

REAL ESTATE BOARD

MINUTES OF MEETING

July 17, 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:

S. Ronald Owens, Vice Chairman
Marjorie Clark
Florence Daniels
Gerald S. Divaris
Herman Key, Jr.
R. Schaefer Oglesby

Board Members not present:

Joseph K. Funkhouser, II, Chairman
Sharon Parker Johnson
Frank J. Quayle, III

Also present were:

Christine Martine, Executive Director
Camille C. Palmer, Administrative Assistant

Present for portions of the meeting were:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director
John Cancelleri, Fair Housing Administrator
Liz Hayes, Fair Housing Investigative Supervisor
Earlyne Perkins, Legal Assistant

A representative for the Office of the Attorney General was not present.

Vice Chairman Owens called the meeting to order at 9:15 a.m.

Call to Order

Vice Chairman Owens asked if there were any public comments. Mr. Don Moseley expressed concerns about existing problems with the

Public Comment Period

procedures and policies associated with taking the Real Estate exam administered through PSI and recommended changing the policy. Ms. Sharon Sweet, Director, Education and Examination addressed Mr. Moseley's concerns.

Ms. Gail Godwin addressed the Board regarding a Fair Housing complaint and would like to have the case investigated.

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

Agenda

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the **minutes** of the **May 7, 2003 IFF Conference**. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes.

Minutes

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the **minutes** of the **May 8, 2003 Real Estate Board Meeting**. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens.

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the **minutes** of the **May 28, 2003 IFF Conference**. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens.

A motion was made by Mr. Oglesby and seconded by Mr. Divaris to approve the **minutes** of the **June 16, 2003 IFF Conference**. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens.

Elaine and Howard Green v. Long and Foster Realty, REB File Number: 2003-00847. Mr. Pat Richardson, representative, Long and Foster was present and addressed the Board.

**Fair Housing
Administrator's Report**

Donna Tucker v. Genito Glenn Apartments, Genito Glen L.P. and S.L. Nusbaum, REB File Number: 2003-01339. Ms. Donna Tucker, complainant, was present to answer any questions.

A motion was made by Ms. Clark and seconded by Mr. Divaris to close as an administrative closure the following case identified in the fair housing report as administrative closure:

**Wanita Martin v. J & J Real Estate Limited and Barbara Heltzel,
REB File Number: 2003-01916**

The motion passed unanimously. Members voting "Yes" were Clark; Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes.

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

**Elaine and Howard Green v. Long and Foster Realty, REB File
Number: 2003-00847**

**Donna Tucker v. Genito Glenn Apartments, Genito Glen L.P. and
S.L. Nusbaum, REB File Number: 2003-01339**

The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes.

A motion was made by Ms. Clark and seconded by Mr. Oglesby to approve the **Fair Housing Minutes of May 8, 2003**. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes.

Mr. Cancelleri read a responsive letter to Ms. Godwin's public comment.

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 Mr. Divaris and seconded by Ms. Daniels to approve Mr. Poff's associate broker's license by reciprocity. After reviewing the transcript and presentation, Mr. Poff clearly had experience in all aspects of the Real Estate industry, which include the financial and negotiating aspects, along with all the experience Mr. Poff has gained, he is certainly qualified to be a broker. The motion passed by majority vote. Members voting "Yes" were Daniels, Divaris, Oglesby, and Owens. The member voting "No" was Mr. Key. 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 2001-01148, Robert Robinson Parnell**, the Board reviewed the record, which consisted of the presiding Board member's summary and recommendation. Mr. Brincefield, attorney for

Fair Housing Minutes

File Number 2003-02027
James C. Poff

File Number 2001-01148
Robert Robinson Parnell
Consent Order Number

the respondent, was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Ms. Daniels to ratify **Consent Order Number 2003-174**, finding violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I imposing a monetary penalty of \$750.00; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II imposing a monetary penalty of \$500.00. The total monetary penalty of \$1,250.00 was imposed. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

2003-174

In the matter of **File Number 2001-01149, Carolyn Adair Parnell**, the Board reviewed the record, which consisted of the presiding Board member's summary and recommendation. Mr. Brincefield, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Ms. Daniels to ratify **Consent Order Number 2003-175** finding violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count I imposing a monetary penalty of \$500.00; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(8) for Count II imposing a monetary penalty of \$250.00. The total monetary penalty \$750.00 was imposed. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-01149
Carolyn Adair Parnell
Consent Order Number
2003-175

In the matter of **File Number 2001-01580, William B. McIntyre**, the Board reviewed the record, which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Susan Tarley, attorney for the respondent was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of Section 54.1-2131(A)(4), of the Code of Virginia, imposing a monetary penalty of \$400.00. The recommended monetary penalty of \$200.00 was increase to \$400.00 because the time period was too long and Mr. McIntyre should be more communicative with his client. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-01580
William B. McIntyre

In the matter of **File Number 2003-02081, Laird M. Boles**, the Board reviewed the record, which consisted of the application file, transcript,

File Number 2003-02081
Laird M. Boles

exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Boles was not present. A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Bole's application for a Real Estate Principal Broker's License by Reciprocity. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes. 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 2003-02221, Brian Daniel Bordeaux**, 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. Bordeaux was present to answer any questions. A motion was made by Mr. Divaris and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Bordeaux's application for a real estate salesperson's license by examination. The motion passed unanimously. Members voting "Yes" were Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02221
Brian Daniel Bordeaux

In the matter of **File Number 2002-03747, Jamie Lancaster**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Lancaster was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Divaris to defer this matter until the September 4, 2003 Real Estate Board Meeting. The motion passed by majority vote. Members voting "Yes" were Daniels, Divaris, Oglesby, and Owens. The member voting "No" was Mr. Key. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03747
Jamie Lancaster

In the matter of **File Number 2002-3753, Christina L. Lancaster**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Lancaster was not present. A motion was made by Ms. Daniels and seconded by Mr. Divaris to defer this matter until the September 4, 2003 Real Estate Board Meeting. The motion passed by majority vote. Members voting "Yes" were Daniels, Divaris, Oglesby, and Owens. The member voting "No" was Mr. Key. Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-3753
Christina L. Lancaster

In the matter of **File Number 2002-03593, Wallace S. Gibson**, the Board reviewed the record which consisted of the presiding Board member's summary and recommendation. Ms. Gibson and Mr. Ford, respondent's attorney, were present and addressed the Board. A motion was made by Mr. Key and seconded by Ms. Clark to reject the **Consent Order Number 2003-0061** and to bring the entire record to the September 4, 2003, Real Estate Board Meeting. The motion passed by majority vote. Members voting "Yes" were Clark, Daniels, Key, and Oglesby. The member voting "No" was Mr. Divaris. Mr. Owens, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03593
Wallace S. Gibson
Consent Order Number:
2003-0061

In the matter of **File Number 2003-02001, Christopher Schott**, 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. Schott was not present. A motion was made by Ms. Daniels and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Schott's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, and Oglesby. There were no negative votes. Mr. Owens, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02001
Christopher Schott

In the matter of **File Number 2003-00302, Percy Montague, IV**, the Board reviewed the record which consisted of the presiding Board member's summary and recommendation. Mr. Montague was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify **Consent Order Number 2003-146** finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.a) for Count I, imposing a monetary penalty of \$300.00 for the violation and \$300.00 for Board cost. The total monetary penalty of \$600.00 was imposed. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, and Owens. There were no negative votes. Mr. Oglesby recused himself from the discussion or vote because Mr. Oglesby and Mr. Montague are business partners.

File Number 2003-00302
Percy Montague, IV
Consent Order Number
2003-146

In the matter of **File Number 2003-02788, Roger B. Priore**, 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. Priore was present and addressed the Board. A motion was made by Ms. Daniels and seconded

File Number 2003-02788
Roger B. Priore

by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Priore's application for a real estate salesperson license by examination. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02866, Bruce H. Crump**, 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. Crump was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniel to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Crump's application for a real estate salesperson license with the stipulation that Mr. Crump, as well as his broker, is required to report to the Board quarterly for a period of 2 years. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02866
Bruce H. Crump

In the matter of **File Number 2003-02994, Iqbal A. Butt**, 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. Butt was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Butt's application by a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02994
Iqbal A. Butt

In the matter of **File Number 2003-01881, Larry D. Kunkel & Regina Kunkel and D.A. Harris, d/b/a Tony Harris**, the Board reviewed the record which consisted of the Recovery Fund file, transcript, exhibits from the IFF, Summary of the Informal Fact-Finding Conference and the Recommendation. The respondents were not present. A motion was made by Ms. Clark and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the claim for payment in the maximum amount of \$20,000, noting an unsatisfied judgment for \$14,781.00,

File Number 2003-01881-
Larry D. Kunkel &
Regina Kunkel and D.A.
Harris, d/b/a Tony
Harris

court costs for \$136.00, and attorney's fees for \$9,064.48. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02710, Christopher G. Perry**, 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. Perry was present to answer any questions. 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 to approve Mr. Perry's application for real estate salesperson's license by examination. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02710
Christopher G. Perry

In the matter of **File Number 2003-02738, Matthew V. Rathburn**, 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. Rathburn was present to answer any questions. A motion was made by Mr. Divaris and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Rathburn's application for real estate salesperson's license by examination. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02738
Matthew V. Rathburn

In the matter of **File Number 2003-02739, Malcolm M. Norris**, the Board reviewed the file which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Norris was not present. A motion was made by Mr. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Norris' application for a real estate salesperson license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02739
Malcolm M. Norris

In the matter of **File Number 2003-02789, Glenn D. Carstater**, the Board reviewed the file which consisted of the application file, transcript, exhibits from the IFF, Summary of the Informal Fact Finding Conference and the Recommendation. Mr. Carstater was not present. A motion was made by Mr. Clark and Mr. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Carstater's application for a sole proprietor license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02789
Glenn D. Carstater

In the matter of **File Number 2003-02867, Amilcar E. Flores**, 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. Flores was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Flores application for a real estate salesperson license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02867
Amilcar E. Flores

In the matter of **File Number 2003-02897, Michelle A. Ogurek**, 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. Ogurek was not present. A motion was made by Ms. Daniels and seconded by Mr. Divaris to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Ogurek's application for a real estate salesperson license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02897
Michelle A. Ogurek

In the matter of **File Number 2003-02909, Stacy V. Gibbs**, 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. Gibbs was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Ms. Daniels to accept the recommendation contained in the

File Number 2003-02909
Stacy V. Gibbs

Summary of the Informal Fact-Finding Conference to approve Ms. Gibb's application for a real estate salesperson license. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02993, Wanda G. Miller**, 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. Miller was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Miller's application for real estate salesperson license, with the stipulation that Ms. Miller, as well as her broker, is required to report to the Board quarterly for a period of one year. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, and Owens. There were no negative votes. Mr. Oglesby and Mr. Key, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02993
Wanda G. Miller

In the matter of **File Number 2002-01120, Hilda Rochford**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Rochford was not present. A motion was made by Ms. Daniels 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 Regulations 18 VAC 135-20-300(6) for Count I. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-01120
Hilda M. Rochford

A motion was made by Mr. Divaris and seconded by Ms. Daniels to accept the recommendations contained in the Summary of Informal Fact Finding Conference finding a violation of the Board's 1999 Regulations 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Clark and seconded by Mr. Divaris to reject the sanction recommendation contained in the Summary of the Informal

Fact-Finding Conference and to increase the monetary penalty to \$1,000 for Count I for the violation of the Board's 1999 Regulations 18 VAC 135-20-300(6). The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Clark and seconded by Mr. Divaris to reject the sanction recommendation contained in the Summary of the Informal Fact-Finding Conference and to increase the monetary penalty to \$1,000 for each count, Count I and Count II, for the violation of the Board's 1999 Regulations 18 VAC 135-20-300(6) due to prior violations and that Ms. Rochford is a principal broker. The total monetary penalty is \$2,000. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. 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 2002-01712, Carmen Pineiro**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Pineiro was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulations 18 VAC 135-20-220(A)(1) and 18 VAC 135-20-220(A)(3). The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-01712
Carmen Pineiro

A motion was made by Ms. Daniels and seconded by Mr. Divaris to reject the sanction recommendation contained in the Informal Fact Finding Conference and to increase the monetary penalty to \$500.00 for the violation of the Board's 1999 Regulations 18 VAC 135-20-220(A)(1) and 18 VAC 135-20-220(A)(3) due to prior violations and the lack of understanding of the Board's regulations. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key and Owens. There were no negative votes. 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 2003-03029, Charles N. Chappell**, the Board reviewed the record which consisted of the presiding Board

File Number 2003-03029
Charles M. Chappell

member's summary and recommendation. Mr. Chappell was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Oglesby to ratify **Consent Order Number 2003-0181** finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.a) and imposing a monetary penalty of \$450.00, for a total penalty of \$450.00. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby and Owens. There were no negative votes. Mr. Funkhouser who conducted the Informal Fact-Finding Conference, was not present at the Board meeting.

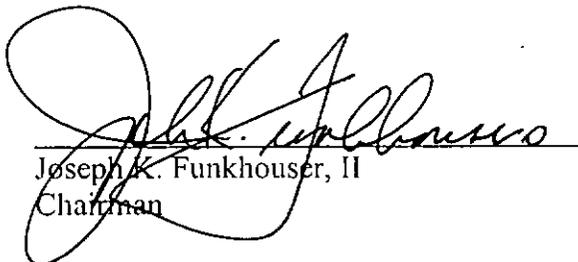
The Board considered the request of Andrea Baker to carry on the business of her late father, Jack Null, for 180 days for the purpose of concluding the business in accordance with § 54.1-2109 of the Code of Virginia. A motion was made by Mr. Oglesby and seconded by Mr. Divaris to permit Andrea Baker to carry on business for 180 days for the purpose of concluding the business of the firm in accordance with § 54.1-2109 of the Code of Virginia. Also, a letter will be sent to Ms. Baker request Ms. Baker not to utilize the Jack Null & Co. letterhead paper. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Owens, and Oglesby. There were no negative votes.

Ms. Bonnie Rhea Adams gave the Board information on the newly amended Code § 54.1-204 and information the Board members need to capture during License application criminal conviction Informal Fact-Finding Conferences.

Mr. Owens read the Education Committee Report. A motion was made by Mr. Owens and seconded by Mr. Oglesby to approve the July 16, 2003 Education Committee Report. The motion passed unanimously. Members voting "Yes" were Clark, Daniels, Divaris, Key, Oglesby, and Owens. There were no negative votes.

Ms. Karen W. O'Neal, Deputy Director for Regulatory Programs conducted Board member training.

The meeting adjourned at 1:25 p.m.


Joseph K. Funkhouser, II
Chairman

**Death of Broker-
Jack Null & Co., Inc.**

**Education Committee
Report**

Board Member Training

Adjourn

Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Marjorie Clark
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: Marjorie M. Clark

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: S. Ronald Owens
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: "None"

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

None

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Herman Key, Jr.
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: _____

 _____

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Gerald S. Divaris
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: 

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: *Florence Daniels*

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: Percy Montague IV
is a partner of mine. I left the room and did not vote
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: July 17, 2003

Signature: 