents will use their local board documents, or documents provided by their designated multi-listing service, and additional eXp documents for all transitions.

FORMS

Contract forms and documents marked as “required” in Skyslope must be uploaded to Skyslope WITHIN 48 HOURS of signatures. The MLS and Association of REALTORS® have time restrictions as well that Agents must be aware of and adhere to.

If Skyslope files are incomplete, notice will be given to the Agent.

Sellers’ Property Disclosure or Disclaimer forms will be part of the West Virginia eXp listing agreement.

MENTOR PROGRAM

New Agents with fewer than 3 closed transactions understand they will be assigned a mentor by eXp and will abide by the rules of the mentoring program. See program details here. https://drive.google.com/file/d/1hi6lnnLalFbc_EIGzA3f0I7PkU9Cs347/view

MEETINGS

Agents should attend weekly meetings as good business practice and participation is encouraged. Meetings help Agents to be up to date on company and state brokerage announcements, events, documents, training and education, and more.

ASSOCIATION OF REALTORS® and MLS

Agents will be a member in good standing with their local board / mls. Please see the West Virginia Association of REALTORS® list of Boards [HERE](#). eXp Realty is a member of each board.

MLS’s WHO HAVE OPTED OUT OF THE NAR SETTLEMENT

This policy outlines the guidelines for recognizing Multiple Listing Services (MLSs) who have **opted out** of the National Association of Realtors (NAR) settlement and subsequent practice changes removing offers of compensation from any MLS beginning August 17, 2024.

eXp Realty agents are REALTOR® members covered under the NAR settlement and are required to follow the updated rules regarding no offers of compensation being offered in the MLS.

While eXp Realty recognizes some MLS’s have chosen not to “opt in” to the NAR settlement agreement, as a company we must default to the more restrictive rule as part of the settlement agreement.

No compensation may be conveyed via the Multiple Listing Service.

If a seller directs an eXp Realty agent in writing that they are willing to consider an offer of Buyer Broker Compensation by means of a concessions to a buyer, that may be promoted in such a manner as to comply with the MLS Rules as adopted, eXp Realty will not share listing side commission, so any offer of compensation would be paid by Seller to Buyer Broker directly.

eXp in no way desires to circumvent MLS rules or boundaries; therefore, we require all eXp agents to abide by the rules of the MLS(s) in which they are a member, so long as they do not conflict with this policy.

Any members of My State MLS must Opt out of offering cooperating compensation

MLS(s) that have opted out of the NAR Settlement Agreement:

None at this time

For additional questions, please contact your local State Broker.

eXp ACCESS POLICY

The purpose of eXp Access is to:

- Provide an unique offering for sellers who, due to varying circumstances, do not want their listing marketed in a public manner.
- Provide greater transparency to eXp agents and clients by eliminating geographic boundaries that limit us from viewing all eXp listings nationally/internationally.

The eXp Access platform makes two sets of data available to all eXp agents and their clients:

- *eXp Office Exclusives (OEs)*: These are listings that eXp agents have entered directly into the Zenlist software platform
- *eXp Public Listings*: These are eXp listings that originate from the listing agent's local MLS.

eXp in no way desires to circumvent existing MLS rules or boundaries; therefore, we require all eXp agents, when utilizing eXp Access, to abide by the rules of the MLS(s) in which they are a member.

Only listings with a valid Listing agreement may be entered as an eXp Office Exclusive (OE).

eXp OEs will have an expiration and should be renewed in the platform as the seller directs.

Listings from the multiple listing will automatically pull in to eXp Public Listings and the original OE input will need to be deleted by the agent so there is no duplication.

Agents will be responsible for maintaining and updating the status, price and comments of any listing entered in eXp Access within 24 hours of the update.

Advertising

- OE listings may **not** be advertised publicly in any medium so as to adhere to local MLS rules.
- **Only Buyers that have signed a Buyer-Broker Representation Agreement with eXp Realty can be allowed access to view eXp Access listings.**
- Listing a property as an eXp OE is not considered public marketing under the NAR Clear Cooperation Policy. If your MLS does not follow NAR's [Clear Cooperation](#) policy, or has other rules, you must abide by the rules of your MLS.
- MLS Exemption Form - You must follow your MLS's rules: *If your MLS requires an exemption form to withhold entering your listing, even if it's not being marketed publicly, you **must** have a seller exemption form signed.*

Multiple listing services that should be considered and local rules followed are as follows:

Matrix MLS
MLSNOW
Navica MLS
Paragon
Bright MLS
Flex MLS

LISTING SHOWING COURTESY

Agents shall contact the listing brokerage firm to set an appointment before showing property. Agents shall be considerate of the privacy of the sellers. If after making an appointment to show a house, the Agent realizes he/she will be unable to show the property, the Agent should call the listing brokerage firm to cancel the appointment. Agents should inform customers/vendors and others who enter the listed property not to smoke/vape in a listed property or leave trash or debris. A buyer or buyer Agent should not take pictures of property without written consent of seller(s).

MARKETING & ADVERTISING

The Agent's name on their WV Real Estate License is the name required on all marketing and advertising.

Agents will follow the rules and regulations set forth by the WVREC.

See Effective Rules, Series 1 on the WVREC site here. [WV Real Estate Commission](#)

VOLUNTARY DISSOCIATION

An Agent wishing to leave the eXp shall give the Brokerage Firm written notice ("Leave Notice").

Upon Agent's dissociation with eXp, the Agent shall discontinue use of all marketing material, signs, and any other information and/or property belonging to eXp and will immediately cease to market, advertise as an eXp Realty REALTOR® or Real Estate Agent. Just transferring the license with the Division of Real estate will not satisfy the license transfer with eXp. Until the formal internal forms are complete, the Agent will continue to accrue fees and obligations with eXp.

Under Contract Transactions

All transactions that are under contract at the time Brokerage Firm receives the Leave Notice shall remain with the Brokerage Firm, unless agreed upon otherwise between agent and broker in writing. All commissions paid to Brokerage Firm on Licensee's transactions shall be paid to the Licensee in accordance with the Licensee's Independent Contractor Agreement as if the Licensee was still with the Brokerage Firm. However, once the Licensee leaves the Brokerage Firm, the Brokerage Firm may assign another Licensee or the Designated Broker to the transaction to help facilitate the closing, therefore, the Brokerage Firm has the right to offset Brokerage Firm's reasonable costs against any commission earned on the Licensee's transactions.

DO NOT CALL / TELEPHONE SOLICITATION ACTS

Before making solicitation calls, the licensee or telemarketer must be familiar with the current laws. All Agents are encouraged to utilize [eXp Realty's DialSafe tool](#) to ensure all consumer phone numbers are verified to not be on the Do Not Call List prior to commencing any contact, thereby ensuring compliance with the Do Not Call regulations.

The [eXp Realty TCPA Resource Guide](#) is a valuable resource for Agents to familiarize themselves with to ensure they are in compliance with and abide by federal laws and the Telephone Consumer Protection Act (TCPA) regulations.

The **Telephone Consumer Protection Act (TCPA)**, regulates telemarketing calls, automatic telephone dialing systems, and artificial or prerecorded voice messages. The law also requires those who make telephone solicitations to have procedures for maintaining company-specific **do-not-call** lists. Licensees must maintain their own electronic or written list and make it available to eXp Commercial upon request. Within two business days of the request from a consumer, the licensee will place that consumer and phone number to the licensee's **do not call list**.

In 2012, **TCPA** updated rules require telemarketers:

1. obtain prior express written consent from consumers before robocalling them
2. No longer allow telemarketers to use an "established business relationship" to avoid getting consent from consumers when calling their home phones
3. require telemarketers to provide an automated, interactive "opt-out" mechanism during each robocall so consumers can immediately tell the telemarketer to stop calling.

For more details about the Commission's telemarketing rules, including the **do-not-call** provisions, click on the link on this page for the July 3, 2003 [Order](#). For details about registering with or accessing the **do-not-call registry**, visit the [National Do-Not-Call Registry page](#). Additional reference materials available on the web include a [summary of TCPA rules \(PDF\)](#) and the Commission's [Telemarketing Rules \(CFR Title 47, Part 64, subpart L: "Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising"\)](#).

TSR: The Telemarketing Sales Rule requires telemarketers to make specific disclosures of material information; prohibits misrepresentations; sets limits on the times telemarketers may call consumers; prohibits calls to a consumer who has asked not to be called again; and sets payment restrictions for the sale of certain goods and services.

<https://www.ecfr.gov/current/title-16/chapter-I/subchapter-C/part-310?toc=1>

The **TSR** has a “*safe harbor*” for unintentional calls or mistakes. If a licensee or telemarketer can show that, as part of its routine business practice, it meets all the requirements below of the “*safe harbor*,” the person/firm will not be subject to civil penalties or sanctions for mistakenly calling a consumer who has either asked for no more calls (and who should have been placed on the licensee’s **do not call list**), or for calling a person who is on the **national do not call registry**. eXp and the licensee/telemarketer share the responsibility to meet the “*safe harbor*” requirements. eXp, the licensee or telemarketer must demonstrate that:

- it has written procedures to comply with the do not call requirements
- it trains its personnel in those procedures
- it monitors and enforces compliance with these procedures
- it maintains a company-specific list of telephone numbers that it may not call
- it accesses the national registry no more than 31 days before calling any consumer, and maintains records documenting this process
- any call made in violation of the do not call rules was the result of an error

If you or the telemarketer you hired have violated any of the above laws, report this event to your broker immediately in writing.

AGENT SAFETY

Agent safety is a priority. Resources, tips and best practices for Agent safety can be found on the [National Association of Realtors](#) website.

WIRE FRAUD

Each year tens of thousands of dollars are lost due to wire fraud. eXp requires clients to sign eXp’s Wire Fraud Advisory. Agents can find the form in Skyslope Forms or Working Documents: Working Documents > Office Docs > Maine Listing Agreements Please note that eXp does not require the customer on the co-op side of the transaction to sign this document. While this disclosure document is part of the customer file, the document is not part of the Purchase & Sale Agreement. Once the eXp customer signs the document, the Agent will upload it to the customer file.

ADDITIONAL LINKS

[WV Real Estate Commission](#)
[National Association of Realtors Code of Ethics](#)
[National Association of Realtors Pathways to Professionalism](#)
[eXp brand guidelines](#)

NOTIFICATION OF POLICY AND PROCEDURE MANUAL REVISION

eXp Realty reserves the right to revise this WV P&P in its sole discretion. Agents are encouraged to review this document regularly to review any revisions.

[END OF DOCUMENT]