

REAL ESTATE BOARD
MINUTES OF MEETING

May 12, 2011

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

Byrl Taylor, Chair
Sharon Johnson, Vice-Chair
Clifford L. Wells
Judith L. Childress
Nathaniel Brown (arrived at 9:30 a.m.)
Joseph Funkhouser

Board member not present: Sandra Ferebee
Jorge G. Lozano
Carol Clarke

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Nick Christner, Deputy Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Deanda Shelton, Fair Housing Assistant Administrator
Earlyne Perkins, Legal Analyst
Kristin Becker, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

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

Byrl Taylor called the meeting to order at 9:05 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Wells and seconded by Ms. Johnson to adopt the following minutes: March 16, 2011, Regulatory Review Committee Meeting; March 17, 2011,

Minutes

Informal Fact-Finding Conference; March 22, 2011, Informal Fact-Finding Conference; March 24, 2011, Informal Fact-Finding Conference; March 29, 2011, Informal Fact-Finding Conference; March 30, 2011, Informal Fact-Finding Conference; and April 8, 2011, Real Estate Board Fair Housing Training. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

There was no public comment.

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

In the matter of **Holly Burdell and Larry Barfield v. Cindy Hornsby and Calebs Realty, REB File Number 2010-04087**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation from the Office of the Attorney General. The case was deferred until the July 14, 2011, Board meeting.

In the matter of **Lisa Mullins v. Leigh Burnley, Barbra Blackburn, and Keller Williams Realty North Stafford, REB File Number 2010-01237**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. The case was deferred until the July 14, 2011, Board meeting.

In the matter of **Agustin Vega v. W. H. H. Trice & Co., Mary Digges, Chastity Corbin, Cathleen McCartney, Elaine V. Thomas, REB File Number 2011-00067**, a motion was made by Ms. Johnson and seconded by Mr. Wells to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

In the matter of **Heather Foster v. Philip W. Wyne Trustee, REB File Number 2011-03032**, a motion was made by Ms. Johnson and seconded by Mr. Wells to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

Public Comment

Fair Housing Administrators Report

Holly Burdell and Larry Barfield v. Cindy Hornsby and Calebs Realty, REB File Number 2010-04087

Lisa Mullins v. Leigh Burnley, Barbra Blackburn, and Keller Williams Realty North Stafford, REB File Number 2010-01237

Agustin Vega v. W. H. H. Trice & Co., Mary Digges, Chastity Corbin, Cathleen McCartney, Elaine V. Thomas, REB File Number 2011-00067

Heather Foster v. Philip W. Wyne Trustee, REB File Number 2011-03032

A motion was made by Mr. Funkhouser and seconded by Mr. Wells to approve the Fair Housing Sub-Committee minutes of March 17, 2011. The motion passed unanimously. Members voting “Yes” were Childress, Funkhouser, Johnson, Taylor and Wells.

**Fair Housing
Minutes**

In the matter of **File Number 2011-03617, Jonathan Kent Crim**, 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. Jonathan Kent Crim, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Crim’s application based upon the record. After reviewing the facts, the nature and seriousness of the crime, the Board is of the opinion that due to the extent to which the occupation might offer Crim an opportunity to engage in further criminal activity of the same type, and the appearance of a relationship between the crime and the purpose of requiring a license to engage in the occupation, the Board determined it could not protect the health, safety and welfare of the public and agreed it would be negligent to grant a license. Therefore, the Board denies the application for license at this time. The motion passed unanimously. Members voting “Yes” were Childress, Funkhouser, Johnson, Taylor and Wells.

**File Number 2011-
03617, Jonathan
Kent Crim**

In the matter of **File Number 2011-03618, Edwin Lanada**, 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. Edwin Lanada, applicant, appeared and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the application and instead approve Mr. Lanada’s application for a real estate salesperson’s license, subject to an agreement for licensure for a period of two years wherein Mr. Lanada and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting “Yes” were Childress, Funkhouser, Johnson, Taylor and Wells.

**File Number 2011-
03618, Edwin
Lanada**

In the matter of **File Number 2011-02143, Dorothy F. Ritchie**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ritchie. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Ms. Ritchie admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Ritchie agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-02143, Dorothy F. Ritchie

In the matter of **File Number 2011-02896, Douglas J. Shelton**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shelton. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Shelton admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Shelton 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-02896, Douglas J. Shelton

In the matter of **File Number 2011-02605, Kwan Si Chung**, the Board reviewed the Consent Order as seen and agreed to by Mr. Chung. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Chung admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-210 (Count 2) of the Board's 2008 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, as well as

File Number 2011-02605, Kwan Si Chung

\$150.00 in Board costs for a total of \$1,400.00. In addition, for violation of Count 1, Chung agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Further, Chung agrees to a one (1) year probation of his license during which time he and his principal broker will report to the Board quarterly, that he is in compliance with the rules and regulations of the Board, for a period of one (1) year. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

In the matter of **File Number 2011-02858, Patricia A. Mele**, the Board reviewed the Consent Order as seen and agreed to by Ms. Mele. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Mele admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,150.00. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-02858, Patricia A. Mele

In the matter of **File Number 2011-03041, Lewis Keith Jamison**, the Board reviewed the Consent Order as seen and agreed to by Mr. Jamison. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Jamison admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Jamison 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 this order. The course must be completed in the

File Number 2011-03041, Lewis Keith Jamison

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 Childress, Funkhouser, Johnson, Taylor and Wells.

In the matter of **File Number 2011-02894, Sarah W. Welch**, the Board reviewed the Consent Order as seen and agreed to by Ms. Welch. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Welch admits to a violation of 18 VAC 135-20-220.A.2 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 2, Welch 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-02894, Sarah W. Welch

In the matter of **File Number 2011-03076, Julia Hylton Hughes**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hughes. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Ms. Hughes admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-300.9 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.a (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2, \$350.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Hughes agrees to complete at least three (3) classroom hours of Board-approved continuing

File Number 2011-03076, Julia Hylton Hughes

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

Board member Nate Brown arrived at 9:25 A.M.

In the matter of **File Number 2011-03065, Marjorie R. Dick Stuart**, the Board reviewed the Consent Order as seen and agreed to by Ms. Dick Stuart. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Dick Stuart admits to a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. It is noted that due to the circumstances of this subject matter and that Dick Stuart has been fined in the amount of \$1,000.00 by the Government of the District of Columbia Real Estate Commission, the imposition of the \$350.00 monetary penalty shall be waived. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

In the matter of **File Number 2011-03114, Rodney Eric Bowden**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bowden. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Bowden admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Bowden 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count

Arrival of Board Member

File Number 2011-03065, Marjorie R. Dick Stuart

File Number 2011-03114, Rodney Eric Bowden

towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

In the matter of **File Number 2011-03619, Adnan Mirza**, 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. Adnan Mirza, applicant, and John Forest, attorney for the applicant, were present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the real estate broker's license. The motion was withdrawn. A motion was made by Ms. Johnson and seconded by Ms. Childress to remand the case back for another Informal Fact-Finding Conference to gather more information on the title issue raised at the first Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Funkhouser, Johnson and Taylor.

File Number 2011-03619, Adnan Mirza

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

In the matter of **File Number 2011-03620, Yousuf Raza**, 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. Yousuf Raza, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Raza's application based upon the record. After reviewing the facts, the Summary of the IFF and the Recommendation, the Board is of the opinion that the nature of the regulatory violation and the short amount of time that has elapsed since the disciplinary action that resulted in the revocation of Raza's license, is significant enough to deny the license at this time. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Funkhouser, Johnson and Taylor.

File Number 2011-03620, Yousuf Raza

As the presiding Board member, Mr. Wells did not participate

in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-04082, James E. Dolan, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Dolan. James Dolan, respondent, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Dolan admits to 3 violations of 18 VAC 135-20-190.C.3.b (Count 1) of the Board's 2008 Regulations; 2 violations of 18 VAC 135-20-300.3 (Count 2) of the Board's 2008 Regulations; 2 violations of 18 VAC 135-20-300.3 (Count 3) of the Board's 2008 Regulations; and a violations of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, and agrees a monetary penalty of \$600.00 for the violations contained in Count 1, \$1,500.00 for the violations contained in Count 2, \$1,500.00 for the violations contained in Count 3, and \$1,650.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$5,400.00. In addition, for violation of Count 2, Dolan agrees to complete at least eight (8) 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Further, for violation of Count 4, Dolan agrees to three (3) year probation of his license as of the effective date of this order. During this three (3) year probation, Dolan agrees to: (1) Not be in violation of any rules and regulations of the Real Estate Board for transactions occurring after the effective date of this order; (2) Not be involved in any lawsuits that arise from conduct related to his licensure with the Board/Department; (3) Provide to the Board, on a quarterly basis, a written statement and supporting documentation from his broker and himself that he is in compliance with terms listed above. If Dolan violates any terms of this probation, his license shall be automatically revoked. Dolan understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. The motion passed unanimously. Brown, Funkhouser, Johnson, Taylor and Wells.

File Number 2010-04082, James E. Dolan

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

The Board recessed from 9:48 A.M. to 9:55 A.M.

In the matter of **File Number 2011-02865, Karen Davis Newins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Newins. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Newins admits to a violation of 18 VAC 135-20-300.7 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Count 1, Newins 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Johnson, Taylor and Wells.

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

In the matter of **File Number 2011-02627, Ahmad Adnan Ashkar**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ashkar. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Ashkar admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. The

Break

File Number 2011-02865, Karen Davis Newins

File Number 2011-02627, Ahmad Adnan Ashkar

motion passed unanimously. Members voting “Yes” were Brown, Childress, Johnson, Taylor and Wells.

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

In the matter of **File Number 2011-02667, Debra Deluca Kraehmer**, the Board reviewed the Consent Order as seen and agreed to by Ms. Kraehmer. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the terms of the Consent Order as proposed. The motion failed. Members voting “Yes” were Childress, Taylor and Wells. Member voting “No” was Brown.

File Number 2011-02667, Debra Deluca Kraehmer

A motion was made by Mr. Wells and seconded by Ms. Childress to reject the Consent Order and make a counter offer for a Consent Order wherein Ms. Kraehmer admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board’s 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Kraehmer 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 a classroom. Kraehmer understands that the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. If Ms. Kraehmer does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Johnson, Taylor and Wells.

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

In the matter of **File Number 2011-02830, Anita L. Cox**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cox. A motion was made by Mr. Wells and seconded by Ms. Taylor to reject the terms of the Consent Order and make a counter offer for a Consent Order wherein Ms. Cox admits to

File Number 2011-02830, Anita L. Cox

a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Cox 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 this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. If Ms. Cox does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Johnson, Taylor and Wells.

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

In the matter of **File Number 2011-01938, Sherry Lane Albertson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Albertson. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Albertson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Childress, Johnson, Taylor and Wells. Mr. Brown from voting in the matter.

File Number 2011-01938, Sherry Lane Albertson

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

Ms. Taylor turned the position of Chair over to Ms. Johnson and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2011-01694, Timothy D. Baggett**, the Board reviewed the Consent Order as seen and agreed to by Mr. Baggett. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed

File Number 2011-01694, Timothy D. Baggett

Consent Order offer wherein Mr. Baggett 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 violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Baggett agrees to a three (3) year probation of his license as of the effective date of the order. During this three (3) year period, Baggett agrees to the following terms: Baggett will enter into an Agreement for Licensure with the Board in which Baggett and his broker shall report to the Board on a quarterly basis for a period of three (3) years. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Johnson, Funkhouser and Wells.

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

In the matter of **File Number 2011-02004, Mark Anthony Stock**, 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. Childress and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, 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 Brown, Childress, Johnson, Funkhouser and Wells.

File Number 2011-02004, Mark Anthony Stock

A motion was made by Mr. Funkhouser and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 1, \$750.00 for the violation contained in Count 2, and \$1,650.00 for the violation contained in Count 3, for a total of \$3,150.00. In addition, the Board imposes the following sanction(s): Stock's license placed on Probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed within three (3) months continuing education which is to include: two (2) classroom hours pertaining to Escrow Accounts; two (2)

classroom hours pertaining to Real Estate Contracts; and two (2) classroom hours pertaining to Ethics and Standards of Conduct; and 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 Brown, Childress, Johnson, Funkhouser and Wells.

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

In the matter of **File Number 2011-02012, Robert Boughan Wilton, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wilton. A motion was made by Mr. Wells and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Wilton 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 agrees to no monetary penalty for the violation contained in Count 1 and Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Wilton agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Johnson, Funkhouser and Wells.

File Number 2011-02012, Robert Boughan Wilton, III

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

Ms. Taylor returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2010-00959, Virginia Real Estate Transaction Recovery Act Claim of Alma Augustus (Claimant) and Helen Realty, Inc. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Wells and seconded by Ms. Johnson to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

File Number 2010-00959, Virginia Real Estate Transaction Recovery Act Claim of Alma Augustus (Claimant) and Helen Realty, Inc. (Regulant)

The Board reviewed the request for a stay of the requirements to comply with the terms of Final Opinion and Order, File Number 2010-00983, Wen Yu. A motion was made by Ms. Childress and seconded by Mr. Wells to deny the request for a stay of the terms of File Number 2010-00983, Wen Yu. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Funkhouser, Taylor and Wells. Ms. Johnson abstained from discussion or voting in the matter.

Administrative Issues

A motion was made by Mr. Wells and seconded by Mr. Funkhouser to adopt the proposed Fair Housing regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

A motion was made by Mr. Funkhouser and seconded by Mr. Wells to approve the Defective Drywall Disclosure Statement. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to approve the Residential Property Disclosure Statement. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

The Board discussed whether to grant broker pre-license education credit to broker licensees in New Jersey who apply for a Virginia broker license by reciprocity. The Board determined the broker pre-license education completed by reciprocal applicants from these jurisdictions is “comparable in content and duration and scope” to the broker pre-license education required by the Board in Section 54.1-2105.B.3 of the Code of Virginia. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the 150 hours of broker pre-license education completed by broker license reciprocal applicants from New Jersey toward the Board’s 180 classroom hour broker pre-license education requirement. Broker license reciprocal applicants from these states who do not meet the Board’s 180 classroom hour broker pre-license education requirement must make up the difference in hours by completing a Board-approved Real Estate Brokerage pre-license education course, and, if necessary, additional Board-approved broker pre-license education courses. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Funkhouser, Johnson, Taylor and Wells.

Broker Pre-license Education for Broker License Reciprocal Applicants

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the May 11, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Johnson, Funkhouser, Taylor and Wells.

Education

The Board recessed from 11:10 A.M. to 11:20 A.M.

Break

Ms. Childress gave a report on the Spring ARELLO conference. No action was taken by the Board.

New Business

There being no further business, the Board adjourned at 11:31 A.M.

Adjourn

Byrl Taylor, Chair

Gordon Dixon, Secretary