

REAL ESTATE BOARD
MINUTES OF MEETING

May 8, 2008

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

Carol Clarke, Chair
Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Miles Leon
Florence Daniels
Scott Gaeser

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

Jay DeBoer, Director
Saba Shami, Chief Deputy
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Yvette Barnes, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack from the Office of the Attorney General was present.

Chair Clarke called the meeting to order at 9:03 A.M.

Call to Order

A motion was made by Ms. Daniels and seconded by Ms. Taylor to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Agenda

There was no public comment.

Public Comment

A motion was made by Ms. Clark and seconded by Mr. Gaeser to adopt the following minutes: February 14, 2008, Informal Fact-Finding

Minutes

Conference; March 6, 2008, Informal Fact-Finding Conference; March 13, 2008 Informal Fact-Finding Conference; March 18, 2008, Informal Fact-Finding Conference; March 19, 2008, Fair Housing/Real Estate Regulatory Review Committee Meeting; March 19, Informal Fact-Finding Conference; March 20, 2008, Real Estate Board Meeting; April 1, 2008, Informal Fact-Finding Conference; April 10, 2008, Informal Fact-Finding Conference; April 11, 2008, Informal Fact-Finding Conference and April 18, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

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

In the matter of **Mischelle Evans and Michael Lucas v. Winnie Glasper and S. L. Nusbaum Realty Company and Miles B. Leon, REB File Number 2008-00549**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **Rosalyn Huckaby v. Nicole Cox and S. L. Nusbaum Realty Company, REB File Number 2008-02319**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **Gregory Leon Hicks v. Leroy Worley, REB File Number 2008-02443**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

**Fair Housing
Administrators Report**

**Mischelle Evans and
Michael Lucas v. Winnie
Glasper and S. L.
Nusbaum Realty
Company and Miles B.
Leon, REB File Number
2008-00549**

**Rosalyn Huckaby v.
Nicole Cox and S. L.
Nusbaum Realty
Company, REB File
Number 2008-02319**

**Gregory Leon Hicks v.
Leroy Worley, REB File
Number 2008-02443**

In the matter of **Lenora Studivant v. Shirelle Christian, REB File Number 2008-02121**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

**Lenora Studivant v.
Shirelle Christian, REB
File Number 2008-02121**

The Board considered the matter of **Katrina Rollins v. D. M. Rothwell, Inc. and Betty Rothwell, REB File Number 2008-01209**, A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Conciliation Agreement

A motion was made by Ms. Clark and seconded by Mr. Gaeser to approve the Fair Housing Sub-Committee minutes of March 20, 2008. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2008-03216, Frederick Wyatt**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Wyatt, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark 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. Wyatt’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

**File Number 2008-03216,
Frederick Wyatt**

In the matter of **File Number 2008-03295, Tammy Sandberg**, 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. Ms. Sandberg, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation to deny Ms. Sandberg’s request for a real estate broker’s license as Ms. Sandberg did not meet the requirement of being actively engaged as a real estate salesperson and/or broker for 36 of the last 48 months preceding application for license and to instead approve a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2008-03295,
Tammy Sandberg**

As the Presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-03395, John Stump**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Stump, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor 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. Stump's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2008-03395,
John Stump

In the matter of **File Number 2008-03396, Betty Mills**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Mills, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels 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. Mills's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2008-03396,
Betty Mills

In the matter of **File Number 2008-03414, Kamilia Lawson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Lawson, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Lawson's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2008-03414,
Kamilia Lawson

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

In the matter of **File Number 2008-03218, Fred Malek**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of

File Number 2008-03218,
Fred Malek

the presiding Board member. Mr. Malek, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with the notation that in the summation of facts section the second sentence should read "Malek" and not Coleman, and approve Mr. Malek's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

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

In the matter of **File Number 2008-01288, Charles Futrell**, 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 officer. A motion was made by Ms. Daniels and seconded by Ms. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2008-01288,
Charles Futrell

A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for the violation of the regulation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

In the matter of **File Number 2008-02486, Charles Futrell**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Futrell, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Leon 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. Futrell's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2008-02486,
Charles Futrell

In the matter of **File Number 2008-02938, Darrell Champion**, the Board reviewed the record which consisted of the application file,

File Number 2008-02938,
Darrell Champion

transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Mr. Leon 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. Champion's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

In the matter of **File Number 2008-03215, Alvid Golphin**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon and seconded by Ms. Daniels 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. Golphin's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Oglesby. Member voting "No" was Taylor.

File Number 2008-03215,
Alvid Golphin

In the matter of **File Number 2008-03434, John Derek Janney**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon and seconded by Ms. Daniels 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. Janney's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2008-03434,
John Derek Janney

In the matter of **File Number 2008-03217, Charles Coleman**, 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. Daniels and seconded by Ms. Clark to accept the recommendation to deny Mr. Coleman's request for an experience waiver as the Board determined Mr. Coleman did not meet the requirement of being actively engaged as a salesperson and/or broker for 36 of the 48 months preceding application for licensure and deny Mr. Coleman's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown,

File Number 2008-03217,
Chalres Coleman

Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

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

In the matter of **File Number 2008-02706, Vestoria Shirk**, 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. Daniels and seconded by Ms. Clark to accept the recommendation to deny Ms. Shirk's request for an experience waiver as the Board determined Ms. Shirk did not meet the requirement of being actively engaged as a salesperson and/or broker for 36 of the 48 months preceding application for licensure and deny Ms. Shirk's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

File Number 2008-02706,
Vestoria Shirk

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

In the matter of **File Number 2008-02749, Kenneth Letner**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Letner's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2008-02749,
Kenneth Letner

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

In the matter of **File Number 2008-01543, Barry Perlow**, the Board reviewed the Consent Order as seen and agreed to by Mr. Perlow. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Perlow admits to a violation of 18 VAC 135-20-260.1 (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, Perlow agrees to the voluntary surrender of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2008-01543,
Barry Perlow

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

In the matter of **File Number 2008-01175, Susan B. Miller**, the Board reviewed the Consent Order as seen and agreed to by Ms. Miller. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order wherein Ms. Miller admits to a violation of 18 VAC 135-20-260.7 (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, Miller agrees to be placed on probation, concurrent with the probation period imposed by the West Virginia Real Estate Commission ("WVREC") on July 16, 2007. This probation period will commence on the effective date of the order and will end on July 15, 2010. During this probation period, Miller agrees to: (1) Comply with the terms of the WVREC Consent Decree entered into on July 16, 2007; (2) Comply with the rules and regulations of the Virginia Real Estate Board; and (3) Not be in violation of any local, state or federal laws or regulation. If Miller violates any terms of the probation, her license shall be automatically suspended until such time as there is complete satisfactory compliance. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2008-01175,
Susan B. Miller

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

In the matter of **File Number 2008-01176, James Edward Miller, II**, the Board reviewed the Consent Order as seen and agreed to by Mr. Miller. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Miller admits to a violation of 18 VAC 135-20-260.7 (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, Miller agrees to be placed on probation, concurrent with the probation period imposed by the West Virginia Real Estate Commission ("WVREC") on July 16, 2007. This probation period will commence on the effective date of the order and will end on July 15, 2010. During this probation period, Miller agrees to: (1) Comply with the terms of the WVREC Consent Decree entered into on July 16, 2007; (2) Comply with the rules and regulations of the Virginia Real Estate Board; and (3) Not be in violation of any local, state or federal laws or regulation. If Miller violates any terms of the probation, his license shall be automatically suspended until such time as there is complete satisfactory compliance. The motion passed

File Number 2008-01176,
James Edward Miller, II

unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

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

In the matter of **File Number 2008-00242, John MacGregor Elder**, the Board reviewed the Consent Order as seen and agreed to by Mr. Elder. A motion was made by Ms. Daniels and seconded by Mr. Leon to reject the terms of the Consent Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2008-00242,
John MacGregor Elder

A motion was made to make a counter offer of the Consent Order wherein Mr. Elder admits to a violation of 18 VAC 135-20-240 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.A (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20.185.B (Count 3) of the Board's 2003 Regulations, find a violation of the 18 VAC 135-20-185.C.2 (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$700.00 for the violation contained in Count 1, \$950.00 for the violation contained in Count 2, \$800.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$3,600.00. In addition, for violation of Counts 1 and 2, Elder agrees to revocation of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of the order. Additionally, Elder's real estate salesperson's license will be subject to an agreement for licensure for a period of two years wherein Mr. Elder and his broker will provide quarterly reports to the Board. If Mr. Elder does not accept the counter offer within 10 days the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

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

In the matter of **File Number 2007-03719, Daniela Dixon**, the Board reviewed the Consent Order as seen and agreed to by Ms. Dixon. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Dixon admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Dixon agrees to complete a minimum

File Number 2007-03719,
Daniela Dixon

of three (3) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the order. It is acknowledged satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements for license renewal. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

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

In the matter of **File Number 2007-00444, Charles I. Kirkwood**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kirkwood. A motion was made by Ms. Taylor and seconded by Ms. Clark to reject the terms of the Consent Order and to make a counter offer of the Consent Order wherein Mr. Kirkwood 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 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, Kirkwood agrees to complete a 4-hour, Board approved real estate class involving safeguarding the interests of the public within six (6) months of the effective date of the order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirement, if applicable, for renewal of license. If Mr. Kirkwood does not accept the counter offer within 10 days the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Taylor.

File Number 2007-00444,
Charles I. Kirkwod

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

In the matter of **File Number 2008-00180, Anthony Hajasz, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hajasz. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Hajasz admits to a violation of 18 VAC 135-20-240 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.A (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.B (Count 3) of the Board's 2003 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, \$1,000.00 for the violation contained in Count 3,

File Number 2008-00180,
Anthony Hajasz, Jr.

and agrees to \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Counts 1, 2, and 3, Hajasz agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

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

Transfer of Chair

In the matter of **File Number 2007-04868, Jeffrey Salisbury**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

**File Number 2007-04868,
Jeffrey Salisbury**

A motion was made by Mr. Oglesby and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$100.00 for the violation contained in Count 1. In addition, for the violation of Count 1, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$300.00 for the violation contained in Count 2. In addition, for the violation of Count 2, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

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

In the matter of **File Number 2007-02044, John Michael Cronin**, 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. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with the notation that Count 5 should read 18 VAC 135-20-185.C.1 and not 18 VAC 135-20-185.A, and to find a violation of 18 VAC 135-20-180.B.1.a. (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.A (Count 4) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-185.C.1 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

File Number 2007-02044,
John Michael Cronin

A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,400.00 for the violation contained in Count 2, \$700.00 for the violation contained in Count 3, \$900.00 for the violation contained in Count 4, and \$500.00 for the violation contained in Count 5 for a total monetary penalty of \$4,000.00. In addition, for the violations of Counts 1, 2, 3, 4 and 5 the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

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

In the matter of **File Number 2007-02621, John Michael Cronin**, 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. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with the notation that Count 6 should read 18 VAC 135-20-185.C.1 and not 18 VAC 135-20-185.A, and to find a violation of 18 VAC 135-20-180.B.1.a. (Count 1) of the Board's 2003

File Number 2007-02621,
John Michael Cronin

Regulations, find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-240 (Count 4) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.A (Count 5) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.C.1 (Count 6) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-170.A.1 (Count 7) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-170.A.3 (Count 8) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$1,400.00 for the violation contained in Count 3, \$700.00 for the violation contained in Count 4, \$900.00 for the violation contained in Count 5, \$950.00 for the violation contained in Count 6, \$500.00 for the violation contained in Count 7 and \$500.00 for the violation contained in Count 8 for a total monetary penalty of \$5,950.00. In addition, for the violations of Counts 1, 2, 3, 4, 5, 6, 7 and 8 the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, Oglesby and Taylor.

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2008-00462, Kimberley Keller Blair**, the Board reviewed the Consent Order as seen and agreed to by Ms. Blair. A motion was made by Ms. Childress and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Blair admits to (3 *violations*) of 18 VAC 135-20-260.1 (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, Blair agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Oglesby.

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

Transfer of Chair

**File Number 2008-00462,
Kimberley Keller Blair**

In the matter of **File Number 2008-00295, Gary Zayakosky**, the Board reviewed the Consent Order as seen and agreed to by Mr. Zayakosky. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Zayakosky admits to a violation of §54.1-2138.A of the *Code of Virginia* (Count 1), and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$600.00. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Oglesby.

File Number 2008-00295,
Gary Zayakosky

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 2007-04327, Clifton Holmquist**, the Board reviewed the Consent Order as seen and agreed to by Mr. Holmquist. A motion was made by Mr. Leon and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Holmquist admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board’s 2003 Regulations, and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$600.00. In addition, Holmquist agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and at least four (4) hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the order. 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, Clark, Clarke, Daniels, Gaeser, Leon and Oglesby.

File Number 2007-04327,
Clifton Holmquist

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 2007-03110, Henry Johnson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Johnson. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Johnson admits to a violation of 18 VAC 135-20-210.B (Count 1) of the Board’s 2003 Regulations, and a violation of 18 VAC 135-20-310.2 and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1 and \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, Johnson agrees to complete four (4) hours of continuing education pertaining to Laws and Regulations and/or

File Number 2007-03110,
Henry Johnson

other equivalent courses approved by the Board and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count toward any continuing education requirement, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon and Oglesby.

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 2008-00151, Curtis Seltzer**, a motion was made by Ms. Childress and seconded by Ms. Daniels to accept the proposed Consent Agreement wherein Mr. Seltzer agrees to the following: Within thirty (30) days of the execution of this agreement, the following disclaimer shall be placed at the bottom of the homepage of Mr. Seltzer's website (www.curtis-seltzer.com) and at the bottom of the webpage titled "Ten Quick Tips for Buying Land in the Country for Investment and Profit" (www.curtis-seltzer.com/10tips.html): "Curtis Seltzer is not a licensed real estate broker or real estate salesperson in the Commonwealth of Virginia, and does not offer to provide those services." The terms "real estate broker" and "real estate salesperson" shall be connected by hyperlink to the Official Website of the Commonwealth of Virginia's web pages for Virginia Code §§ 54.1-2100 and 54.1-2101, which define real estate broker and real estate salesperson, respectively. The Board agrees to the following: The Board affirms that as of the date of the execution of this agreement, it has NOT found Curtis Seltzer in violation of the Code of Virginia or the regulations of the Real Estate Board for practicing real estate without a license. The Board hereby dismisses the Cease and Desist Order issued to Curtis Seltzer on November 16, 2007 and closes the corresponding investigation with NO finding of violation. To the extent feasible under the Virginia Freedom of Information Act, § 2.2-3700 *et. seq.* of the Code of Virginia, the Board will expunge from the record its proceeding against Mr. Seltzer. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke and Leon.

File Number 2008-00151,
Curtis Seltzer

As the presiding Board member, Mr. Gaeser did not participate in the discussions or votes pertaining to this matter.

Due to possible conflict of interest, Mr. Oglesby and Ms. Taylor did not participate in the discussions or votes pertaining to this matter.

The Board recessed from 10:05A.M. to 10:25A.M.

Break

A motion was made by Ms. Childress and seconded by Mr. Gaeser that staff draft a guidance document with assistance from the Office of the Attorney General to interpret and implement the requirements of 18 VAC 135-20-360.B.3 and 18 VAC 135-20-360.C of the Board's Regulations concerning documentation required of education instructor applicants. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Education Items

A motion was made by Ms. Childress and seconded by Mr. Gaeser that staff draft a guidance document with assistance from the Office of the Attorney General to interpret Regulation 18 VAC 135-20-360.I to mean five (5) "business" days. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Childress and seconded by Mr. Gaeser to recommend that the Board approve Pre-License Education Provider Americas Best's request that they be allowed to offer their approved on-line and CD 60-hour Pre-license Salesperson courses without requiring students to purchase the supplementary textbooks. The courses, apart from the textbooks, already cover the 25 required content areas specified in 18 VAC 135-20-400 of the Board's Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Childress that staff inform Board Approved Education Providers that the Board will suggest education providers seek ARELLO Distance Education Certification for Distance Learning Courses, but this will not be a requirement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Ms. Childress gave the Education Committee Report. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the May 7, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

Education Committee Report

Mr. Oglesby gave a report on the 2008 ARELLO Mid-Year Conference. No action was taken by the Board.

New Business

Ms. Clark gave a report on the HUD conference held in Atlanta, GA. No action was taken by the Board.

Mr. DeBoer gave a report to the Board on the Virginia Association of Realtors (VAR) visit to DPOR. No action was taken by the Board.

The Board discussed Regulation 18 VAC-20-160.D effective April 1, 2008. No action was taken by the Board.

There being no further business, the Board adjourned at 11:48 A.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary

