

REAL ESTATE BOARD  
MINUTES OF MEETING

May 22, 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:

Jay DeBoer, Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Mark Courtney, Senior Manager  
Deanda Shelton, Assistant Fair Housing Administrator  
Joseph Haughwout, Adjudication Staff  
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 9:11 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. Ferebee and seconded by Ms. Noonan to adopt the following minutes: March 13, 2014, Real Estate Board Meeting; and March 13, 2014, Fair Housing Subcommittee Meeting. The motion passed unanimously.

**Minutes**

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

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 **Esther Dalman v. Barbara Wilkins, Carrithers Realty Company and PRC Properties, Inc., REB File Number 2013-02520**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. 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 **Melody France and Kathleen Nowlan v. Greg Fernet, Sue Murphy, Regency Park Villas Condominiums Unit Owner Association, Inc. and Landmarc Real Estate, Inc., REB File Number 2014-01575**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A request was made for a deferment. No action was taken by the Board. Wilbert Washington, 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 2014-02068, Vanessa Paxson**, 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. Vanessa Paxson, 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 approve Ms. Paxson’s application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover,

## **Public Comment**

### **Fair Housing Administrator’s Report**

#### **Esther Dalman v. Barbara Wilkins, Carrithers Realty Company and PRC Properties, Inc., REB File Number 2013-02520**

#### **Melody France and Kathleen Nowlan v. Greg Fernet, Sue Murphy, Regency Park Villas Condominiums Unit Owner Association, Inc. and Landmarc Real Estate, Inc., REB File Number 2014-01575**

#### **File Number 2014-02068, Vanessa Paxson**

Noonan and Odems.

In the matter of **File Number 2014-02245, Jonathan Clark**, 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 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. Clark'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 2014-02245, Jonathan Clark**

In the matter of **File Number 2014-02247, Jackie Fowler**, 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 (IFF) to deny Ms. Fowler's application based upon the record. After review of the facts and nature of the crimes, the Board is of the opinion that given the nature and seriousness of the crimes, the appearance of a relationship between the crimes and the capacity and fitness to perform the duties of the profession, and the extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type, they could not protect the health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2014-02247, Jackie Fowler**

In the matter of **File Number 2014-02324, Jason Nieto**, 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 Mr. Hoover to reconvene another Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley,

**File Number 2014-02324, Jason Nieto**

Hoover, Noonan and Odems.

In the matter of **File Number 2014-02067, Angela Kaufman**, 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. Angela Kaufman, applicant, was present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Kaufman'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 2014-02067, Angela Kaufman**

In the matter of **File Number 2014-02432, Sean Collins-Harris**, 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 Collins-Harris, applicant, was present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Harris' 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 2014-02432, Sean Collins-Harris**

In the matter of **File Number 2014-02433, Ashley King Hall**, 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 (IFF) to deny Ms. Hall's application based upon the record. After review of the facts and nature of the crimes, the Board is of the opinion that given the lack of evidence of rehabilitation, the nature and number of the criminal convictions, and the short amount of time that has elapsed since Hall's last conviction, they could not protect the

**File Number 2014-02433, Ashley King Hall**

health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

In the matter of **File Number 2013-03234, George Anen, Sr.**, 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. George Anen, Sr., 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 to deny Mr. Anen's 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. Anen a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03234, George Anen, Sr.**

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

In the matter of **File Number 2014-02288, Tahir Alaragy**, 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. Noonan and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Alaragy's 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 has no relevant experience within the last 48 months and does not meet the experience requirement for licensure as a real estate broker. The Board also denies the application based upon 18 VAC 135-20-30.3, which states, "The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. The

**File Number 2014-02288, Tahir Alaragy**

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

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

In the matter of **File Number 2014-02289, Wendy Lindquist**, 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. Wendy Lindquist, 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 approve Ms. Lindquist’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-02289, Wendy Lindquist**

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

In the matter of **File Number 2014-02287, Shezhana Conway**, 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. Shezhana Conway, 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 to deny Ms. Conway’s application for a real estate salesperson’s license. After reviewing the facts, and after hearing from Conway, the Board determined that Conway failed to follow all procedures established with regard to conduct at the license examination, that the requirements for licensure have not been met, and that granting a license to Conway would pose a risk to the public welfare. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-02287, Shezhana Conway**

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

In the matter of **File Number 2014-02554, Shaunte Parker**, 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. Noonan and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Parker's application for a real estate salesperson's license. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-02554, Shaunte Parker**

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

In the matter of **File Number 2014-02645, Kenneth McNaughton**, 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. Kenneth McNaughton, 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 approve Mr. McNaughton's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-02645, Kenneth McNaughton**

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

In the matter of **File Number 2013-01472, Karen Lynn Swaney**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Raymond Barnett, complainant, and Kim Richards, witness for the complainant, were present and addressed the Board. Karen Lynn Swaney, respondent, and James Sill, witness, 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 no violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-01472, Karen Lynn Swaney**

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

In the matter of **File Number 2013-01525, Vinod R. Pavangat**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Noonan. 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 \$500.00 for the violation contained in Count 1, \$650.00 for the violation contained in Count 2, for a total of \$1,150.00. The Board also imposes the following sanctions: For the violation of Counts 1, 2, and 3, Pavangat's license will be placed on probation and Pavangat be required to complete a total of fifteen (15) classroom hours of the Post-License Education (PLE) Curriculum to include: three (3) classroom hours of Ethics and Standards; three (3) classroom hours of Agency Law; six (6) classroom hours of Contract Writing, and three (3) classroom hours of Escrow Requirements. Such course(s) shall be completed in a classroom. Further, Pavangat shall provide evidence acceptable to the Board that he successfully completed the course(s) within nine (9) 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 a license. Further, if Pavangat fails to comply with the fifteen (15) hour PLE Curriculum requirement in the nine (9) month time period, it shall result in the suspension of Pavangat's license until he has complied. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

**File Number 2013-01525, Vinod R. Pavangat**

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

In the matter of **File Number 2014-00444, Ramiro Matos**, the Board reviewed the Consent Order as seen and agreed to by Mr. Matos. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Matos admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$950.00 for the violation of Count 1, and \$1,000.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$2,100.00. In addition, for violation of Count 1, Matos agrees 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. Additionally, for violation of Count 2, Matos 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 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 Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00444, Ramiro Matos**

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 2013-01731, Pauline C. Thompson**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-300.7 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems. A

**File Number 2013-01731, Pauline C. Thompson**

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 \$600.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, for a total of \$5,600.00. The Board also imposes the following sanctions: For the violation of Count 1, Thompson 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) 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 a license. In addition, for violation of Count 2, Thompson shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Thompson shall provide evidence acceptable to the Board that Thompson 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 a license. In addition, for violation of Count 3, Thompson's license shall be suspended for six (6) months from the effective date of the order. The motion passed unanimously. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-01845, Cindy Lynn Stuart**, the Board reviewed the Consent Order as seen and agreed to by Ms. Stuart. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Stuart admits to a violation of 18 VAC 135-20-160.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. The motion passed unanimously. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-01845, Cindy Lynn Stuart**

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

In the matter of **File Number 2013-03197, Chanel Christine Harper**, the Board reviewed the Consent Order as seen and agreed to by Ms. Harper. Lawrence Marshall, II, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Harper admits to two violations of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$700.00 for each violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,550.00. In addition, for violation of Count 1, Harper agrees to a one (1) year probation of her license as of the effective date of the order. During the one (1) year probation, Harper agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Harper and her principal broker that Harper is in compliance with the regulations of the Real Estate Board. Further, for violation of Count 1, Harper agrees 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 and Odems.

**File Number 2013-03197, Chanel Christine Harper**

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

In the matter of **File Number 2013-01740, Helen Teresa Reams Barnard**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Helen Teresa Reams Barnard, respondent, and Michael P. Lafayette, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Hoover

**File Number 2013-01740, Helen Teresa Reams Barnard**

and seconded by Ms. Ferebee to accept the violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Hoover. Member voting "No" was Odems. 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 to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. The Board also imposes the following sanctions: For the violation of Count 1, Barnard 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, Barnard shall provide evidence acceptable to the Board that Barnard 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 a license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Hoover. Member voting "No" was 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 2013-03430, Mario Gustavo Levy Sarmiento**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mario Gustavo Levy Sarmiento, respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 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. 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 \$1,100.00 for the violation contained in Count 1, \$1,500.00 for

**File Number 2013-03430, Mario Gustavo Levy Sarmiento**

the violation contained in Count 2, for a total of \$2,600.00. Further, for the violation of Counts 1 and 2, the Board imposes revocation of license. 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 2013-03031, Traci Rochelle Oliver-Kilgariff**, the Board reviewed the Consent Order as seen and agreed to by Ms. Oliver-Kilgariff. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Oliver-Kilgariff admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 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, Oliver-Kilgariff 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 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, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03031, Traci Rochelle Oliver-Kilgariff**

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 2014-00044, Robert Samuel Diberardinis**, the Board reviewed the Consent Order as seen and agreed to by Mr. Diberardinis. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Diberardinis 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, Diberardinis agrees to complete at least

**File Number 2014-00044, Robert Samuel Diberardinis**

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, 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 2013-01626, Srinivas Reddy Matta**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Funkhouser, Grimsley, Hoover 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 \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and \$1,500.00 for the violation contained in Count 3, for a total of \$3,500.00. The Board also imposes the following sanctions: For the violation of Count 1, Matta 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, Matta shall provide evidence acceptable to the Board that Matta has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition,

**File Number 2013-01626, Srinivas Reddy Matta**

for violation of Count 2, Matta shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Matta shall provide evidence acceptable to the Board that Matta has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, for violation of Count 3, Matta shall be placed on probation for two (2) years. While on probation, Matta and his broker will provide quarterly reports to the Board that Matta 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 2013-02106, Srinivas Reddy Matta**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Funkhouser, Grimsley, Hoover and Odems. 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 \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. The Board also imposes the following sanctions: For the violation of Count 1, Matta 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, Matta shall provide evidence acceptable to the Board

**File Number 2013-02106, Srinivas Reddy Matta**

that Barnard has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, for violation of Count 2, Matta shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Matta shall provide evidence acceptable to the Board that Matta has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, for violation of Count 3, revocation of license. 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 2014-00322, Srinivas Reddy Matta**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Funkhouser, Grimsley, Hoover 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 revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00322, Srinivas Reddy Matta**

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 2014-00695, Gary Peter Lange, Jr.**, the Board reviewed the Consent Order as seen and

**File Number 2014-00695, Gary Peter**

agreed to by Mr. Lange. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Lange admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$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, Lange agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision 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, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**Lange, Jr.**

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 2014-00875, Jason Alexander Rider**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rider. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Rider admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to \$150.00 in Board costs for the violation of Count 1, for a total of \$150.00. It is noted that in light of the monetary penalty imposed in companion File No. 2014-00674, no monetary penalty is imposed in this file. In addition, for violation of Count 1, Rider agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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.

**File Number 2014-00875, Jason Alexander Rider**

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 2014-00674, Jason Alexander Rider**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rider. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Rider admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees 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, Rider agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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.

**File Number 2014-00674, Jason Alexander Rider**

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 2014-01102, Judy A. Wonus**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wonus. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Wonus 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, Wonus agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards

**File Number 2014-01102, Judy A. Wonus**

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 2014-01355, Lynn Scott Avis**, the Board reviewed the Consent Order as seen and agreed to by Ms. Avis. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Avis 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 the Board shall waive imposition of \$200.00 of the monetary penalty for Count 1. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Noonan and Odems.

**File Number 2014-01355, Lynn Scott Avis**

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

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

In the matter of **File Number 2014-00418, Virginia Real Estate Transaction Recovery Act Claim of Robert Schudler (Claimant) and David Ray Ratliff, II (Regulant)**, the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, 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. Grimsley and seconded by Ms. Noonan to adopt the recommendation to deny the claim for payment as the Board finds substantial evidence that the claim failed to meet the statutory provisions for reimbursement. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00418, Virginia Real Estate Transaction Recovery Act Claim of Robert Schudler (Claimant) and David Ray Ratliff, II (Regulant)**

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 2014-00549, Virginia Real Estate Transaction Recovery Act Claim of John Ramsdell (Claimant) and Kimberly Slatter (Regulant)**, the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review, transcript, 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. Odems to adopt the recommendation to approve payment in the amount of \$2,206.00. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, 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 2013-02020, Virginia Real Estate Transaction Recovery Act Claim of Paul R. DesRoches, II (Claimant) and Apple Real Estate, Inc. (Regulant)**, the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, 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. Grimsley and seconded by Ms. Noonan to adopt the recommendation to deny the claim for payment as the Board finds there is no language in the order that supports the conclusion that the court found that the conduct of Apple Real Estate, Inc. falls within the statutory definition of improper or dishonest conduct. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, 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 2014-01140, Ralph Curtis Burchett, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Burchett. A motion was made by Ms. Grimsley and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Mr. Burchett admits to a violation of 18 VAC 135-20-180.1.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 2014-00549, Virginia Real Estate Transaction Recovery Act Claim of John Ramsdell (Claimant) and Kimberly Slatter (Regulant)**

**File Number 2013-02020, Virginia Real Estate Transaction Recovery Act Claim of Paul R. DesRoches, II (Claimant) and Apple Real Estate, Inc. (Regulant)**

**File Number 2014-01140, Ralph Curtis Burchett, Jr.**

of Count 1, Burchett 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 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.

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

In the matter of **File Number 2014-00527, Mikyung Reaux**, the Board reviewed the Consent Order as seen and agreed to by Mr. Reaux. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Reaux admits to a violation of 18 VAC 135-20-180.1.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, Reaux agrees 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 2014-00527, Mikyung Reaux**

In the matter of **File Number 2014-00284, Karen Lee Ward**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ward. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Ward admits to a violation of 18 VAC 135-20-180.1.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, Ward agrees to

**File Number 2014-00284, Karen Lee Ward**

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.

In the matter of **File Number 2014-00250, Tresha Sheron Lee**, the Board reviewed the Consent Order as seen and agreed to by Ms. Lee. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Lee admits to a violation of 18 VAC 135-20-180.1.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, Lee agrees 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 2014-00250, Tresha Sheron Lee**

In the matter of **File Number 2014-00240, Bentley Gibson Affendikis**, the Board reviewed the Consent Order as seen and agreed to by Ms. Affendikis. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Affendikis admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$950.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,100.00. In addition, for violation of Count 1, Affendikis agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of

**File Number 2014-00240, Bentley Gibson Affendikis**

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 2013-03511, Phyllis A. Johnson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Johnson. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Johnson admits to a violation of §54.1-2135.A.1 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$450.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$600.00. In addition, for violation of Count 1, Johnson 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 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 2013-03511, Phyllis A. Johnson**

In the matter of **File Number 2013-03027, Michael Anthony Wilkins**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wilkins. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Wilkins admits to a violation of 18 VAC 135-20-180.1.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, Wilkins agrees 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

**File Number 2013-03027, Michael Anthony Wilkins**

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.

The Board recessed from 10:46 A.M. to 10:54 A.M.

**Break**

At 10:55 A.M., Ms. Ferebee offered a motion which was seconded by Mr. Hoover, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jim Flaherty, Nick Christner, Johnathan Darden, Valerie Matney, Anne Tackett, Nathan Matthews, Christine Martine and Jay DeBoer.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**-47. File Number 2014-02214 – Andrew DeMaree et al v. Joshua Allen**

At 11:01 A.M., a motion was made by Ms. Ferebee and seconded by Ms. Noonan that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as

were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None.

In the matter of **File Number 2014-02214, Andrew DeMaree, et al v. Joshua Allen**, the Board directs legal counsel to file a petition to request that the court temporarily enjoin further activity by the licensee, The Rental Group 1, LLC and Joshual Allen; and to take such other further action as shall be necessary to conserve, protect and disburse funds within the firm's accounts; and further, that the court appoint a receiver pursuant to §54.1-2108 of the *Code of Virginia* to effectuate such ends. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-02214, Andrew DeMaree, et al v. Joshua Allen**

Ms. Martine addressed the Board concerning Broker Immunity. Nick Christner, Valorie Matney and Johnathan Darden joined in the discussion concerning Broker Immunity. No action was taken by the Board.

**Administrative Issues**

At 11:53 A.M., Ms. Ferebee offered a motion which was seconded by Mr. Hoover, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Jim Flaherty, Nick Christner, Johnathan Darden, Valerie Matney, Christine Martine and Jay DeBoer.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**-Administrative Issues – Exam RFP**

At 12:04 P.M., a motion was made by Ms. Ferebee and seconded by Ms. Noonan that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None.

A motion was made by Mr. Hoover and seconded by Ms. Grimsley to approve a one-year extension to the current exam contract with contract modifications as determined to be needed by ad-hoc committee. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**Administrative Issues**

The Board reviewed the information from the May 21, 2014, Real Estate Education Committee meeting. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to

**Education**

approve the Education Committee meeting minutes which includes the Guidance Document regarding Continuing Education General Elective Courses. 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 12:09 P.M.

**Adjourn**

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Joseph Funkhouser, II, Chair

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Jay DeBoer, Secretary

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