

REAL ESTATE BOARD

MINUTES OF MEETING

May 8, 2003

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

Joseph K. Funkhouser, II, Chairman
Marjorie Clark
Florence Daniels
Gerald S. Divaris
Sharon Parker Johnson
Herman Key, Jr.
R. Schaefer Oglesby
S. Ronald Owens
Frank J. Quayle, III

Also present were:

Christine Martine, Executive Director
Camille C. Palmer, Administrative Assistant
Dana Martin, Member, Board for Professional and Occupational Regulation

Present for portions of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
William A. Diamond, Office of the Attorney General
John Cancelleri, Fair Housing Administrator
Robert Whitaker, Fair Housing Conciliator
Werner Versch, II, Regulatory Boards Administrator
Earlyne Perkins, Legal Assistant

Chairman Funkhouser called the meeting to order at 9:19 a.m. Chairman Funkhouser introduced and welcomed Dana Martin, member, Board for Professional and Occupational Regulation.

Call to Order

No one addressed the Board during the **Public Comment** period.

Public Comment Period

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the **agenda**. The motion passed unanimously. Members voting **“Yes”** were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Agenda

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the **minutes** of the **January 15, 2003 Board Member Training Meeting**. The motion passed unanimously. Members voting **“Yes”** were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Minutes

A motion was made by Mr. Owens and seconded by Mr. Oglesby to approve the **minutes** of the **January 16, 2003 Real Estate Board Meeting**. The motion passed unanimously. Members voting **“Yes”** were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

A motion was made by Mr. Divaris and seconded by Mr. Oglesby to approve the **minutes** of the **IFF Conferences** held on **February 5, 2003, February 19, 2003, and March 28, 2003**. The motion passed unanimously. Members voting **“Yes”** were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

Princetta Wooten and Keither Highsmith v. South Slope Apartments, Jennifer Corns, Weinstein Management Co., Inc. and South Slope Associates, L.C. REB File Number: 2003-00684. Mr. Ivan Jecklin, General Counsel and President, Weinstein Management Co., Inc. and Wendy Hodges, Manager, South Slope Apartments were present and addressed the Board.

**Fair Housing
Administrator’s Report**

Kathleen McKeon v. Williamsburg Redevelopment & Housing Authority, James Gurganus, Terry Bales and Ben Timmons, REB File Number: 2003-00052. Ms. McKeon was present and addressed the Board.

William Johnson and Cichel Johnson v. Summerford Architectural Board, Summerford Board of Directors, Clarence Drew, Design Management Associates, Inc., Douglas Greene, Jerry McCracken, Beth Daniels, Christopher Wheeler and Community Resources of Virginia, Inc., AAMC, REB File Number: 2002-03057. Mr. Andrew Elmore, Counsel, representing the respondents was present and addressed the Board.

Natasha M. Holmes v. Wellington Place Apartments, Rhonda Johnson, Lori Ross and Seven Pines Chase, LP, REB File Number: 2002-03710. Mr. Tom Synder, Representative for Wellington Place Apartments was present to answer any questions.

A motion was made by Mr. Divaris and seconded by Mr. Oglesby to close as no cause the following cases identified in the fair housing report as:

Lueque and Grace Slaughter v. Joyce Simmons, Swearingen Realty Company, John P. Rainey and Kelly Rainey, REB File Number: 2003-01017

Princetta Wooten and Keither Highsmith v. South Slope Apartments, Jennifer Corns, Weinstein Management Co., Inc. and South Slope Associates, L.C., REB File Number: 2003-00684

Kathleen McKeon v. Williamsburg Redevelopment & Housing Authority, James Gurganus, Terry Bales and Ben Timmons, REB File Number: 2003-00052

Carol Mann v. Langley Square Apartments, Tammy Pope, Edgewood Management Corporation and Mercury II Associates, REB File Number: 2003-00510

Matthew and Jean Aronson v. River's Bend Apartment Homes, Herbert S. King, King Properties, Inc., Kristy Marcum and RB Limited Partnership, REB File Number: 2003-00147

Ezra Brown v. Rev. Tyrone Woodley and Shirley Woodley, REB File Number: 2003-00270

Jennifer Thomas v. Man Mohan Gill and Bhupinder Gill, REB File Number: 2002-03645

Malcolm D. White and Annetta White v. Jon Wilkins, Miars Farm Apartments and Miars Farm Associates, L.P., REB File Number: 2003-00516

Patricia Brown v. Harrison & Lear and Susan Liufau, REB File Number: 2002-03232

Carl Lamonte Chandler v. Stuart and Florence White, REB File Number: 2003-00272

Jean Maria v. Lee Square Apartments, Rose Reid, SR Management Company and RPM Family LLC, REB File Number: 2003-00271

Donna Stevens and Wanda Bey v. Judy Boone Realty and Judy Boone, REB File Number: 2003-00283

Dionne Eggleston and Neverett Eggleston v. Thomas Jefferson, Jefferson Jones Inc. and Union Theological Seminary, REB File Number: 2003-00852

Eddie and Katherine Bob v. Richard Cain, Delores Dalton, Florence Maion, Robert Flanagan and Arlington Square Association, Inc., REB File Number: 2003-00899

The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Mr. Divaris to close as no cause the following case identified in the fair housing report as:

Benjamin and Catina Cary v. Christopher Arias and Brandon Fox, REB File Number: 2003-00134

The motion passed by majority vote. Members voting "Yes" were Clark, Daniels, Divaris, Johnson, Oglesby, Owens, and Quayle. The member voting "No" was Mr. Key. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Mr. Divaris to close as no cause the following case identified in the fair housing report as:

William Johnson and Cikel Johnson v. Summerford Architectural Board, Summerford Board of Directors, Clarence Drew, Design Management Associates, Inc., Douglas L. Greene, Jerry McCracken, Beth Daniels, Christopher Wheeler and Community Resources of Virginia, Inc., AAMC, REB File Number: 2002-03057

The motion passed by majority vote. Members voting "Yes" were Clark, Daniels, Divaris, Johnson, Oglesby, Owens, and Quayle. The member voting "No" was Mr. Key. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Mr. Divaris to close as no cause the following case identified in the fair housing report as:

Natasha M. Holmes v. Wellington Place Apartments, Rhonda Johnson, Lori Ross and Seven Pines Chase, LP, REB File Number 2002-03710

The motion passed unanimously. Members voting “Yes” were Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Mr. Divaris to approve the conciliation agreements identified in the fair housing report as:

Alejandro Juarez Zirate and Genoveva Cristobal Tellas v. Bobbi Shiflett and Debbie McAlister, REB File Number: 2003-01584

Heather D. West v. Bobbi Shiflett and Debbie McAlister, REB File Number 2003-01517

Stacy Vannoy and Ronald Madison v. City of Roanoke Redevelopment and Housing Authority and Cheryl Evans, Manager, Jamestown Apartment, REB File Number: 2003-01877

Carol Williamson v. Thomas Vassar, Judy Vassar, and American Historyland Mobile Home Park, REB Number: 2003-01306

Velvet Johnston v. Chippenham Place Apartments, Chippenham Place Ltd Partnership, F&W Management Company, Mary E. Wade and Cindy Morris, REB File Number 2003-01558

Charles and Tracy Schonter v. Lifestyle Condominium, Council of Co-Owners, Board of Directors, REB File Number 2003-01335

Terry Lee v. Acorn Management and Russell Shon, REB File Number: 2003-01864

Carmen Hutchins v. C. Stevens Holley, REB File Number: 2003-01974, HUD File Number: 03-03-0138-8

Housing Opportunities Made Equal v. C. Steven Holley, REB File Number: 2003-02212

Samantha Branch v. St. John's Wood Apartments, General Services Corporation, SJW Limited Partnership, Shana Ross and Allyson Rowell, REB File Number: 2003-01901

Jacqueline Person v. St. John's Wood Apartments, General Services Corporation, SJW Limited Partnership, Shana Ross and Allyson, Rowell, REB File Number: 2003-02113

Theresa Jo Bouchey v. Hampton Manor Condominium Association c/o Gladys Hanbury, President Hampton Manor Board of Directors and Hampton Manor Corporation, REB File Number: 2003-02050

Baraka Abdullah and Mohamed Radwan v. Lynchburg Redevelopment & Housing Authority, REB File Number: 2003-01794

Joseph Morgan v. Cromwell House, Andrew Heatwole, Tidewater Cromwell Associates, L.P., REB File Number: 2003-00768

Joseph Morgan v. Cromwell House, Andrew Heatwole, Tidewater Cromwell Associates L.P., Greg Goldfarber, and Carol Crawford, REB File Number: 2003-01552

The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Mr. Oglesby to withdraw the following case identified in the fair housing report as administrative closure:

Housing Opportunities Made Equal v. Bowers Holiday Village and Robert W. Bower, REB File Number: 2002-01232

The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Johnson, Key, Oglesby, and Quayle. Chairman Funkhouser was not present during the discussion or vote. Mr. Owens recused himself because he knows the respondent in the case.

A motion was made by Mr. Quayle and seconded by Ms. Clark to close as administrative closures the following cases identified in the fair housing report as:

Trinace Rutledge v. Bermuda Run Apartments, Cathy Tremblom

and Sam Kornblau, REB File Number: 2003-00767

Stephanie Harris v. Chippenham Place Apartments, Chippenham Place L.P., F & W Management Company, Mary E. Wade and Cindy Morris, REB File Number: 2003-01578

Tiandra Dillard v. Chippenham Place Apartments, Chippenham Place L.P., F & W Management Company, Mary E. Wade and Cindy Morris, REB File Number: 2003-01636

K. Bea Chadbourne v. The Seasons Board of Directors, The Seasons Condominium Association, Koger Management, The Seasons, Margaret Wolf, Patrick Jones and Steve Duval, REB File Number: 2002-02224

The motion passed unanimously. Members voting “Yes” were Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Chairman Funkhouser was not present during the discussion or vote.

A motion was made by Mr. Quayle and seconded by Ms. Clark to approve the **Fair Housing Minutes of January 16, 2003**. The motion passed unanimously. Members voting “Yes” were Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Chairman Funkhouser was not present during the discussion or vote.

Fair Housing Minutes

At 10:35 a.m., upon a motion made by Mr. Oglesby and seconded by Mr. Owens, the Board recessed and the Board immediately reconvened in **closed meeting** for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic:

Closed Session

John Cancelleri.

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

5. Housing Opportunities Made Equal v. Ed Plunkett, John Wilkinson and County of Augusta, REB File Number 2001-01869

The Board reconvened in open session at 10:45 a.m.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and 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: 9-0

AYES: Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None

A motion was made by Mr. Quayle and seconded by Ms. Clark to issue a short and plain written statement of the facts upon which the no reasonable cause determination was based. Complainants alleged that the respondents violated § 36-96.3.A.8 and 9 of the Code by failing to issue a building permit for a group home in a timely manner and in accordance with the County's usual practice for the issuance of building permits. The evidence in the investigative file reveals that the respondents have articulated legitimate and nondiscriminatory reasons for failing to issue a building permit in the usual manner. Further, the evidence in the file does not demonstrate that those reasons were pretextual. The County delayed issuance of the permit based on its interpretation of "resident counselors" in § 15.2.2291.A of the Code of Virginia. The investigative file reveals that the County zoning administrator interpreted "resident counselor" to mean a person residing in the home, as opposed to shift workers, as was planned by Heart Havens. Evidence further shows that in reaching this conclusion, the zoning administrator sought advice from the County attorney. Further, respondents contacted several state agencies and government officials concerning their interpretation. Upon receiving a contrary interpretation, in the form of a Fairfax Circuit Court case, the county issued a building permit, albeit approximately seven months after

REB File No. 2001-01869
Housing Opportunities
Made Equal v. Ed
Plunkett, John Wilkinson
and County of Augusta

application. The allegation that County officials made discriminatory statements is not supported by credible evidence in the investigative file. The evidence concerning the County attorney stating that it was not his job to find authority supporting the complainants' position does not equate to discrimination. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

In the matter of **File Number 2003-02028, Konstandenos S. Baziano**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Bazianos was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Mr. Owens to deny Mr. Bazianos' application for a Principal Broker's license by reciprocity because Mr. Bazianos did not meet the experience requirement of being actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application for licensure. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02028
Konstandenos S.
Bazianos

At 11:10 a.m., upon a motion made by Ms. Johnson and seconded by Mr. Oglesby, the Board recessed and the Board immediately reconvened in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic:

Closed Session

Louise Fontaine Ware, Karen O'Neal, and Christine Martine.

The motion is made with respect to the matter(s) identified as agenda items(s):

- 16. Gary Fitzgibbon v. Real Estate Board**
- 17. Mark and Susan Perry v. Real Estate Board**
- 18. Deborah J. Dentler, File No. 2001-02205**

The Board reconvened in open session at 1:00 p.m.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and 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: 8-0

AYES: Clark, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

NAYS: None

ABSENT DURING THE VOTE: Funkhouser

ABSENT DURING THE MEETING: None

The Board recessed for **lunch** at 1:00 p.m. and reconvened at 1:30 p.m.

Lunch

In the matter of **File Number 2003-02027, James C. Poff**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Poff was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Quayle to approve Mr. Poff's application for an associate broker's license by reciprocity. The motion passed unanimously. Members voting "**Yes**" were Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. Mr. Funkhouser was not present for the discussion or vote in this matter.

File Number 2003-02027
James C. Poff

In the matter of **File Number 2003-02002, Joel D. Silverthorn**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Silverthorn was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to approve Mr. Silverthorn's application for a real estate

File Number 2003-02002
Joel D. Silverthorn

salesperson's license. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. Mr. Funkhouser was not present for the discussion or vote in this matter.

In the matter of **File Number 2003-02000, Andrew C. Edwards**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. A motion was made by Mr. Divaris and seconded by Mr. Quayle. The Board voted to approve Mr. Edward's application for a real estate salesperson's license, with the stipulation that Mr. Edwards and his principal broker be required to report to the Board every six months, for a period of two years. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. Mr. Funkhouser was not present for the discussion or vote in this matter.

File Number 2003-02000
Andrew C. Edwards

In the matter of **File Number 2003-01836, Darlene Birchett**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Ms. Birchett was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Key to approve Ms. Birchett's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-01836
Darlene Birchett

In the matter of **File Number 2003-02027, James C. Poff**, a motion was made by Ms. Daniels and seconded by Mr. Oglesby to reconsider the approval of Mr. Poff's application for an associate broker's license by reciprocity and to rescind the previous motion. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens. The member voting "No" was Mr. Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. The reconsideration of Mr. Poff's application will be discussed at the next Real Estate Board meeting scheduled for July 17, 2003.

File Number 2003-02027
James C. Poff

In the matter of **File Number 2003-02122, Virginia D. Hoover**, the Board reviewed the record which consisted of the application file,

File Number 2003-02122
Virginia D. Hoover

transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Ms. Hoover was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve Ms. Hoover's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2001-01742, Katherine L. Inglefield**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Inglefield was present and addressed the Board. A motion was made by Mr. Owens and seconded by Ms. Clark to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-270(3) for Count I. The motion passed unanimously. A motion was made by Mr. Owens and seconded by Ms. Johnson to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. A motion was made by Mr. Quayle and seconded by Mr. Divaris to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of Board's 1999 Regulation 18 VAC 135-20-270(3) for Count III. The motion passed unanimously. A motion was made by Mr. Quayle and seconded by Mr. Divaris to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for Count IV. The motion passed unanimously. A motion was made by Mr. Quayle and seconded by Ms. Daniels to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-280(2) for Count V. The motion passed unanimously. A motion was made by Ms. Johnson and seconded by Mr. Divaris to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-250 for Count VI. The motion passed unanimously. A motion was made by Mr. Divaris and seconded by Mr. Owens to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-240 for Count VII. The motion passed unanimously. Members voting "Yes" for all counts were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, Owens, and Quayle. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in

File Number 2001-01742
Katherine L. Inglefield

the discussion or vote in this matter.

A motion was made by Mr. Divaris and seconded by Mr. Owen to accept the recommendation contained in the Summary of Informal Fact-Finding Conference hereby imposing the following sanctions for Counts I, II, III, IV, V, VI and VII. A monetary penalty of \$250.00 was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-270(3) Count I; a penalty of revocation of Ms. Inglefield's license was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II; a monetary penalty of \$250.00 was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-270(3) for Count III; a penalty of revocation of Ms. Inglefield's license was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for Count IV; a monetary penalty of \$250.00 was imposed for the violation for the Board's 1999 Regulation 18 VAC 135-20-280(2) for Count V; a monetary penalty of \$800.00 was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-250 for Count VI; a monetary penalty of \$800.00 and revocation of Ms. Inglefield's license was imposed for the violation of the Board's 1999 Regulation 18 VAC 135-20-240 for Count VII. The total monetary penalty of \$2350.00 was imposed. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Clark, Daniels, Divaris, Johnson, Key, and Quayle. The member voting "No" was Mr. Owens. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

Ms. Clark left the meeting at 2:33 p.m.

In the matter of **Mark and Susan Perry v. Real Estate Board Settlement Proposal**, Mr. Oglesby made a motion which was seconded by Ms. Johnson to enter into a Consent Order with Mark and Susan Perry. The original Order which revoked the broker's licenses of Mark and Susan Perry will be rescinded. The Board will issue Mark and Susan Perry a salesperson's license for a minimum of 12 months and each person is required to complete 16 hours of continuing education in addition to the regular continuing education requirements. Mark and Susan Perry will each be required to pay a \$4,000.00 fine and the matter pending before the Circuit Court will be dismissed. Also, when Mark and Susan Perry apply for a broker's license, the facts in this matter considered in the application review can not be considered in the application review. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

Mark and Susan Perry v. Real Estate Board- Settlement Proposal

In the matter of **Gary Fitzgibbon v. Real Estate Board**, Ms. Johnson

Gary Fitzgibbon v. Real

made a motion which was seconded by Mr. Oglesby to rescind the Final Order entered into at the January 16, 2003 Real Estate Board Meeting. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

Estate Board

In the matter of **File Number 2001-02205, Deborah J. Dendtler**, Mr. Oglesby made a motion which was seconded by Mr. Owens, on the advice of Counsel, the Board rescinded Final Opinion and Order Number 2003-0324. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

File Number 2001-02205
Deborah J. Dendtler

In the matter of **File Number 2002-01546, Gary S. Williams** the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member’s summary. Mr. Williams was not present. A motion was made by Mr. Quayle and seconded by Mr. Divaris to accept the recommendations contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-180(B)(1.a) for Count I; finding a violation of the Board’s 1999 Regulation 18 VAC135-20-260(9) for Count II; finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-210(B) for Count III; and finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-210(B) for Count IV. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Owens, and Quayle. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-01546
Gary S. Williams

A motion was made by Mr. Quayle and seconded by Mr. Divaris to accept the recommendation of sanctions contained in the Summary of Informal Fact Finding Conference hereby imposing the following sanctions for Counts I, II, III, and IV: a monetary penalty of \$100.00 for Count I for the violation of the Board’s 1999 Regulation 18 VAC 135-20-180(B)(1.a); imposing a monetary penalty of \$100.00 for Count II for a violation of the Board’s 1999 Regulation 18 VAC135-20-260(9); imposing a monetary penalty of \$150.00 for Count III for a violation of the Board’s 1999 Regulation 18 VAC135-20-210(B); and imposing a monetary penalty of \$150.00 for Count IV for a violation of the Board’s 1999 Regulation 18 VAC 135-20-210(B). The total monetary penalty of \$500.00 is imposed. The motion passed by majority vote. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Owens, and Quayle. The member voting “No” was Mr. Key. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02435, Curtis W. McArtor**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. McArtor was not present. A motion was made by Ms. Johnson and seconded by Mr. Divaris to approve Mr. McArtor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Owens, and Quayle. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02435
Curtis W. McArtor

In the matter of **File Number 2002-01982, Sa N. Lam**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Lam was not present. A motion was made by Mr. Owens and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.c) for Count I; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-320(3) for Count II; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for Count III; finding no violation for Count IV; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-270(3) for Count V; finding no violation for Count VI; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.b) for Count VII; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for count VIII; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260 (8) and (9) for Count IX. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Key, Oglesby, Owens, and Quayle. Ms. Johnson and Mr. Divaris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-01982
Sa N. Lam

A motion was made by Mr. Owens and seconded by Mr. Oglesby to accept the recommendation of sanctions contained in the Summary of Informal Fact-Finding Conference hereby imposing the following penalties for Count I-IX: a monetary penalty of \$1000.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.c) for Count I; imposing a monetary penalty of \$250.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-320(3) for Count II; imposing a monetary penalty of \$500.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for Count III; imposing a monetary penalty of \$250.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-270(3) for Count V; imposing a monetary penalty of \$250.00 for the violation of the Board's 1999 Regulation 18

VAC 135-20-180(B)(1.b) for Count VII; imposing a monetary penalty of \$500.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-320(5) for Count VIII; and imposing a monetary penalty of \$500.00 for the violation of the Board's 1999 Regulation 18 VAC 135-20-260 (8) and (9) for Count IX. The total monetary penalty of \$3250.00 is imposed. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Key, Oglesby, Owens, and Quayle. Ms. Johnson and Mr. Divaris, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

The Board considered the matter of **Charles E. Jones, Jr., Consent Order Number 2001-0146**. A motion was made by Mr. Key and seconded by Ms. Johnson reject Mr. Jones' request to amend the terms of his Consent Order Number 2001-0146. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

**Charles E. Jones, Jr.-
Consent Order- 2001-
0146**

The Board considered the Agreement for Licensure of **Victoria Hamersley**. By consensus, the Board determined that a warning should be sent to the broker stating that future occurrences of late reports would be referred to the Enforcement Division.

Agreement for Licensure

Ms. Karen O'Neal, Deputy Director, summarized comments received for the Fair Housing Regulations.

**Adopt Final Regulations-
Fair Housing**

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the Fair Housing Summary of Comments as amended. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the Fair Housing Regulations as amended. The motion passed unanimously. Members voting "Yes" were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

Mr. Quayle left the meeting at 3:25 p.m.

The Board reviewed the Real Estate Board Financial Analysis and Fee Recommendation. A motion was made by Mr. Divaris and seconded by Mr. Owens to adopt Proposal D. This option increases renewal fees more than application fees, and simplifies the fee structure by making the application and renewal fees equal. The motion was rescinded.

Licensing Fees

Another motion was made by Mr. Divaris and seconded by Mr. Oglesby

to reconsider the previous motion and to adopt Proposal B. This option increases application fees more than renewal fee, reflecting the higher processing costs associated with original applications. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

Information was distributed to the Board outlining the Implementation of HB2723- Real Estate Education Legislation. A motion was made by Ms. Johnson and seconded by Mr. Divaris to endorse the staff’s recommendation outlined for the Implementation of HB2723- Real Estate Education Legislation. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

**Implementation of
HB2723- Real Estate
Education Legislation**

A motion was made by Mr. Divaris and seconded by Ms. Daniels to appoint Mr. Funkhouser as Chairman of the Advisory Council. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

The Board discussed SB1102 Fair Housing Bill. No action was necessary.

SB1102 Fair Housing Bill

Mr. Owens read the Education Committee Report. A motion was made by Mr. Owens and seconded by Mr. Divaris to approve the April 22, 2003 Education Committee Report. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

**Education Committee
Report**

A motion was made by Mr. Owens and seconded by Mr. Divaris to approve the May 7, 2003 Education Committee Report. The motion passed unanimously. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

Mr. Werner Versch, II, presented an RFP Update to the Board. No action was necessary.

RFP Update

Mr. Funkhouser opened the floor for nomination of Vice Chairman. A motion was made by Mr. Oglesby and seconded by Ms. Johnson to nominate Mr. Ronald Owens as Vice Chairman. The motion passed unanimously. Mr. Owens was **elected** Vice Chairman. Members voting “Yes” were Funkhouser, Daniels, Divaris, Johnson, Key, Oglesby, and Owens.

**Election of Vice
Chairman**

The meeting **adjourned** at 3:55 p.m.

Adjourn

Joseph K. Funkhouser, II
Chairman

Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

DRAFT