

REAL ESTATE BOARD
MINUTES OF MEETING

May 22, 2012

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Clifford L. Wells, Chairman
Judith Childress, Vice-Chair
Sharon Johnson
Joseph Funkhouser, II
Carol Clarke
Nathaniel Brown
Anh Tu Do (arrived at 9:44 A.M.)

Board member absent: Sandra Ferebee

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Liz Hayes, Fair Housing Administrator
Earlyne Perkins, Legal Analyst
Victoria Traylor, Legal Analyst
Kevin Hoeft, Education Administrator
Jeff Williams, Board Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Mr. Wells called the meeting to order at 9:09 A.M.

Call to Order

A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

Agenda

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the following minutes: February 29, 2012, Informal Fact-Finding Conference; March 13, 2012, Informal Fact-Finding Conference; March 13, 2012, (Licensing) Informal

Minutes

Fact-Finding Conference; March 14, 2012, Informal Fact-Finding Conference; March 15, 2012, Informal Fact-Finding Conference; March 15, 2012, Real Estate Board Meeting; March 22, 2012, Informal Fact-Finding Conference; March 28, 2012, Informal Fact-Finding Conference; April 4, 2012, Informal Fact-Finding Conference; April 26, 2012, Informal Fact-Finding Conference and May 2, 2012, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

Carmen DiGiandomenico addressed the Board concerning a closed complaint. No action was taken by the Board.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Angela Addison and Nathaniel Yates v. Park Properties Management Company, LLC and Leslie Brown, REB File Number 2012-01721**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

In the matter of **Annette Donigan v. WR South, LLC, dba Winn Companies, and Cathy Stead, REB File Number 2012-00644**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Ms. Johnson to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the Fair Housing Sub-Committee minutes of March 15, 2012. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

Valerie Matney, Director of Investigations – Field Operations, and Johnathan Darden, Director of Investigations – Central

Public Comment

Fair Housing Administrators Report

Angela Addison and Nathaniel Yates v. Park Properties Management Company, LLC and Leslie Brown, REB File Number 2012-01721

Annette Donigan v. WR South, LLC, dba Winn Companies, and Cathy Stead, REB File Number 2012-00644

Fair Housing Minutes

Administrative Issues

Operations, updated the Board on the status of Real Estate Firm inspections. No action was taken by the Board.

In the matter of **File Number 2012-02644, Steve Hurysz**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Steve Hurysz, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser 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. Hurysz's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

File Number 2012-02644, Steve Hurysz

In the matter of **File Number 2012-02476, Dale Bradshaw**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Dale Bradshaw, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser 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. Bradshaw's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Bradshaw and his broker will provide quarterly reports to the Board. The motion failed. Members voting "Yes" were Childress, Funkhouser and Wells. Members voting "No" were Brown, Clarke and Johnson.

File Number 2012-02476, Dale Bradshaw

A motion was made by Ms. Clarke and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference. The motion failed. Members voting "Yes" were Clarke and Johnson. Members voting "No" were Childress, Funkhouser and Wells. Brown abstained.

A motion was made by Mr. Funkhouser and seconded by Ms. Childress to amend 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. Bradshaw's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Bradshaw and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Brown, Funkhouser, Childress and Wells. Members voting "No" were Clarke and Johnson.

In the matter of **File Number 2012-02015, Sharon Simon**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Sharon Simon, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to amend 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*, to approve Ms. Simon's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Ms. Simon and her broker will provide quarterly reports to the Board due to the nature and seriousness of criminal convictions and to safeguard the public. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

File Number 2012-02015, Sharon Simon

In the matter of **File Number 2012-02507, Tara Winfree**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Tara Winfree, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Winfree's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Clarke, Funkhouser, Johnson and Wells. Brown abstained from voting.

File Number 2012-02507, Tara Winfree

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02659, Maurice Curley**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Maurice Curley, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Curley's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Funkhouser, Johnson and Wells.

File Number 2012-02659, Maurice Curley

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

Board Member Ahn Do arrived at 9:44 A.M.

Arrival of Board Member

In the matter of **File Number 2012-02660, Eugene Fisher**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Clarke to amend 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*, to approve Mr. Fisher's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Fisher and his broker will provide quarterly reports to the Board. In addition, Fisher must complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct prior to the issuance of the salesperson license. Such course(s) shall be completed in a classroom. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-02660, Eugene Fisher

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02506, James Kornick**,

File Number 2012-

the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Kornick's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**02506, James
Kornick**

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02661, Sally Hart**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Hart's application for a real estate broker's license. The Board determined Hart has not completed the required pre-license education and failed to show equivalent education to which is required. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-
02661, Sally Hart**

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-04247, Stanislav Ilyev**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Stanislav Ilyev, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2011-
04247, Stanislav
Ilyev**

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. In addition, Ilyev's license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in the classroom. Further, Ilyev shall provide evidence acceptable to the Board that he successfully complete the course(s) within three (3) months of the effective date of the Order. The above-referenced continuing education hours will not count towards any education requirements, if applicable, for initial licensure, or for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-04566, Lakhinder Jit Singh Vohra**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-280.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2011-04566, Lakhinder Jit Singh Vohra

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, for the violation of Count 1, the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

As the presiding Board member, Ms. Childress did not

participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02056, Jose Barreto Matos**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Jose Barreto Matos, applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Matos' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-02056, Jose Barreto Matos

In the matter of **File Number 2012-02525, Mark Hoover**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. Mark Hoover, applicant, and John Edwards, attorney for the applicant, were present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Hoover's application for a real estate broker's license and instead approve Mr. Hoover's application for a real estate broker's license. The motion failed. Members voting "Yes" were Clarke, Funkhouser and Wells. Members voting "No" were Childress, Do and Johnson. Brown abstained from voting in the matter.

File Number 2012-02525, Mark Hoover

A motion was made by Ms. Johnson and seconded by Mr. Brown to refer to case back to another Informal Fact-Finding Conference, to obtain more information on Hoover's salesperson's experience if the applicant cannot provide an Experience Verification form from Gearhart-Stevens. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2011-03672, Abuzar Waleed**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal

File Number 2011-03672, Abuzar Waleed

Fact-Finding Conference of the presiding Board member. Abuzar Waleed, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, the Board imposes probation of license for a period of one (1) year. While on probation, Waleed and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. Further, while on probation, Waleed shall comply with the following sanctions: for the violation of Count 1, Waleed shall be required to complete one (1) classroom hour of Board-approved continuing education pertaining to Real Estate Contracts, and two (2) classroom hours of Board-approved continuing education pertaining to Escrow. Such course(s) shall be completed in a classroom. As to Count 2, Waleed shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Waleed shall provide evidence acceptable to the Board that he has attended and successfully completed the courses within three (3) months of the effective date of the Order. The above-referenced education courses will not count towards any continuing education requirements, in applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

As the presiding Board member, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-00770, David A. Setzer, Jr.**, the Board reviewed the Consent Order as seen and agreed

File Number 2012-00770, David A.

to by Mr. Setzer. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Setzer admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Setzer agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Funkhouser, Johnson and Wells.

Setzer, Jr.

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-00878, Virginia Real Estate Transaction Recovery Act Claim of C & G Investors LLC (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$6,209.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-00878, Virginia Real Estate Transaction Recovery Act Claim of C & G Investors LLC (Claimant) and Premier Property Management and Sales Ltd. (Regulant)

In the matter of **File Number 2012-00840, Virginia Real Estate Transaction Recovery Act Claim of Clay Simmons (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to adopt the recommendation to approve payment in the amount of \$8,609.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-00840, Virginia Real Estate Transaction Recovery Act Claim of Clay Simmons (Claimant) and Premier Property Management and Sales Ltd. (Regulant)

In the matter of **File Number 2012-00842, Virginia Real Estate Transaction Recovery Act Claim of George Manning (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Childress and seconded by Ms. Johnson to adopt the recommendation to approve payment in the amount of \$6,429.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-00842, Virginia Real Estate Transaction Recovery Act Claim of George Manning (Claimant) and Premier Property Management and Sales Ltd. (Regulant)

In the matter of **File Number 2012-00393, Noemy Martinez**, the Board reviewed the Consent Order as seen and agreed to by Ms. Martinez. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Martinez admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$750.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for the violation of Count 1, Martinez agrees to complete at least six (6) classroom hours of Board-approved continuing education as follows: two (2) hours of Legal Updates; two (2) hours of Real Estate Contracts; and two (2) hours of Escrow Management. Martinez shall provide proof of attendance and successful completion of these courses within six (6) months of the effective date of the Order. The courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

File Number 2012-00393, Noemy Martinez

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-00345, Phillip Michael Wingfield**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Phillip Michael Wingfield, respondent, and C.T. Wingfield, witness for respondent, were present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms.

File Number 2012-00345, Phillip Michael Wingfield

Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanction(s): revocation of Wingfield's license for the violation of Count 1, but stay the imposition of the revocation based on Wingfield successfully meeting the following conditions: 1) Wingfield's license shall be placed on probation for three (3) years; 2) Wingfield and his broker provide quarterly reports to the Board that Wingfield is in compliance with the rules and regulations of the Board; 3) Wingfield provides quarterly reports from his probation officer that Wingfield has not violated any terms of his court imposed probation and has fully cooperated with substance abuse counseling as directed by his probation officer; and 4) Wingfield immediately notifies the Board if he is served with a show cause, capias, or major/minor violation report, or any other paperwork regarding noncompliance with his probation and/or any drug treatment or counseling program. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-00932, Carlos Rolando Otoya, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Otoya. Mr. Otoya, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Otoya admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$250.00 for the violation of Count 1, \$1,000.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,400.00. In addition, for the violation of Counts 1 and 2, Otoya agrees to two (2) year probation of his license as of the effective date of the order. During the two (2) year

File Number 2012-00932, Carlos Rolando Otoya, Jr.

probation: 1) Otoya agrees to not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of this order; 2) Otoya and his principal broker agree to provide to the Board, on a quarterly basis, a written statement and supporting documentation that Otoya is in compliance with terms listed above. If Otoya violates any terms of the probation, his license shall be automatically revoked. Otoya understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser and Wells. Member voting "No" was Childress.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-00719, Theresa A. O’Gorman-Sykes**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Theresa A. O’Gorman-Sykes, respondent, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Do to refer the matter back for another Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

File Number 2012-00719, Theresa A. O’Gorman-Sykes

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02475, Roger Rojas**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Roger Rojas, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke 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*, to

File Number 2012-02475, Roger Rojas

approve Mr. Rojas's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Rojas and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01694, Gregory Dewayne Yonce**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yonce. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Yonce admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.c (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for Count 1, no monetary penalty for Counts 2 and 3, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Counts 1, 2 and 3, Yonce agrees to complete at least six (6) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser and Wells. Member voting "No" was Childress.

File Number 2012-01694, Gregory Dewayne Yonce

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

Mr. Wells turned the position of Chair over to Ms. Childress and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2012-01023, Allyson Mae Hansen**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hansen. A motion was made by Mr. Funkhouser and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Hansen admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board's

File Number 2012-01023, Allyson Mae Hansen

2008 Regulations and agrees to a monetary penalty of \$550.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for the violation of Count 1, Hansen agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

Due to a potential conflict of interest, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-04087, Joshua Erik Macias a/k/a Joshua Erik Blum**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-300.2 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2008 Regulations and no violation contained in Count 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

File Number 2011-04087, Joshua Erik Macias a/k/a Joshua Erik Blum

A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, and \$2,500.00 for the violation contained in Count 4, for a total of \$6,600.00. Further, for the violation of Count 3 and Count 4, the Board imposes revocation of license. In addition, for the

violation contained in Count 1, Macias' license shall be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be completed in the classroom. Macias shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 2, Macias' license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow. Such course shall be completed in the classroom. Macias shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-04901, Eric Lawrence North**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

File Number 2011-04901, Eric Lawrence North

A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,200.00 for the violation contained in Count 1, and \$800.00 for the violation contained in Count 2, for a total of \$2,000.00. The Board also imposes the following sanctions: North's license will be placed on probation for a

period of one (1) year. While on probation, North and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. In addition, for the violation of Count 1, North's license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course shall be completed in the classroom. Further, North shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 2, North's license will be placed on probation and North shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow. Such course shall be completed in the classroom. North shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

Mr. Wells returned and assumed the position of Chair.

The Board recessed from 10:55 A.M. to 11:09 A.M.

In the matter of **File Number 2012-00454, Minhthu N. Lynagh**, the Board reviewed the Consent Order as seen and agreed to by Ms. Lynagh. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Lynagh admits to a violation of §54.1-2139.A (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,400.00. In addition, for the violation of Count 1, Lynagh agrees to complete at least three (3) classroom

Transfer of Chair

Break

File Number 2012-00454, Minhthu N. Lynagh

hours of Board-approved continuing education pertaining to Real Estate Agency and for the violation contained in Count 2, Lynagh agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01487, Lars Henriksen**, the Board reviewed the Consent Order as seen and agreed to by Mr. Henriksen. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Henriksen admits to a violation of 18 VAC 135-20-180.C.5 (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for the violation of Count 1, Henriksen agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-01487, Lars Henriksen

In the matter of **File Number 2012-00113, Ligia Gonzalez**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gonzalez. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Gonzalez admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for the violation of Count 1,

File Number 2012-00113, Ligia Gonzalez

Gonzalez agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01193, Charles E. Blankenship, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Blankenship. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer. The motion failed. Members voting "Yes" were Clarke, Funkhouser and Johnson. Members voting "No" were Brown, Childress and Wells. Do abstained from voting in the matter.

File Number 2012-01193, Charles E. Blankenship, Jr.

A motion was made by Ms. Childress and seconded by Ms. Clarke to reject the Consent Order offer, and remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01793, Tiawana Michelle Giles**, the Board reviewed the Consent Order as seen and agreed to by Ms. Giles. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Giles admits to a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$2,150.00. In addition, for the violation of Count 1, Giles agrees to revocation of her license. Further, the Board shall waive the imposition of the \$2,000.00 total monetary penalties for Counts 1, 2 and 3. Also, Giles agrees to not apply for, or obtain, a Virginia real

File Number 2012-01793, Tiawana Michelle Giles

estate salesperson's license for a period of two (2) years from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2011-02677, Judy Carol Horne**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2011-02677, Judy Carol Horne

A motion was made by Ms. Johnson and seconded by Ms. Do to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, for the violation of Count 1, Horne's license will be placed on probation and she shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be completed in the classroom. Horne shall provide evidence acceptable to the Board that she attended and successfully completed the continuing education within three (3) months of the effective date of the order. Further, for the violation of Count 2, Horne's license will be placed on probation and she shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course shall be in the classroom. Horne shall provide evidence acceptable to the Board that she has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of a license. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells. Member voting "No"

was Childress.

In the matter of **File Number 2011-02676, Peter A. Baratta**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, 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. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 3) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2011-02676, Peter A. Baratta

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 to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, for a total of \$3,500.00. In addition, for the violation of Count 1, Baratta's license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be in the classroom. Baratta shall provide evidence acceptable to the Board that he attended and successfully completed the continuing education within three (3) months of the effective date of the order. Further, for the violation of Count 2, Baratta's license will be placed on probation for a period of two (2) years due to the egregious nature of the violation concerning Escrow accounts. In addition, as to Count 2, Baratta shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course shall be in the classroom. Baratta shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 3, Baratta's license shall be placed on probation and he shall be required to complete three (3) classroom hours of Board approved continuing education pertaining to Broker Management and

Services. Such course shall be completed in the classroom. Baratta shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01286, Abdul Khalique**, the Board reviewed the Consent Order as seen and agreed to by Mr. Khalique. A motion was made by Ms. Johnson and seconded by Ms. Do to accept the proposed Consent Order offer wherein Mr. Khalique admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$1,250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,000.00. In addition, for violation of Count 1, Khalique agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and for the violation of Count 2, Khalique agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the order. These courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-01286, Abdul Khalique

In the matter of **File Number 2012-01244, Debbie Eastman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Eastman. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Eastman admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$250.00

File Number 2012-01244, Debbie Eastman

for the violation contained in Count 1, \$300.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for the violation of Count 1, Eastman agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01591, Julia F. McNulty**, the Board reviewed the Consent Order as seen and agreed to by Ms. McNulty. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. McNulty admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, McNulty agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-01591, Julia F. McNulty

In the matter of **File Number 2012-01538, Kathleen B. Basden**, the Board reviewed the Consent Order as seen and agreed to by Ms. Basden. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Basden admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1,

File Number 2012-01538, Kathleen B. Basden

\$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Counts 1 and 2, Basden agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-00176, Esteban D. Pizarro**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pizarro. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Pizarro admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Pizarro agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Short Sales and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-00176, Esteban D. Pizarro

In the matter of **File Number 2012-01050, Leon Michael Baptiste**, the Board reviewed the Consent Order as seen and agreed to by Mr. Baptiste. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Baptiste admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. In addition, for

File Number 2012-01050, Leon Michael Baptiste

violation of Count 1, Baptiste agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01493, Karen Patricia Brunson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Brunson. A motion was made by Mr. Funkhouser and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Brunson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Count 1 and Count 2, Brunson agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-01493, Karen Patricia Brunson

In the matter of **File Number 2012-00677, Lauri Bailey Giles**, the Board reviewed the Consent Order as seen and agreed to by Ms. Giles. A motion was made by Mr. Funkhouser and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Giles admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-280.2 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2008 Regulations

File Number 2012-00677, Lauri Bailey Giles

and agrees to a monetary penalty of \$700.00 for the violation contained in Count 1, \$1,050.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Count 1 and Count 2, Giles agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-02127, Michael Nelson**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Mr. Nelson may be acting as a real estate salesperson/broker when he is not licensed by the Board. A motion was made by Ms. Clarke and seconded by Ms. Johnson to issue a Cease and Desist Order to Mr. Moore to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-02127, Michael Nelson

A motion was made by Ms. Childress and seconded by Ms. Johnson to approve the request of Babar Rehman to carry on the business of his deceased brother, a broker, for 180 days for the purpose of concluding the business of the deceased broker pursuant to §54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

Administrative Issue

A motion was made by Mr. Funkhouser and seconded by Ms. Childress to authorize Board staff to initiate a NOIRA to amend its regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

Ms. Childress presented the Education Committee Report to the Board. A motion was made by Ms. Childress and

Education

seconded by Ms. Do to approve requiring a standard Board-approved examination, as a condition for approval, for all Residential Standard Agency (RSA) distance learning courses. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Childress and seconded by Mr. Funkhouser that it's the Board's opinion that licensees whose licenses are affiliated with a referral company are practicing residential real estate. Therefore, these licensees are required to take the one-time Residential Agency course. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

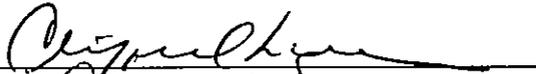
A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the May 21, 2012, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

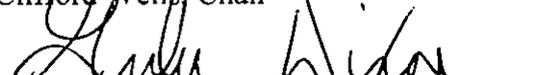
The Board approved unanimously, to hold annual officer elections for the Real Estate Board in January.

Administrative Issues

There being no further business, the Board adjourned at 12:31 P.M.

Adjourn


Clifford Wells, Chair


Gordon Dixon, Secretary

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Carol Clarke
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board
(Name of Board)

4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Carol J Clarke
Signature

5/22/12
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Joe Funkhouser
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board
(Name of Board)

4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

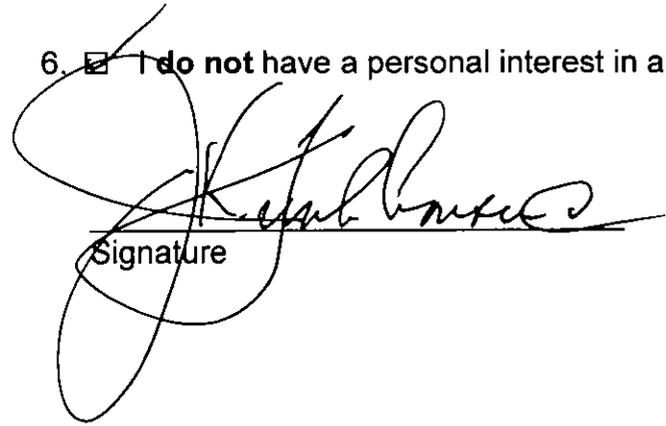
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

5-22-12
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

5/22/2012
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Sharon P. Johnson
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board
(Name of Board)

4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Sharon P. Johnson
Signature

5/22/12
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Anh Tu Do
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Anh Tu Do
Signature

05/22/12
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Clifford L. Wells
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.


Signature

5/22/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Judith Childress
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board
(Name of Board)

4. Meeting/IFF Date: May 22, 2012
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Judith L. Childress
Signature

May 22, 2012
Date