

REAL ESTATE BOARD
MINUTES OF MEETING

May 13, 2004

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

S. Ronald Owens, Chairman
Marjorie Clark
Florence Daniels
Gerald S. Divaris
Sharon Parker Johnson
R. Schaefer Oglesby
Byrl Phillips Taylor

Board members not present:

Herman Key, Jr.
Frank J. Quayle

DPOR Staff present for all or part of the meeting included:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
John Cancelleri, Fair Housing Administrator
Liz Hayes, Fair Housing Investigative Supervisor
Earlyne Perkins, Legal Assistant
Camille C. Palmer, Administrative Assistant

Eric A. Gregory, Office of the Attorney General, was present.

Chairman Owens called the meeting to order at 9:18 a.m.

Call to Order

No one addressed the Board during the **Public Comment period**.

Public Comment Period

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

Agenda

Minutes

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to adopt the **minutes** of the **March 18, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to adopt the **minutes** of the **March 24, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to adopt the **minutes** of the **March 25, 2004 Board Meeting**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Ms. Johnson and seconded by Mr. Oglesby to adopt the **minutes** of the **March 31, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Clark to adopt the **minutes** of the **April 1, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to adopt the **minutes** of the **April 1, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Taylor to adopt the **minutes** of the **April 12, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Taylor to adopt the **minutes** of the **April 15, 2004 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

Fair Housing
Administrator's Report

A motion was made by Ms. Clark and seconded by Mr. Divaris to defer the following case identified in the fair housing report until an interpreter can be present to provide interpreter services to the complainants, Robert DeBeck and Elizabeth Lee:

Robert DeBeck and Elizabeth Lee v. Scot Kersjes, REB File Number: 2004-00387

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Ms. Clark and seconded by Mr. Divaris to close as no cause the following cases identified in the fair housing report as:

Marcus Bonds v. Re/Max Affiliates, REB File Number: 2004-02896

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Ms. Clark and seconded by Mr. Divaris to close as no cause the following cases identified in the fair housing report as:

Vivian and Nelson Perry v. S. L. Nusbaum Realty Co., REB File Number: 2004-02259

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Ms. Daniels and seconded by Ms. Clark to approve the conciliation agreement identified in the fair housing report as:

Virginia and George Gaylord v. Drucker & Falk, LLC, REB File Number: 2004-03770

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

The Board discussed the Reconsideration Policy for Fair Housing Case Decisions. A motion was made by Mr. Divaris and seconded by Ms.

Clark to adopt the Reconsideration Policy as amended by adding "if necessary" to the second sentence in paragraph two (2) after the word and. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the **Fair Housing Minutes of March 25, 2004**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

In the matter of **File Number 2002-00465, David Dieu Nuyen**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Nuyen, respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(5) for Count I and imposing revocation of Mr. Nuyen's real estate broker's license for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(5) for Count I. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Divaris, Johnson, Oglesby and Taylor. There were no negative votes. Ms. Daniels, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-01824, David L. Morton, Jr.**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. The complainant, Judith McCaskill, and Ms. Kevette Elliott, respondent's attorney, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference for Count I. The motion passed by majority vote. Members voting "Yes" were Owens, Clark, Johnson, Daniels and Taylor. Member voting "No" was Divaris. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Clark and seconded by Ms. Daniels to find a violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) because Mr. Morton did not provide written notice of the change in the closing date. The motion passed by majority vote. Members voting "Yes" were Owens, Clark, Johnson, Daniels and Taylor. Member

Fair Housing Minutes

File Number 2002-00465
David Dieu Nuyen

File Number 2003-01824
David L. Morton, Jr.

voting "No" was Divaris. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Ms. Taylor to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) based upon the facts of the case and Morton's prior disciplinary action. The motion passed by majority vote. Members voting "Yes" were Owens, Clark, Johnson, Daniels and Taylor. Member voting "No" was Divaris. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03023, Donald Peter Pavell**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Judith McCaskill, complainant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation for Count I. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

File Number 2003-03023
Donald Peter Pavell

A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II because Mr. Pavell failed to safeguard the interest of the public by signing the purchasers names to the release agreement. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

A motion was made by Ms. Clark and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(A)(1) for Count III. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

A motion was made by Mr. Divaris and seconded by Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$250.00 monetary penalty due to Pavell's failure to safeguard the interests of the public by signing the release for violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

A motion was made by Ms. Daniels and seconded by Mr. Divaris to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and increasing the monetary penalty to \$400.00 due to the serious nature of the violation by signing the names without permission for violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-180(A)(1) for Count III. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

In the matter of **REB File Number 2004-00387, Robert DeBeck and Elizabeth Lee v. Scott Kersjes**, a motion was made by Ms. Clark and seconded by Mr. Divaris to consider the following case as an interpreter

REB File Number: 2004-00387
Robert DeBeck and

was now present to provide services to the complainants.

Elizabeth Lee v. Scott
Kersjes

Robert DeBeck and Elizabeth Lee v. Scot Kersjes, REB File Number: 2004-00387

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

The Board reviewed the record which consisted of the Final Investigative Report and the Case Analysis and Recommendation. Ms. Turner, interpreter for Mr. DeBeck and Ms. Lee was present and addressed the Board on behalf of the complainants. A motion was made by Mr. Divaris and seconded by Ms. Daniels to close as no cause the following cases identified in the fair housing report as:

Robert DeBeck and Elizabeth Lee v. Scot Kersjes, REB File Number: 2004-00387

The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

The Board **recessed** at 10:45 a.m. and reconvened at 11:00 a.m.

Recess

In the matter of **File Number 2004-03901, Maureen E. Gasink**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Gasink, applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead to approve Ms. Gasink's application for a broker's license by reciprocity with the stipulation of an Agreement for Licensure for four (4) years whereby Ms. Gasink would be issued an associate broker's license and can not be issued a principal broker or sole proprietor's license while under the terms of the Agreement for Licensure. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

File Number 2004-03901
Maureen E. Gasink

In the matter of **File Number 2004-03094, Karen Louise Plate**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary.

File Number 2004-03094
Karen Louise Plate

Ms. Plate, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Plate's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

In the matter of **File Number 2004-03150, Mohammed Waseem**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Waseem, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Waseem's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-03150
Mohammed Waseem

In the matter of **File Number 2004-03454, Gary P. Hart**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Hart, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Hart's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-03454
Gary P. Hart

In the matter of **File Number 2004-02375, Paula C. Walker**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Walker, applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Walker's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-02375
Paula C. Walker

In the matter of **File Number 2004-03152, Decella L. Allen**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Ms. Allen, applicant, was present and addressed the Board. A motion was made by

File Number 2004-03152
Decella L. Allen

Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Allen's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

In the matter of **File Number 2004-03430, Robert John Longo**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Longo, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Longo's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-03430
Robert John Longo

In the matter of **File Number 2004-03151, John A. Moody**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Moody was not present. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Moody's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Divaris, Johnson and Taylor. There were no negative votes. Ms. Daniels, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-03151
John A. Moody

In the matter of **File Number 2004-03428, Lindsey C. Altman**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Altman was not present. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Altman's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Divaris, Johnson and Taylor. There were no negative votes. Ms. Daniels, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-03428
Lindsey C. Altman

In the matter of **File Number 2004-03317, Sandra Hurst O'Hara**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's

File Number 2004-03317
Sandra Hurst O'Hara

summary. Ms. O'Hara was not present. A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to deny Ms. O'Hara's application for a real estate salesperson's license because Ms. O'Hara failed to submit a complete application within one year of passing the examination as required by the regulation. The criminal history portion of Ms. O'Hara's application has been considered and Ms. O'Hara will not be required to appear at another IFF concerning this issue. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Divaris, Johnson and Taylor. There were no negative votes. Ms. Daniels, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-01264, Sandra K. Hartman**, the Board reviewed the record which consisted of the Consent Order. Ms. Hartman was not present. A motion was made by Ms. Clark and seconded by Mr. Divaris to ratify the Consent Order finding a violation of the Board's 1999 Regulation 18 VAC 135-20-270 for Count I, imposing a \$200.00 monetary penalty and requiring three hours of continuing education pertaining to the Board Regulations and Ethics for the violation of the Board's 1999 Regulation 18 VAC 135-20-270 for Count I. A total monetary penalty of \$200.00 is imposed. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards continuing education requirements for renewal of license. The three hours of continuing education class pertaining to Board Regulations and Ethics must be successfully completed within six months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-01264
Sandra K. Hartman

In the matter of **File Number 2003-01167, Margaret H. Bryant**, the Board reviewed the record which consisted of the Consent Order. Ms. Bryant was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify the Consent Order finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180 (B)(1.a) and imposing a monetary penalty of \$100.00 and reimbursement of investigative costs to the Department in the amount of \$200.00 for violation of the Board's 1999 Regulation 18 VAC 135-20-180 (B)(1.a) for a total of \$300.00 is imposed. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in

File Number 2003-01167
Margaret H. Bryant

the discussion or vote in this matter.

In the matter of **File Number 2003-01254, Roberta D. Letkiewicz**, the Board reviewed the record which consisted of the Consent Order. Ms. Letkiewicz was not present. A motion was made by Ms. Clark and seconded by Mr. Divaris to ratify the Consent Order finding a violation of the Board's 1999 Regulation 18 VAC 135-20-300 (9) for Count I and imposing a \$250.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-300 (9) for Count I. A total monetary penalty of \$250.00 is imposed. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-01254
Roberta D. Letkiewicz

In the matter of **File Number 2003-01601, Samuel D. Moore, Sr.**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Moore was not present. A motion was made by Mr. Divaris and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count I. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-01601
Samuel D. Moore, Sr.

A motion was made by Ms. Johnson and seconded by Mr. Divaris to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I because Mr. Moore's failure to collect the earnest money deposit is not safeguarding the interest of the public. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Clark and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) for Count II. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr.

Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count I. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Taylor and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$200.00 monetary penalty because Mr. Moore's failure to collect the earnest money deposit is not safeguarding the interest of the public for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$300.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) for Count II. A total monetary penalty of \$1000.00 is imposed. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02199, William R. Brown, II**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Brown was not present. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) for Count I. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02199
William R. Brown, II

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to find a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II because Mr. Brown's failure to ensure that the earnest money deposit was collected is not safeguarding the interest of the public. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to increase the monetary penalty to \$500.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-310(2) for Count I because the broker has the responsibility for supervision and oversight of the escrow accounts. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Mr. Divaris to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$500.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II because the broker has the responsibility for supervision and oversight of the escrow accounts. A total monetary penalty of \$1,500.00 is

imposed. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00371, Collins M. Blaha**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Blaha was not present. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 2003 Regulation 18 VAC 135-20-260(5) for Count I. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00371
Collins M. Blaha

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no sanction for the violation of the Board's 2003 Regulation 18 VAC 135-20-260(5) for Count I. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00857, William Thomas Drake, Jr.**, the Board reviewed the record, which consisted of the Consent Order. Mr. Drake was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify the Consent Order finding a violation of the Board's 1999 Regulation 18 VAC 135-20-210(B) for Count I and imposing a \$100.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-210(B) for Count I. A total monetary penalty of \$100.00 is imposed. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00857
William Thomas Drake,
Jr.

In the matter of **File Number 2004-03588, Kathy C. Cartwright**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the board member's summary. Ms. Cartwright was not present. A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation to deny Ms. Cartwright's real estate broker license application because while Ms.

File Number 2004-03588
Kathy C. Cartwright

Cartwright has experience, the majority of that experience was not in the last 48 months preceding application for licensure. Members voting "Yes" were Owens, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-02609, Michael A. Johnson**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Johnson was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Johnson's application for a real estate salesperson's license with the noted change in paragraph number one (1) in the Summary under Prior Convictions where it should be 2 counts. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-02609
Michael A. Johnson

In the matter of **File Number 2004-03092, William J. Chrobak, Sr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Chrobak was not present. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Chrobak's application for a real estate salesperson's license noting the change in paragraph one (1) in the Summation of Facts that the convictions occurred in 1995. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-03092
William J. Chrobak, Sr.

In the matter of **File Number 2004-03093, Chris Panagopolous**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Panagopolous was not present. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Panagopolous's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

File Number 2004-03093
Chris Panagopolous

In the matter of **File Number 2004-03305, Wesley S. Freeman**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary.

File Number 2004-03305
Wesley S. Freeman

Mr. Freeman was not present. A motion was made by Mr. Divaris and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Freeman's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

The Board discussed the **adoption of Final Regulations**. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to adopt the Final Regulations. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

Adopt Final Regulations

The Board discussed HB 716. No action was necessary.

Mr. Oglesby read the Education Committee Report. A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the recommendations contained in the **May 3, 2004 Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Divaris, Johnson and Taylor. There were no negative votes.

Education Committee Report

There was no **Old Business**.

Old Business

The Board discussed upcoming Fair Housing Training. No action was necessary.

New Business

The Board also discussed Sex Offenders Training. No action was necessary.

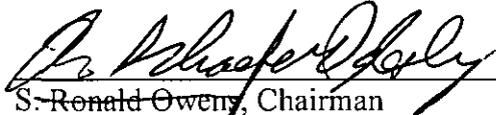
Ms. Ware announced that retirement of James L. Guffey, Deputy Director of Enforcement. Mr. Guffey will retire from DPOR at the end of this year.

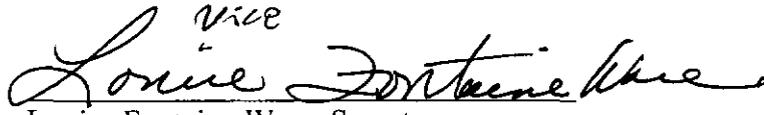
Other Business

The Board discussed sending two (2) Board members to the upcoming ARELLO Conference which will be funded from the Recovery Fund. The two members selected to represent the Real Estate Board are Schaefer Oglesby and Sharon P. Johnson. The alternate is Florence Daniels.

A motion was made by Ms. Daniels and seconded by Mr. Divaris to **adjourn** the meeting at 12:45 p.m.

Adjourn


S. Ronald Owens, Chairman

vice

Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Gerald S. Divaris
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
2. Title: Vice Chairman - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: _____

R. Schaefer Oglesby

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Byrl Phillips Taylor
2. Title: Member- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: Byrl Phillips Taylor

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: Florence Daniels

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Marjorie Clark
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: Marjorie M. Clark

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Sharon Parker Johnson
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: Sharon P. Johnson

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: S. Ronald Owens
2. Title: Chairman- Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____
None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: May 13, 2004

Signature: _____

S. Ronald Owens