

REAL ESTATE BOARD
MINUTES OF MEETING

September 19, 2013

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

Joseph Funkhouser, II, Chair
Santee Ferebee, Vice-Chair
Anh Tu Do
Lynn G. Grimsley
Catherine M. Noonan
Steve Hoover
Lee Odems

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

Gordon Dixon, Director
Nick Christner, Deputy Director
Mark Courtney, Senior Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Ann-Marie Brigil, Legal Analyst
Kevin Hoefl, 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. Funkhouser called the meeting to Order at 9:03 A.M.

Call to Order

A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to approve the agenda. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Agenda

A motion was made by Ms. Noonan and seconded by Ms. Ferebee to adopt the following minutes: July 18, 2013, Informal Fact-Finding Conference; July 25, 2013, Real Estate Board Meeting; July 25, 2013, Informal Fact-Finding Conference; July 25, 2013, Real Estate Board Fair Housing Sub-Committee

Minutes

Meeting; August 15, 2013, Informal Fact-Finding Conference; and August 29, 2013, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

There was no public comment.

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

In the matter of **Rosalind Lancaster and Milton Gregory v. Laura Wenslaff, Hometown Rental Realty, Inc. and Tarleton Oaks at Tallwood Condominium Association, REB File Number 2013-02514**, a motion was made by Ms. Ferebee and seconded by Ms. Noonan to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03218, Jacqueline Alonzo**, 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. A motion was made by Ms. Ferebee and seconded by Ms. Noonan 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. Alonzo’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03214, Jose Argueta**, 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. Jose Argueta, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal

Public Comment

Fair Housing Administrator’s Report

Rosalind Lancaster
and Milton Gregory
v. Laura Wenslaff,
Hometown Rental
Realty, Inc. and
Tarleton Oaks at
Tallwood
Condominium
Association, REB
File Number 2013-
02514

File Number 2013-
03218, Jacqueline
Alonzo

File Number 2013-
03214, Jose Argueta

Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Argueta's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03221, Timothy Hartley**, 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. Timothy Hartley, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan 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. Hartley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03221, Timothy Hartley

In the matter of **File Number 2013-03220, Bryant Benitez Ferreira**, 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. A motion was made by Ms. Noonan and seconded by Ms. Grimsley 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. Ferreira's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Ferreira and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03220, Bryant Benitez Ferreira

In the matter of **File Number 2013-03122, Adrian Weathers**, 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. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the

File Number 2013-03122, Adrian Weathers

Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Weathers' application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems. Member voting "No" was Grimsley.

In the matter of **File Number 2013-03121, Melanie Proctor**, 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. Melanie Proctor, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee 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. Proctor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03121, Melanie Proctor

In the matter of **File Number 2013-03123, Justin Scango**, 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. Justin Scango, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee 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. Scango's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03123, Justin Scango

In the matter of **File Number 2013-03219, William A. Carter**, 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. William A. Carter, applicant, was present and addressed the Board. A motion was made by Mr. Hoover to reject the recommendation

File Number 2013-03219, William A. Carter

to approve a salesperson's license and instead deny the salesperson's license. With a lack of a second, the motion failed. A motion was made by Ms. Ferebee and seconded with Ms. Noonan 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. Carter's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Carter and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Noonan. Member voting "No" was Hoover.

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

In the matter of **File Number 2013-03216, Christopher Jackson**, 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. Christopher Jackson, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Grimsley 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. Jackson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03216, Christopher Jackson

In the matter of **File Number 2013-03077, Moises Gutierrez**, 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. Moises Gutierrez, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Mr. Hoover 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. Gutierrez's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Gutierrez and his broker will

File Number 2013-03077, Moises Gutierrez

provide quarterly reports to the Board. The motion passed by majority vote. Members voting “Yes” were Do, Funkhouser, Hoover and Odems. Members voting “No” were Ferebee and Noonan.

In the matter of **File Number 2013-03300, John E. White**, 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. John E. White, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee 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. White’s application for a real estate salesperson’s license. The motion passed by majority vote. Members voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems. Member voting “No” was Ms. Grimsley.

File Number 2013-03300, John E. White

In the matter of **File Number 2013-03127, Leroy Chiles**, 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. Leroy Chiles, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Chiles’ application for a real estate broker’s license as he has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application and instead grant Mr. Chiles’ a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03127, Leroy Chiles

In the matter of **File Number 2013-03235, Leonor Perez**, 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 Mr. Hoover and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to grant Ms. Perez a salesperson’s

File Number 2013-03235, Leonor Perez

license and instead deny Ms. Perez's application for a real estate salesperson's license due to the recentness of the revocation of Perez's former real estate license and the nature and seriousness of the violation(s), that not enough time has elapsed since the revocation for Perez to demonstrate sufficient evidence of rehabilitation. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03236, Robert Gurnee**, 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. Ferebee and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Gurnee's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-03236, Robert Gurnee

In the matter of **File Number 2013-02815, Brian Andrew Sivak**, 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. Brian Andrew Sivak, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to grant Mr. Sivak a salesperson's license and instead deny the application based upon the record. After reviewing the facts, the Board finds that not enough time has elapsed since revocation of Sivak's license 10 months ago for him to demonstrate sufficient evidence of rehabilitation. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02815, Brian Andrew Sivak

In the matter of **File Number 2014-00079, Melvin Linwood Clark, Jr.**, 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. Melvin Clark, applicant, was present and addressed the Board.

File Number 2014-00079, Melvin Linwood Clark, Jr.

A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Clark's application for a real estate broker's license. The Board determined Clark does not meet the current requirement for a broker's license as he has not been actively engaged as a salesperson/broker for 36 of the 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

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

In the matter of **File Number 2013-02556, Janie Pearce**, 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. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Pearce's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

File Number 2013-02556, Janie Pearce

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

In the matter of **File Number 2013-01866, Debra Beagley**, 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. Debra Beagley, applicant, was present and addressed the Board. A motion was made by Mr. Hoover, and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve Ms. Beagley's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover and Odems. Member voting "No" was Do.

File Number 2013-01866, Debra Beagley

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

In the matter of **File Number 2013-02777, Patricia Ellen Licata**, the Board reviewed the Consent Order as seen and agreed to by Ms. Licata. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Licata 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 \$350.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

File Number 2013-02777, Patricia Ellen Licata

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

In the matter of **File Number 2013-02919, David M. Levy**, the Board reviewed the Consent Order as seen and agreed to by Mr. Levy. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Levy admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Counts 1, 2, and 3, Levy agrees to a revocation of his license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

File Number 2013-02919, David M. Levy

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

In the matter of **File Number 2013-00340, Samantha Dobkins**, the Board reviewed the record which consisted of the case file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Daniel Harvell, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to defer the case to the November 19, 2013, Real Estate Board meeting. The motion

File Number 2013-00340, Samantha Dobkins

passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-02700, Paula Mary Clagett**, the Board reviewed the Consent Order as seen and agreed to by Ms. Clagett. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Clagett 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 \$350.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02700, Paula Mary Clagett

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

In the matter of **File Number 2012-03301, Christopher Ryan Zook**, the Board reviewed the Consent Order as seen and agreed to by Mr. Zook. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Zook admits to four violations of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2008 Regulations and agrees to a monetary penalty of \$3,400.00 for the violation of Count 1 (one violation at \$1,000.00 and three violations at \$800.00), as well as \$150.00 in Board costs, for a total of \$3,550.00. In addition, for violation of Count 1, Zook agrees to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Zook agrees to comply with the regulations of the Real Estate Board and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Zook and his principal broker that Zook is in compliance with the regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Zook’s license until such reporting requirements are met. Further, for violation of Count 1, Zook agrees to complete at least nine (9) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within

File Number 2012-03301, Christopher Ryan Zook

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 unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-01839, Doretha Ward Anderson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Anderson. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Anderson admits to two violations of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2003 Regulations, a violation of 18 VAC 135-20-300.9 (Count 2) of the Board’s 2008 Regulations, and a violation of §54.1-2131.A.4 (Count 3) of the *Code of Virginia* and agrees to a monetary penalty of \$1,250.00 for each violation of Count 1, \$1,000.00 for the violation of Count 2, \$500.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$4,150.00. In addition, for violation of Counts 1 and 2, Anderson agrees to revocation of her license. Further, for violation of Count 1, Anderson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and to 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 unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-01839, Doretha Ward Anderson

In the matter of **File Number 2013-02231, John William Simek, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Simek. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Simek admits to three violations of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations and agrees to a monetary penalty of \$2,400.00 for the violation of Count 1 (three violations at \$800.00 each), as well as \$150.00 in Board costs, for a total of \$2,550.00. In

File Number 2013-02231, John William Simek, Jr.

addition, for violation of Count 1, Simek agrees to complete at least nine (9) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to 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 unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-00489, Marie Phillips**, the Board reviewed the Consent Order as seen and agreed to by Ms. Phillips. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Phillips admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of §54.1-2131.A.4 (Count 2) of the *Code of Virginia*; a violation of 18 VAC 135-20-170.A.3 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-170.A.1 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-250 (Count 5) and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Counts 1 through 5, Phillips agrees to a revocation of her license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-00489, Marie Phillips

In the matter of **File Number 2013-00544, Alan Jerome Powers**, the Board reviewed the Consent Order as seen and agreed to by Mr. Powers. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Powers admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$750.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Powers 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(s) must be completed in the classroom. It is acknowledged that satisfactory completion of

File Number 2013-00544, Alan Jerome Powers

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 Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-00928, Carmen Novoa Quinn**, the Board reviewed the Consent Order as seen and agreed to by Ms. Quinn. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Quinn admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, two violations of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-300.4 (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation of Count 1, \$2,400.00 for the violation of Count 2 (two violations at \$1,200.00 each), \$400.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$4,200.00. Further, for violation of Count 2, Quinn agrees to a three (3) year probation of her license as of the effective date of the Order. During the three (3) year probation, Quinn agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Quinn that she is in compliance with the regulations of the Real Estate Board. In addition, for violation of Counts 1 and 2, Quinn agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision. For violation of Count 3, Quinn agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. Quinn agrees to 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

File Number 2013-00928, Carmen Novoa Quinn

majority vote. Members voting “Yes” were Do, Funkhouser, Hoover, Noonan and Odems. Member voting “No” was Ferebee.

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

In the matter of **File Number 2013-00934, Russell B. Lewis**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lewis. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Lewis neither admits or denies to the violation of 18 VAC 135-20-260.5 (Count 1) of the Board’s 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) and agrees to \$150.00 in Board costs, for a total of \$150.00. For violation of Counts 1 and 2, Lewis agrees to surrender of his broker’s license, with the simultaneous issuance of a salesperson’s license, effective on the date of execution of the Order by the Board. Further, for violation of Counts 1 and 2, Lewis agrees to a three (3) year probation of the salesperson’s license during which time Lewis agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Lewis and his principal broker that Lewis is in compliance with the rules and regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Lewis’ salesperson’s license until such reporting requirements are met. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

File Number 2013-00934, Russell B. Lewis

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

In the matter of **File Number 2013-02319, Kelly Virginia Trebour**, the Board reviewed the Consent Order as seen and agreed to by Ms. Trebour. Ms. Trebour, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to reconsider the motion. The motion passed unanimously. Members voting

File Number 2013-02319, Kelly Virginia Trebour

“Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to remand the case to an Informal Fact-Finding Conference as the respondent no longer agrees with the Consent Order offer. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

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

In the matter of **File Number 2013-01155, Michael Keith Everhardt**, the Board reviewed the Consent Order as seen and agreed to by Mr. Everhardt. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Everhardt admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations and agrees to a monetary penalty of \$1,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. Further, for violation of Count 1, Everhardt agrees to a two (2) year probation of his license as of the effective date of the Order. During the two (2) year probation, Everhardt agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Everhardt and his principal broker that Everhardt is in compliance with the regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Everhardt’s license until such reporting requirements are met. If Everhardt violates any terms of this probation, his license may be revoked, pending review by the Board or any of its agents. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

File Number 2013-01155, Michael Keith Everhardt

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

In the matter of **File Number 2013-02339, Deborah Renee Edwards**, the Board reviewed the Consent Order as seen and agreed to by Ms. Edwards. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Edwards admits to a

File Number 2013-02339, Deborah Renee Edwards

violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Edwards agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to 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 the satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-02145, Valerie Sawyer Gaskins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gaskins. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02145, Valerie Sawyer Gaskins

In the matter of **File Number 2013-02345, Sung-Bae Moon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Moon. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Moon admits to a violation of 18 VAC 135-20-180.B.1.a (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, and agrees to a monetary penalty of \$750.00 for the violation of Count 1, \$900.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,800.00. Further, for violation of Counts 1 and 2, Moon agrees to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Moon agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Moon and his principal broker that Moon is in compliance with the regulations of the Real Estate Board. In addition, for violation of Count 1, Moon agrees to complete at least three (3)

File Number 2013-02345, Sung-Bae Moon

classroom hours of Board-approved continuing education pertaining to Short Sales, and for violation of Count 2, Moon agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Moon agrees to 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 unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-01085, Matthew Shumate**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shumate. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to address all potential regulatory issues. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-01085, Matthew Shumate

In the matter of **File Number 2013-02914, Thomas L. Bateman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bateman. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Bateman admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for violation of Count 1, Bateman to complete at least three (3) 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 unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02914, Thomas L. Bateman

In the matter of **File Number 2013-01525, Vinod R. Pavangat**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pavangat. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain address all potential regulatory issues. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-01525, Vinod R. Pavangat

In the matter of **File Number 2013-01811, Kathleen M. Werneke**, the Board reviewed the Consent Order as seen and agreed to by Ms. Werneke. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Werneke 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 of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Werneke agrees to complete at least three (3) 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 unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-01811, Kathleen M. Werneke

The Board recessed from 10:23 A.M. to 10:37 A.M.

Break

Ms. Martine updated the Board on the regulatory review process. Board members Ferebee, Noonan, Grimsley and Hoover will serve on the Regulatory Review Committee.

Administrative Issues

A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to adopt the following resolution to honor the years of dedicated service by former Board Member Clifford L. Wells to the Board:

Resolution

RESOLUTION IN HONOR OF

Clifford L. Wells

WHEREAS, **Clifford L. Wells**, has faithfully and diligently served as a member of the Real Estate Board since 2009; and

WHEREAS, **Clifford L. Wells**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Clifford L. Wells**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this nineteenth day of September, 2013 that **Clifford L. Wells** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

The Board reviewed the information from the September 18, 2013, Real Estate Education Committee meetings. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the 10:00 a.m. Education Committee meeting minutes addressing the ARELLO Distance Education Certification requirement and input from regulated education providers on how to improve the Board's education program and to approve the 3:00 p.m. Education Committee report. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

There being no further business, the Board adjourned at 10:51 **Adjourn**
A.M.

Joseph Funkhouser, II, Chair

Gordon Dixon, Secretary

DRAFT