

REAL ESTATE BOARD
MINUTES OF MEETING

January 23, 2014

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:

Nick Christner, Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Samantha Vrscak, Legal Analyst
Kevin Hoefl, Education Administrator
Jeff Williams, Board Administrator
Emily Trent, Administrative Assistant

Jim Flaherty 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. Noonan 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. Grimsley and seconded by Ms. Ferebee to adopt the following minutes: November 19, 2013, Real Estate Board Meeting; November 19, 2013, Fair Housing Sub-Committee Meeting and December 2, 2013, Real Estate Board Advisory Council Meeting. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Minutes

There was no public comment.

Deanda Shelton, Assistant Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Desirae S. Jura v. Jaimee Nix, Bozzuto Management Company, REB File Number 2014-00571**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. James Bragdon, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00947, Seong Soon**, 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. 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. Soon’s application for a real estate salesperson’s license, subject to an agreement for licensure for a period of one year wherein Mr. Soon 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.

In the matter of **File Number 2014-01445, Modou Camara**, 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. Grimsley 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 Ms. Camara’s application for a real estate salesperson’s license, subject to an agreement for licensure for a period of two years wherein Ms. Camara and her broker will

Public Comment

**Fair Housing
Administrator’s
Report**

**Desirae S. Jura v.
Jaimee Nix, Bozzuto
Management
Company, REB File
Number 2014-00571**

**File Number 2014-
00947, Seong Soon**

**File Number 2014-
01445, Modou
Camara**

provide quarterly reports to the Board. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-01475, Rene Kronschnabl**, 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. Rene Kronschnabl, applicant, and Annita Sours, witness, were 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 Ms. Kronschnabl’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 2014-01475, Rene Kronschnabl

In the matter of **File Number 2014-00737, Kevyn Tucker**, 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 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. Tucker’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 2014-00737, Kevyn Tucker

In the matter of **File Number 2014-00692, Sean Daly**, 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. Sean Daly, 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. Daly’s application for a real estate salesperson’s

File Number 2014-00692, Sean Daly

license, subject to an agreement for licensure for a period of two years wherein Mr. Daly 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.

In the matter of **File Number 2014-00693, Richard Kierstead**, 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 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. Kierstead’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 2014-00693, Richard Kierstead

In the matter of **File Number 2014-00740, Robert Frazier**, 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. Robert Frazier, applicant, and Ron Frazier, witness, were 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. Frazier’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 2014-00740, Robert Frazier

In the matter of **File Number 2014-01404, Nicholas A. Groves**, 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 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. Grove’s application for a real

File Number 2014-01404, Nicholas A. Groves

estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Groves' and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover and Odems. Member voting "No" was Grimsley.

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 2013-02297, Joan Carol Peruska**, 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. 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 find 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 135-20-250 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

File Number 2013-02297, Joan Carol Peruska

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 to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, for a total of \$3,000.00. The Board also imposes the following sanctions: For the violation of Count 1, Petruska shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom. Further, Peruska shall provide evidence acceptable to the Board that she has successfully completed the above-referenced course(s) within six (6) months of the effective date of the order. These course(s) will not count towards any continuing education requirements for renewal, reinstatement, or activation of a license. In addition, for the violation of Count 2, license revocation is imposed. 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 2013-02702, Jennifer Adams Sargent**, the Board reviewed the Consent Order as seen and agreed to by Ms. Sargent. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Sargent admits to a violation of 18 VAC 135-20-160.A.1 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$100.00 for each violation of Count 1, as well as \$150.00 in Board costs, for a total of \$250.00. In addition, for violation of Count 1, Sargent, Principal Broker for Blue Mountain Real Estate LLC, agrees to establish and maintain a place of business in the Commonwealth of Virginia where the principal broker and her employees or associates can regularly transact the business of real estate. Sargent agrees to provide the Board with proof of compliance, in a form acceptable to the Board, within sixty (60) days of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02702, Jennifer Adams Sargent

In the matter of **File Number 2013-01774, James Luther Wilkerson, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wilkerson. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Wilkerson admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 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 \$1,250.00 for the violation of Count 1, \$600.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$2,000.00. In addition, for violation of Count 1, Wilkerson agrees to a two (2) year probation of his license as of the effective date of the order. During the two (2) year probation, Wilkerson agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Wilkerson and his principal broker that he is in compliance with the regulations of the Real Estate Board. Further, for violation of Count 1, Wilkerson 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(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing

File Number 2013-01774, James Luther Wilkerson, Jr.

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 2013-03298, Jo Anne Christine Evangelista**, the Board reviewed the Consent Order as seen and agreed to by Ms. Evangelista. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Evangelista admits to a violation of 18 VAC 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. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

File Number 2013-03298, Jo Anne Christine Evangelista

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 2014-00415, Jane Petty Harris**, the Board reviewed the Consent Order as seen and agreed to by Ms. Harris. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Harris 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 \$200.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$350.00. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

File Number 2014-00415, Jane Petty Harris

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 2013-03366, Ericks Edgardo Velasquez**, the Board reviewed the Consent Order as seen and agreed to by Mr. Velasquez. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Velasquez admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board’s 2003 Regulations, and agrees to no monetary penalty for the

File Number 2013-03366, Ericks Edgardo Velasquez

violation of Count 1. 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 2013-00897, Steven Charles Braden**, the Board reviewed the Consent Order as seen and agreed to by Mr. Braden. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Braden admits to a violation of 18 VAC 135-20-280.2 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$900.00 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 \$2,050.00. In addition, for violation of Count 1, Braden agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates, and for violation of Count 2, Braden agrees to complete at least eight (8) 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. 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, Noonan and Odems.

File Number 2013-00897, Steven Charles Braden

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 2014-00195, Thomas Cassin Gittings**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gittings. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Gittings 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

File Number 2014-00195, Thomas Cassin Gittings

a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Odems.

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

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

In the matter of **File Number 2014-00285, Laura Anne Anderson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Anderson. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Anderson 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, Anderson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Short Sales, 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, Noonan and Odems.

File Number 2014-00285, Laura Anne Anderson

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 2014-00045, Jenni Lynn McFarland**, the Board reviewed the Consent Order as seen and agreed to by Ms. McFarland. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. McFarland 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

File Number 2014-00045, Jenni Lynn McFarland

of Count 1, McFarland agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, 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, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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 2013-02343, Emma Yolanda Barbosa**, the Board reviewed the Consent Order as seen and agreed to by Ms. Barbosa. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Barbosa admits to a violation of 18 VAC 135-20-260.5 (Count 1) 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 Count 1, Barbosa agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2013-02343, Emma Yolanda Barbosa

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 2013-00597, Kyungsoon Oh dba Susan Oh**, 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. Josh Berman, attorney for the respondent, Jong Kim, complainant, and Bernice Brown, witness for the complainant, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of

File Number 2013-00597, Kyungsoon Oh dba Susan Oh

Count 1. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-180.C.5 (Count 2) of the Board’s 2008 Regulation. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 2, for a total of \$1,500.00. The Board also imposes the following sanctions: For the violation of Count 2, Oh shall be placed on probation and required to complete eight (8) classroom hours of Board-approved continuing education pertaining to Broker Management and Agent Supervision and 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. Further, Oh shall provide evidence acceptable to the Board that she has successfully completed the course(s) within ninety (90) days of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. In addition, for the violation of Count 2, Oh’s license shall be placed on probation for two (2) years. While on probation, Oh will provide quarterly reports to the Board that she is in compliance with the regulations of the Board. The motion 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 2012-01296, Charles Phifer Ervin, III**, 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. 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 find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2003

File Number 2012-01296, Charles Phifer Ervin, III

Regulations; a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations; a violation of 18 VAC 260.11 (Count 3) of the Board's 2003 Regulations; a violation of 18 VAC 135-20.260.11 (Count 4) of the Board's 2003 Regulations; and a violation of 18 VAC 135-20-250 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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 to impose a monetary penalty of \$2,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, \$2,000.00 for the violation contained in Count 4, and \$2,000.00 for the violation contained in Count 5, for a total of \$10,500.00. The Board also imposes revocation of license for the violations of Counts 1-5. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-00231, Danny Joe Feamster**, the Board reviewed the Consent Order as seen and agreed to by Mr. Feamster. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Feamster admits to a violation of 18 VAC 135-20-190.D.4 (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, Feamster agrees to complete at least three (3) 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, Hoover, Noonan and Odems.

File Number 2014-00231, Danny Joe Feamster

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 2013-02829, Christopher Ryan Carroll**, the Board reviewed the Consent Order as seen and agreed to by Mr. Carroll. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Carroll 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 \$200.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$350.00. In addition, for violation of Count 1, Carroll agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, 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, Hoover, Noonan and Odems.

File Number 2013-02829, Christopher Ryan Carroll

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 2013-02945, John Hunter McLaren**, the Board reviewed the Consent Order as seen and agreed to by Mr. McLaren. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. McLaren 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, McLaren agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, 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

File Number 2013-02945, John Hunter McLaren

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, 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 2013-02965, Sunil Kumar Thodupunuri**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thodupunuri. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Thodupunuri 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 \$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, Thodupunuri agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management, and to provide proof of attendance and successful completion within ninety (90) days 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, Hoover, Noonan and Odems.

File Number 2013-02965, Sunil Kumar Thodupunuri

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 2013-00484, Kerri Reilly Bradley**, 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. 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 find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations; and a violation of 18 VAC 135-20-250 (Count 2)

File Number 2013-00484, Kerri Reilly Bradley

of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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 to impose a monetary penalty of \$5,000.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, for a total of \$7,500.00. The Board also imposes revocation of license for the violations of Counts 1 and 2. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-00576, Walter Matthew Rein, Jr.**, 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. A motion was made by Mr. Odems and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find no violation of Board Regulation 18 VAC 135-20-300.2 and close the file. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

File Number 2013-00576, Walter Matthew Rein, Jr.

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

In the matter of **File Number 2013-01404, Joie Scott Whitt**, 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. Joie Scott Whitt, respondent, Lawrence Marshall, attorney for the respondent, and Hampton Wilkson, witness for the respondent, were 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 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 Do,

File Number 2013-01404, Joie Scott Whitt

Ferebee, Funkhouser, Hoover, Noonan and Odems.

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 to impose no monetary penalty. The Board also imposes the following sanctions: For violation of Count 1, Whitt's license shall be placed on probation for a period of three (3) years, and Whitt and her principal broker shall provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-01620, Robert S. Lindsley, Jr.**, 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. Jim Evans, attorney for the respondent, and Robert S. Lindsley, Jr., respondent, were present and addressed the Board. A motion was made by Ms. Noonan and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and a violation 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-180.C.5 (Count 2) of the Board's 2008 Regulation. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

File Number 2013-01620, Robert S. Lindsley, Jr.

A motion was made by Ms. Noonan and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$4,000.00 for the violation contained in Count 1, for a total of \$4,000.00. The Board also imposes the following sanctions: For the violation of Count 1, Lindsley shall be placed on probation and required to complete eight (8) classroom hours of Board-approved continuing education

pertaining to Broker Management and Supervision. Such course(s) shall be completed in a classroom. Further, Lindsley shall provide evidence acceptable to the Board that he has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. In addition, for the violation of Count 1, Lindsley's license shall be placed on probation for one (1) year. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-00191, Stephen Joseph Brumme**, the Board reviewed the Consent Order as seen and agreed to by Mr. Brumme. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Brumme admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.7 (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 through 3, Brumme agrees to revocation of his license. Further, for violations of Counts 1 through 3, Brumme agrees not to make application for any license issued by the Real Estate Board for a period of two (2) years from the date of acceptance of the Order. The motion passed unanimously. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-00191, Stephen Joseph Brumme

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

In the matter of **File Number 2013-02563, Ryan Christopher Sanford**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sanford. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Sanford admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. Further, for violation of Count 1, Sanford agrees

File Number 2013-02563, Ryan Christopher Sanford

to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Sanford agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Sanford that he is in compliance with the regulations of the Real Estate Board. The motion passed unanimously. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-01651, Sandra K. Huizenga**, the Board reviewed the Consent Order as seen and agreed to by Ms. Huizenga. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Huizenga admits to two violations of §54.1-2133.A.4 (Count 1) of the *Code of Virginia*, and two violations of §54.1-2133.A.1 (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$450.00 for each violation of Count 1, \$250.00 for each violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,550.00. In addition, for violation of Counts 1 and 2, Huizenga agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Property 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 2013-01651, Sandra K. Huizenga

In the matter of **File Number 2013-02539, Robert Sal Costanza**, the Board reviewed the Consent Order as seen and agreed to by Mr. Costanza. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Costanza 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

File Number 2013-02539, Robert Sal Costanza

of Count 1, Costanza agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Escrow Management, 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 2013-02801, Kelli K. Love-Smith**, the Board reviewed the Consent Order as seen and agreed to by Ms. Love-Smith. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Love-Smith 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, Love-Smith agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, 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 2013-02801, Kelli K. Love-Smith

In the matter of **File Number 2014-00199, Nicholas Andrew Michaels**, the Board reviewed the Consent Order as seen and agreed to by Mr. Michaels. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Michaels admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$650.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$800.00. In addition, for violation of Count 1, Michaels agrees to complete at least four (4) classroom hours of Board-

File Number 2014-00199, Nicholas Andrew Michaels

approved continuing education pertaining to Escrow Management, and to provide proof of attendance and successful completion within ninety (90) days 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 2013-02798, Alva T. Bourges**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bourges. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Bourges 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, Bourges agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and to provide proof of attendance and successful completion within three (3) 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 2013-02798, Alva T. Bourges

In the matter of **File Number 2013-02799, Clayton Joseph Bourges, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bourges. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Bourges 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, Bourges agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and to provide proof of attendance and successful completion within three (3) months of the effective date of the

File Number 2013-02799, Clayton Joseph Bourges, Jr.

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 2014-00072, Virginia Real Estate Transaction Recovery Act Claim of Carl Schmidt (Claimant) and Cynthia Lynn Stevens (Regulant)** the Board reviewed the record, which consisted of the claim review file, the transcript and exhibits from the Informal Fact-Finding Conference and the Summary of Informal Fact-Finding Conference of the presiding officer. Carl Schmidt, claimant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to adopt the Claim Review and Summary to approve payment in the amount of \$2,757.30. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-00072, Virginia Real Estate Transaction Recovery Act Claim of Carl Schmidt (Claimant) and Cynthia Lynn Stevens (Regulant)

In the matter of **File Number 2014-00871, Grady Jones t/a 1 Rent to Sell**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Mr. Jones may be acting as a real estate salesperson/broker when he is not licensed by the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to issue a Cease and Desist Order to Mr. Jones to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-00871, Grady Jones t/a 1 Rent to Sell

The Board considered the request of Stephen R. Caplan, Co-Executor of the Estate of Armond Caplan, deceased, to appoint Emily Caplan Nied, granddaughter of Mr. Caplan to carry on the business of her grandfather for 180 days in order to close out the real estate business of Virginia Real Estate in accordance with §54.1-2109 of the *Code of Virginia*. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to allow Emily Caplan Niad, to close out the real estate business of Virginia Real Estate in accordance with §54.1-2109 of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Death of Broker

Ms. Martine gave the Board a legislative update. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**Administrative
Issues**

Mr. Hoover gave the report from the January 22, 2014, Real Estate Education Committee meeting. A motion was made by Ms. Ferebee and seconded by Mr. Hoover that continuing education course approval, with rare exceptions, be limited to the subjects listed in 18 VAC 135-20-101.2.a.-hh.of the Board’s Regulations. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

A motion was made by Mr. Hoover and seconded by Ms. Ferebee that new salesperson licensees who completed post license education three-track residential mandatory three-hour courses in Agency Law and Ethics and Standards of Conduct can receive post license education single-track credit for completing the three-hour courses in Virginia Agency Law and Ethics and Standards of Conduct if the exact same course was approved by the Board for both three-track and single-track post license education credit. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

The Board reviewed the information from the January 22, 2014, Real Estate Education Committee meeting. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the 12:00 p.m. Education Committee report. The motion passed unanimously. Member voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

There being no further business, the Board adjourned at 10:35 A.M.

Adjourn

Joseph Funkhouser, II, Chair

Nick Christner, Secretary