

REAL ESTATE BOARD

MINUTES OF MEETING

May 19, 2005

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:

**R. Schaefer Oglesby, Chairman
Nathaniel Brown (arrived at 9.32 a.m.)
Judith L. Childress
Marjorie Clark
Florence Daniels
Sharon Parker Johnson
Miles Leon
Byrl Taylor**

Board member Carol Clarke was not present.

DPOR staff present for all or part of the meeting included.

**Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Fair Housing Investigator
Amy Chappell, Legal Assistant
Robert Whittaker, Program Conciliator
Antonio Bedford, Fair Housing Investigator
Tamika Jones, Fair Housing Investigator
Yvette Barnes, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Tammie Hall, Education Administrator
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant**

Wayne Halbleib, Tom Payne, and Eric Gregory from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:22 a m.

Call to Order

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

Public Comment Period

Wayne Halbleib introduced Tom Payne as the new Fair Housing Counsel to the Board.

Introduction

A motion was made by Ms. Clark and seconded by Mr. Leon to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Agenda

A motion was made by Ms. Daniels and seconded by Ms. Johnson to adopt the following minutes: March 10, 2005, Informal Fact-Finding Conference; March 17, 2005, Informal Fact-Finding Conference; March 24, 2005, Real Estate Board Meeting; April 6, 2005, Informal Fact-Finding Conference; April 7, 2005, Informal Fact-Finding Conference; April 14, 2005, Informal Fact-Finding Conference; April 21, 2005, Informal Fact-Finding Conference; and April 25, 2005, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Minutes

Board Member Nathaniel Brown arrived at 9.32 a.m.

Arrival of Board Member

After an introduction by Ms. Hayes, the following cases were presented to the Board

Fair Housing Administrator's Report

The Board considered the matters of **Jihad Abdul-Mumit and Darcel Murray v. Elice Havens and Havens Realty Corporation, REB File Number 2005-00464**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Jihad Abdul-Mumit and Darcel Murray v. Elice Havens and Havens Realty Corporation, REB File Number 2005-00464

The Board considered the matter of **Rico Cunningham v. Keith Hall and Partners & Homes Realty LLC, REB File Number 2005-02336**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Rico Cunningham v. Keith Hall and Partners & Homes Realty LLC, REB File Number 2005-02336

The Board considered the matter of **Vincent Raboteau v. Michelle Whitmore, Frye Properties, Inc./Richmond Investment Properties, REB File Number 2005-02731**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Vincent Raboteau v. Michelle Whitmore, Frye Properties, Inc./Richmond Investment Properties, REB File Number 2005-02731

The Board considered the matter of **Benarr and Apsah Gregory v. Craig Johnson, REB File Number 2005-01735**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Benarr and Apsah Gregory v. Craig Johnson, REB File Number 2005-01735

The Board considered the matter of **George and Gail Aitchison v. Debbie Turpin and River Towne Properties, Inc. t/a River Towne Properties, REB File Number 2005-02325**. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

George and Gail Aitchison v. Debbie Turpin and River Towne Properties, Inc. t/a River Towne Properties, REB File Number 2005-02325

The Board considered the matter of **Valerie Jackson v. Jackie Szpiech and JSB Realty Corporation t/a RE/Max Allegiance, REB File Number 2004-04963**. A motion was made by Ms. Daniels and seconded by Ms. Clark to approve the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Conciliation Agreements

Mr. Halblieb updated the Board on the status of the Spady case and the Gibson case.

Fair Housing Case Update

The Board took no action.

Ms. Hayes updated the Board on the proposed policy on approval of settlement agreements. A motion was made by Ms. Daniels and seconded by Ms. Taylor to approve the policy as follows:

Settlement Agreements

Upon receipt of a request to approve a proposed settlement agreement, the Board Chair shall forward the proposed settlement agreement to the Fair Housing Director to be placed on the upcoming Real Estate

Board meeting agenda. The Real Estate Board will review the terms of the proposed settlement agreement at their next scheduled full Board meeting. After reviewing the settlement agreement, the Real Estate Board shall vote to approve or reject the terms of the proposed settlement agreement.

The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Taylor to approve the Fair Housing minutes of March 24, 2005. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby, and Taylor.

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting

In the matter of File Number 2005-00880 Judith R. Frates, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Frates. Lem Marshall, attorney for respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the Consent Order wherein Ms. Frates admits to a violation of 18 VAC 135-20-260.10 of the Board's 1999 Regulations and agrees to a monetary penalty of \$1000 for the violation and agrees to reimburse the Board \$300 for investigative costs for a total of \$1300. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member in this matter, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of File Number 2005-03846 Kathy Chisholm, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Chisholm, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Chisholm's application for a salesperson's license. Ms. Chisholm can reapply for a broker's license when the additional nine months of real estate experience have been

Fair Housing Minutes

Transfer of Chair

File Number 2005-00880
Judith R. Frates

File Number 2005-03846
Kathy Chisholm

obtained at which time she will not be required to re-take the examination. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member in this matter, Mr. Oglesby did not participate in the discussions or votes related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair.

In the matter of **File Number 2005-03787 Ronald Lauziere**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Lauziere, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a waiver of the Board's experience requirement to obtain a broker's license due to Mr. Lauziere not having been actively engaged as a salesperson for 36 of the 48 months preceding his application and not showing equivalent experience. Mr. Lauziere may reapply for a broker's license in 15 months provided he stays actively engaged for the 15 month period at which point he will not be required to re-take the examination. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02822 Ronald Temple**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Temple, respondent, and John Gibney, attorney for respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Temple's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

Transfer of Chair

File Number 2005-03787
Ronald Lauziere

File Number 2005-02822
Ronald Temple

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-03789 Timothy Newton**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Newton, respondent, was present and addressed the Board. 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Newton's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03789
Timothy Newton

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-03234 Hardev Singh**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr Singh, the applicant, was present and addressed the Board. 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Singh's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03234
Hardev Singh

In the matter of **File Number 2005-02972 Phuong Nguyen**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Nguyen, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, deny Mr. Nguyen's application for a real estate salesperson's

File Number 2005-02972
Phuong Nguyen

license due to the insufficient amount of time that has passed since his conviction. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor

In the matter of **File Number 2005-03465 Darlene Opoku**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Opoku, the 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Opoku's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03465
Darlene Opoku

In the matter of **File Number 2005-03396 Natarsha Merritt**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Merritt, the 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 and, after consideration of the criteria contained in § 54 1-204.B of the Code of Virginia, approve Ms. Merritt's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03396
Natarsha Merritt

In the matter of **File Number 2005-03785 Barbara Williams**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Members. Ms. Williams, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Williams's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03785
Barbara Williams

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02829 Daris Booth, Jr.**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Booth, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Booth's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02829
Daris Booth, Jr.

In the matter of **File Number 2005-02831 Tawanda Hagar-Carter**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Hagar-Carter, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Hagar-Carter's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02831
Tawanda Hagar-Carter

In the matter of **File Number 2005-02947 Robin Bagley**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Bagley, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Bagley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02947
Robin Bagley

In the matter of **File Number 2005-03233 Beverly Wilson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Wilson, the 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Wilson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03233
Beverly Wilson

In the matter of **File Number 2005-03448 Shawn Dandridge**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Dandridge, the 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Dandridge's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03448
Shawn Dandridge

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2004-05053 Renee Crandle**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10. of the Board's 2003 Regulations for Count 1 and a violation of 18 VAC 135-20-310.2. of the Board's 2003 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

File Number 2004-05053
Renee Crandle

A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal

Fact-Finding Conference and impose a monetary penalty of \$500 for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-00881 Robert Schaefer**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Schaefer. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the Consent Order wherein Mr. Schaefer admits to a violation of 18 VAC 135-20-260 10 of the Board's 1999 Regulations and agrees to a monetary penalty of \$1000 for the violation and agrees to reimburse the Board \$300 for investigative costs for a total of \$1300. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor

File Number 2005-00881
Robert Schaefer

As the presiding Board member in this matter, Mr. Oglesby did not participate in the discussion or votes related to this matter

In the matter **File Number 2005-01521 William C. Gibbs, Jr.**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Gibbs. A motion was made by Ms. Childress and seconded by Mr. Leon to accept the Consent Order wherein Mr. Gibbs admits to a violation of 18 VAC 135-20-260 11 of the Board's 2003 Regulations and agrees to a monetary penalty of \$300 for the violation and agrees to reimburse the Board \$200 for investigative costs for a total of \$500. In addition, Mr. Gibbs agrees to successfully complete a Board approved course containing a component covering the Virginia Landlord Tenant Act, within six months of the effective date of this Order. It is acknowledged that satisfactory completion of the above referenced course will not count towards any continuing education requirements for renewal of Mr. Gibbs' license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and

File Number 2005-01521
William C. Gibbs, Jr.

Taylor.

As the presiding Board member in this matter, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter **File Number 2004-02744 Kevin Kaiser**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Kaiser. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the Consent Order as amended wherein Mr Kaiser admits to a violation of §54.1-2132 A.4 of the Code of Virginia and agrees to a monetary penalty of \$500 for the violation and agrees to reimburse the Board \$100 for investigative costs for a total of \$600. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Daniels, and Taylor. Members voting "No" were Johnson and Leon.

File Number 2004-02744
Kevin Kaiser

As the presiding Board member in this matter, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-03836 John King**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. King's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, and Taylor.

File Number 2005-03836
John King

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair.

Transfer of Chair

In the matter of **File Number 2003-00923 Ricardo Jimenez**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Jimenez. A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the Consent Order wherein Mr. Jimenez admits to a violation of 18 VAC 135-20-320.3 (Count 1), 18 VAC 135-20-310.2 (Count 3), and 18 VAC 135-20-260.9 (Count 4) of the Board's 1999 Regulations and §54.1-2132(A)

File Number 2003-00923
Ricardo Jimenez

(4) of the Code of Virginia and agrees to a monetary penalty of \$500 for Count 1, \$250 for Count 2, \$250 for Count 3, and \$250 for Count 4 for a total of \$1250 for the violations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2003-00924 Martha Tabares**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Tabares. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the Consent Order wherein Ms. Tabares admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) and 18 VAC 135-20-260.8 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$1000 for Count 2 for a total of \$1000 for the violations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

File Number 2003-00924
Martha Tabares

As the presiding Board member in this matter, Ms. Daniels did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-03397 Michol Ann Little**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a waiver of the Board's experience requirement to obtain a broker's license due to Ms. Little's lack of brokerage related activity and not being actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03397
Michol Ann Little

As the presiding Board member in this matter, Ms. Daniels did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-03790 Troy Legge**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding

File Number 2005-03790
Troy Legge

Conference of the presiding officer. 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 and approve Mr. Legge's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby, and Taylor.

As the presiding Board member in this matter, Ms. Daniels did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2005-03788 Donna Zinnecker**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a waiver of the Board's experience requirement to obtain broker's license due to Ms. Zinnecker not having been actively engaged as a salesperson for 36 of the 48 months preceding her application and not showing equivalent experience. Ms. Zinnecker may reapply for an associate broker's license in 12 months provided she stays actively engaged for the 12 month period at which point she will not be required to re-take the examination. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03788
Donna Zinnecker

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Daniels did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-02948 John Dever**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Dever's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02948
John Dever

In the matter of **File Number 2005-02830 Hai Lam**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Lam's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02830
Hai Lam

In the matter of **File Number 2005-02837 William Wu**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204 B of the Code of Virginia, approve Mr. Wu's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02837
William Wu

In the matter of **File Number 2005-02873 Stephen Crowe**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Crowe's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02873
Stephen Crowe

In the matter of **File Number 2005-03395 Tasha Mumaw**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 and, after consideration of the criteria contained in § 54.1-204.B of the

File Number 2005-03395
Tasha Mumaw

Code of Virginia, approve Ms. Mumaw's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

In the matter of **File Number 2004-04741 John Hoof**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Hoof. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Hoof admits to a violation of 18 VAC 135-20-260.7 (Count 1) and 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500 for Count 1 and \$500 for Count 2 for a total of \$1000 for the violations. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Daniels, Leon, Oglesby and Taylor. Member voting "No" was Johnson

File Number 2004-04741
John Hoof

In the matter of **File Number 2004-03364 Andrew Shingledecker**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Shingledecker. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the Consent Order wherein Mr. Shingledecker admits to a violation of 18 VAC 135-20-280.2 (Count 1) and 18 VAC 135-20-270.3 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1000 for Count 1 and \$500 for Count 2 for a total of \$1500 for the violations and agrees to reimburse the Board \$200 for investigative costs for a total of \$1700. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2004-03364
Andrew Shingledecker

In the matter of **File Number 2005-03135 Kimberlie Kiester**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Kiester. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the Consent Order wherein Ms. Kiester admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2004 Regulations and agrees to a monetary penalty of \$500 for the violation and agrees to reimburse the Board \$100 in investigative costs for a total of \$600. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-03135
Kimberlie Kiester

In the matter of **File Number 2005-01483 Joseph Babbitt**, the Board reviewed the record which consisted of the Consent Order as seen and

File Number 2005-01483
Joseph Babbitt

agreed to by Mr. Babbitt. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Babbitt admits to a violation of 18 VAC 135-20-185.C.3 of the Board's 2003 Regulations and agrees to a monetary penalty of \$550 for the violation and agrees to reimburse the Board \$200 in investigative costs for a total of \$750. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

In the matter of **File Number 2005-02062 Rula Mufti**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Ms. Mufti. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the Consent Order wherein Ms. Mufti admits to a violation of 18 VAC 135-20-280.1 of the Board's 2004 Regulations and agrees to a monetary penalty of \$250 for the violations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02062
Rula Mufti

In the matter of **File Number 2005-01990 Mark Wilson**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Wilson. A motion was made by Ms. Clark and seconded by Ms. Childress to reject the Consent Order as offered and instead re-offer a Consent Order wherein Mr. Wilson admits to a violation of §54.1-2131(A) (4) of the Code of Virginia and agrees to a monetary penalty of \$1000 for the violation and agrees to reimburse the Board \$150 in investigative costs for a total of \$1250. If Mr. Wilson rejects the counter offer, the matter will proceed to an Informal Fact Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-01990
Mark Wilson

In the matter of **File Number 2005-02877 Alan Strawderman**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Strawderman. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the Consent Order wherein Mr. Strawderman admits to a violation of 18 VAC 135-20-190 D.2 of the Board's 2003 Regulations and agrees to a monetary penalty of \$250 for the violation and agrees to reimburse the Board \$150 in investigative costs for a total of \$400. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

File Number 2005-02877
Alan Strawderman

The Board recessed for break from 10:55 a.m. to 11:13 a.m.

Break

The Board discussed the Common Interest Community Study set forth in House Joint Resolution 686. A motion was made by Ms. Daniels and seconded by Ms. Johnson to approve the work plan as submitted. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

2005 CIC Professional
Manager Study

Ms. Johnson read the Education Committee Report. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the May 18, 2005, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

Education Committee
Report

The Board agreed without dissent to move the September 2005 Board meeting from September 15 to September 22, 2005.

New Business

The Board discussed the possibility of starting the regulation review process. A motion was made by Ms. Johnson and seconded by Ms. Childress to begin the process for a Notice of Intended Regulatory Action. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Johnson to adjourn the meeting at 12:00 p.m. Members voting "Yes" were Brown, Childress, Clark, Daniels, Johnson, Leon, Oglesby and Taylor.

Adjourn


R. Schaefer Oglesby, Chairman


Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

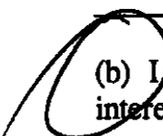
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
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. _____

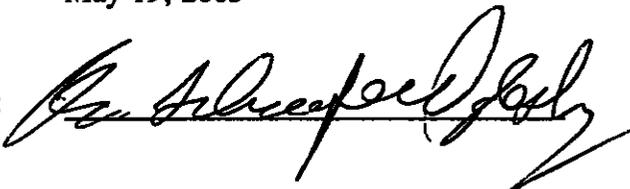
6. I declare that:

(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 19, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Judith L. Childress
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 19, 2005

Signature: _____

Judith L. Childress

**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: 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: n/a

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

Dated: May 19, 2005

Signature: Marjorie M. Clark

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
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 19, 2005

Signature: *Florence Daniels*

**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 19, 2005

Signature: 

**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 19, 2005

Signature: 