

REAL ESTATE BOARD

MINUTES OF MEETING

October 23, 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
S. Ronald Owens, Vice Chairman
Marjorie Clark
Gerald S. Divaris
Sharon Parker Johnson
Herman Key, Jr.
R. Schaefer Oglesby
Frank J. Quayle, III

Board Members not present:

Florence Daniels

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

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
John Cancelleri, Fair Housing Administrator
Liz Hayes, Fair Housing Investigative Supervisor
Earlyne Perkins, Legal Assistant
Camille C. Palmer, Administrative Assistant
Cynthia Schrier, Community Association Liaison
Marion Cooper, Property Registration & Education Administrator

Emily Wingfield, Office of the Attorney General, was present.

Chairman Funkhouser called the meeting to order at 9:05 a.m.

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 Mr. Owens to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens,

Agenda

and Quayle. There were no negative votes.

A motion was made by Ms. Johnson and seconded by Mr. Divaris to adopt the **minutes** of the **August 18, 2003 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Minutes

A motion was made by Ms. Clark and seconded by Mr. Oglesby to adopt the **minutes** of the **September 4, 2003 Real Estate Board Meeting** as amended. The minutes were corrected to reflect that Mr. Owens chaired the Informal Fact-Finding Conference alone, in the matter of **File Number 2002-03593, Wallace Gibson**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

A motion was made by Ms. Clark and seconded by Mr. Owens to adopt the **minutes** of the **September 4, 2003 IFF Conferences**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle

A motion was made by Ms. Johnson and seconded by Mr. Owens to adopt the **minutes** of the **September 17, 2003 IFF Conferences** as amended. The minutes were corrected to reflect agenda item number 8, **File Number 2004-00812, Lane A. Midgett** was not heard during the conferences and the matter of, **File Number 2003-00387, Michael Grady Garrett** was heard. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle.

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

Fair Housing
Administrator's Report

Amir Ali-Dorsey and Brenda Manning v. Clark Realty Management, LLC and Bruce Warren, REB File Number 2003-03398

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

A motion was made by Mr. Key and seconded by Ms. Clark to close the following case as reasonable cause and issue a charge of discrimination:

The ARC of the Piedmont v. Wallace Gibson and Gibson

Management Group, t/a Landlord Tenant Service, REB File Number: 2001-03298

The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, and Owens. There were no negative votes. Mr. Quayle abstained from the discussion and vote in this matter, due to a prior business relationship with the respondent. Prior to the motion, the Board reviewed a letter from B. Paige Holloway, counsel to Wallace Gibson, dated October 20, 2003.

A motion was made by Ms. Clark and seconded by Mr. Divaris to approve the **Fair Housing Minutes of September 4, 2003**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

In the matter of **File Number 2004-00340, George William Dodd**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Astor, attorney for the respondent, and Mr. Dodd, respondent, were present and addressed the Board. A motion was made by Mr. Divaris and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to deny Mr. Dodd's application for a real estate broker's license. Members voting "Yes" were Funkhouser, Clark, 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.

In the matter of **File Number 2004-00509, Sherelle Kay Cypress**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Cypress was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Cypress' real estate salesperson application, with the stipulation that Ms. Cypress enter into an Agreement for Licensure with the Board wherein Cypress and her principal broker report to the Board, on a quarterly basis for a period of three years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, 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.

In the matter of **File Number 2003-03234, Michael J. Freer**, the Board reviewed the record, which consisted of the Consent Order. Mr. Freer,

Fair Housing Minutes

File Number 2004-00340
George William Dodd

File Number 2004-00509
Sherelle Kay Cypress

File Number 2003-03234
Michael J. Freer

respondent, was present and addressed the Board. A motion was made by Mr. Divaris and seconded by Mr. Owens to ratify **Consent Order Number 2004-0029** finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(B)(1.a) for Count I. A monetary penalty of \$400.00, and reimbursement of investigative costs to the Department in the amount of \$300.00 is imposed for violation of the Board's 1999 Regulation 18 VAC 135-20-180(B) (1.a) for a total monetary penalty of \$700.00. Additionally, Mr. Freer is required to complete a two hour continuing education class pertaining to escrow accounts. The two hour continuing education class pertaining to escrow accounts must be successfully completed within six months of the effective date of this order. It is acknowledged that satisfactory completion of the above-referenced continuing education class will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Owens and Quayle. There were no negative votes. Mr. Oglesby, negotiated the consent order, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03150, Lawrence Shelton Bahl**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Bahl 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 the Informal Fact Finding Conference to approve Mr. Bahl's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Owens, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03150
Lawrence Shelton Bahl

In the matter of **File Number 2003-03183, James Allen Jernigan**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Jernigan was present and addressed the Board. A motion was made by Mr. Owens and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Jernigan's application for a real estate salesperson's license with the stipulation that Jernigan enter into an Agreement for Licensure, wherein Jernigan and his Principal Broker shall report to the Board on a quarterly basis for a period of two years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Owens, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the

File Number 2003-03183
James Allen Jernigan

Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03184, Ryan Christopher Sanford**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Sanford was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Sanford's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Owens, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03184
Ryan Christopher
Sanford

In the matter of **File Number 2003-03241, Cynthia M. Cain**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Cain, applicant and Ms. Kathy Samson, applicant's broker were present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Cain's application for a real estate salesperson's license with the stipulation that Cain enter into an Agreement for Licensure, wherein Cain and her Principal Broker shall report to the Board on a quarterly basis for a period of one year. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Owens, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03241
Cynthia M. Cain

In the matter of **File Number 2003-03268, Barry N. Hale**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Hale, applicant and Mr. Gearhart, applicant's attorney were present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Mr. Hale's application for a real estate salesperson's license with the stipulation that Hale enter into an Agreement for Licensure, wherein Hale and his Principal Broker shall report to the Board on a quarterly basis for a period of one year. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and

File Number 2003-03268
Barry N. Hale

Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. Mr. Owens recused himself because he knows the applicant's family.

In the matter of **File Number 2003-03242, Collette N. May**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. May was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Clark to approve Ms. May's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Owens, Key, Oglesby, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03242
Collette N. May

In the matter of **File Number 2003-03548, Patrick R. Haynes, Jr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Haynes was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Haynes's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Owens, and Quayle. 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. Ms. Johnson was not present for the discussion or vote.

File Number 2003-03548
Patrick R. Haynes, Jr.

In the matter of **File Number 2003-00187, Joseph Thomas Cooke**, the Board reviewed the record which consisted of the Consent Order. Mr. Cooke was not present. A motion was made by Ms. Clark and seconded by Mr. Divaris to ratify **Consent Order Number 2004-0033** finding a violation of § 54.1-2132(A)(4) of the Code of Virginia for Count I, imposing a \$100.00 monetary penalty. The total monetary penalty imposed is \$100.00. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who negotiated the consent order, did not participate in the discussion or vote in this matter.

File Number 2003-00187
Joseph Thomas Cooke

In the matter of **File Number 2003-01673, Jeanne P. Hockaday**, the Board reviewed the record which consisted of the Consent Order. Ms. Hockaday was not present. A motion was made by Mr. Divaris and seconded by Mr. Owens to ratify **Consent Order Number 2004-0056**

File Number 2003-01673
Jeanne P. Hockaday

finding a violation of § 54.1-2131(A)(4) of the Code of Virginia for Count I, imposing a \$500.00 monetary penalty. A total monetary penalty of \$500.00 is imposed. The Board waives the imposition of the \$500.00 monetary penalty provided Hockaday has no further violation of the Board's regulations for a period of two (2) years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who negotiated the consent order, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00337, Dilnawaz Ahmed Baig**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Baig was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Baig's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. 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 2004-00337
Dilnawaz Ahmed Baig

In the matter of **File Number 2004-00338, Kuohwa Wang**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Wang was not present. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Wang's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. 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 2004-00338
Kuohwa Wang

In the matter of **File Number 2004-00339, Mary Sue Ross-Roach**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Ross-Roach was not present. A motion was made by Ms. Clark and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Ross-Roach's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who

File Number 2004-00339
Mary Sue Ross-Roach

conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00510, Cynthia S. Scrivner**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Scrivner was not present. A motion was made by Mr. Owens and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Scrivner's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. 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 2004-00510
Cynthia S. Scrivner

In the matter of **File Number 2003-03549, Jerod A. Wilson**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Wilson was not present. A motion was made by Mr. Owens and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Wilson's application for a real estate salesperson's license, with the stipulation that Wilson enter into an Agreement for Licensure with the Board wherein Wilson and his principal broker report to the Board, on a quarterly basis for a period of three years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. 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 2003-03549
Jerod A. Wilson

In the matter of **File Number 2003-03231, Allen Herbert Loree**, the Board reviewed the record which consisted of the Consent Order. Mr. Loree was not present. A motion was made by Ms. Clark and seconded by Mr. Owens to ratify **Consent Order Number 2004-0030** 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 \$200.00, and reimbursement of investigative costs to the Department in the amount of \$300.00 for a total monetary penalty of \$500.00. Additionally, Mr. Loree is required to complete two hours of continuing education pertaining to escrow accounts. The satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements for renewal of license. The two hours of continuing education class pertaining to escrow accounts must be successfully completed within six months of the effective date of this

File Number 2003-03231
Allen Herbert Loree

order. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Johnson, Owens, and Quayle. There were no negative votes. Mr. Oglesby, who negotiated the consent order, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-02099, John A. Reuter**, the Board reviewed the record which consisted of the Consent Order. Mr. Reuter was not present. A motion was made by Mr. Divaris and seconded by Ms. Johnson to ratify **Consent Order Number 2004-0076** finding a violation of violation of the Board's 1999 Regulation 18 VAC 135-20-320(3) for Count 1 imposing a monetary penalty of \$300.00 and reimbursement of investigative cost to the Department in the amount of \$200.00. The total monetary penalty of \$500.00 is imposed. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Divaris, Johnson, Owens, and Quayle. Members voting "No" were Clark and Key. Mr. Oglesby, who negotiated the consent order, did not participate in the discussion or vote in this matter.

File Number 2002-02099
John A. Reuter

In the matter of **File Number 2003-03059, William F. Blount, Jr.**, the Board reviewed the record which consisted of the Consent Order. Mr. Blount was not present. A motion was made by Mr. Owens and seconded by Ms. Johnson to ratify **Consent Order Number 2004-0031** finding a violation of violation of the Board's 1999 Regulation 18 VAC 135-20-280.1 for Count 1 imposing a monetary penalty of \$1,000.00, and reimbursement of investigative costs to the Department in the amount of \$300.00. The total monetary penalty of \$1300.00 is imposed. Additionally, Mr. Blount is required to successfully complete a Virginia 8 hour mandatory education course. The Board's 8 hour mandatory education course must be successfully completed within six months of the effective date of this order. It is acknowledged that satisfactory completion of the above-referenced 8 hour mandatory education course will not count towards any continuing education requirements for renewal of license. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Owens, and Quayle. Member voting "No" was Key. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03059
William F. Blount, Jr.

In the matter of **File Number 2003-03151, Shelby Jean Gardner**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Gardner was not present. A motion was made by Ms. Clark and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Gardner's application for a real

File Number 2003-03151
Shelby Jean Gardner

estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Oglesby, Owens, and Quayle. There were no negative votes. Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03153, Yu Fan**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Fan was not present. A motion was made by Oglesby and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Fan's application for a real estate salesperson's license with the stipulation that Fan enter into an Agreement for Licensure with the Board, wherein Fan will report any investigations or inquiries the Maryland Real Estate Commission may initiate regarding Fan's actions as a Maryland real estate licensee, to the Virginia Board. This statement will be in addition to all of the standard reporting requirements of an Agreement for Licensure. Fan will report to the Board, on a quarterly basis, for a period of two years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Divaris, Oglesby, Owens, and Quayle. There were no negative votes. Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03153
Yu Fan

In the matter of **File Number 2003-03152, George W. Anen, Sr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Anen was not present. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Anen's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03152
George W. Anen, Sr.

In the matter of **File Number 2003-03154, Sandra Lee Musselwhite**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Musselwhite was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Musselwhite's

File Number 2003-03154
Sandra Lee Musselwhite

application for a real estate salesperson's license with the stipulation that Musselwhite enter into an Agreement for Licensure, wherein Musselwhite shall report monthly to the Board and her Principal Broker shall report quarterly to the Board for a period of three years. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03182, Debra Lee Palmer**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Ms. Palmer was not present. A motion was made by Mr. Oglesby and seconded by Mr. Owens to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Palmer's application for an associate real estate broker's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03182
Debra Lee Palmer

In the matter of **File Number 2003-03270, Jonathan E. Morris**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Morris was not present. A motion was made by Ms. Clark and seconded by Ms. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Morris' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03270
Jonathan E. Morris

In the matter of **File Number 2003-03271, Daniel Shane Bacon**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Bacon was not present. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Bacon's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and

File Number 2003-03271
Daniel Shane Bacon

Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-03367, Linz Audain**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member's summary and recommendation. Mr. Audain was not present. A motion was made by Mr. Oglesby and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Audain's application for a real estate principal broker's license. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Key, Oglesby, Owens, and Quayle. There were no negative votes. Mr. Divaris and Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03367
Linz Audain

In the matter of **File Number 2003-00387, Michael Grady Garrett**, the Board reviewed the record, which consisted of the Consent Order. Mr. Garrett, respondent, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Mr. Divaris to ratify **Consent Order Number 2004-0060**, finding a violation of Code of Virginia § 54.1-2138(A) for Count I, imposing a monetary penalty of \$250.00; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II, imposing a monetary penalty of \$250.00 and requiring the completion of a continuing education course pertaining to Ethics and Professional Standards of Conduct. The total monetary penalty of \$500.00 is imposed. It is acknowledged that satisfactory completion of the above-reference course will not count towards any continuing education requirements for renewal of license. The continuing education course pertaining to Ethics and Professional Standards of Conduct must be successfully completed within six months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were Funkhouser, Divaris, Johnson, Key, Oglesby, and Quayle. There were no negative votes. Mr. Owens and Ms. Clark, who negotiated the consent order, did not participate in the discussion or vote in this matter.

File Number 2003-00387
Michael Grady Garrett

A motion was made by Mr. Key and seconded by Ms. Johnson to authorize the fair housing office to close administrative closures without prior board review. Administrative closures are cases where the Board lacks jurisdiction, where the staff has been unable to locate the complainant or where the complainant has been uncooperative. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were

Fair Housing
Administrative Matters

no negative votes.

Ms. Karen O'Neal, Deputy Director, Cynthia Schrier and Marion Cooper gave an overview of the Request For Proposal for Common Interest Community Management Information Fund. By consensus, the Board approved the RFP. Mr. Divaris and Ms. Clark will serve on the evaluation panel.

**RFP for Common
Interest Community
Management
Information Fund**

A motion was made by Mr. Divaris and seconded by Mr. Owens to approve PSI to develop an Electronic Eligibility Program and require real estate schools in Virginia to use the program at their cost. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

PSI Update

Mr. Owens read the Education Committee Report. A motion was made by Mr. Owens and seconded by Mr. Divaris to approve the recommendations contained in the **October 22, 2003 Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Daniels, Johnson, Key, Quayle, Oglesby, and Owens. There were no negative votes.

**Education Committee
Report**

A motion was made by Ms. Johnson and seconded by Mr. Divaris to approve the **minutes** from the **October 21, 2003 Real Estate Education Advisory Council meeting** and to approve as amended the **education report (attached) from the Advisory Council meeting**. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key, Oglesby, Owens, and Quayle. There were no negative votes.

Advisory Council Update

The Board discussed the matter of the State of Virginia Real Estate Board members to be part of the Eastern District of ARELLO. The Board took no action. By consensus, the Board wants to stay in the Southern district of ARELLO.

ARELLO Request

The Board considered the request of Kay Hampton, daughter of the late Thomas Franklin Hampton, principal broker of Hampton Realty, LTD, to allow Linda H. Tompkins, agent with Hampton Realty, LTD, to close out the real estate business of Thomas F. Hampton, 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 Ms. Johnson to allow Linda H. Tompkins, to close out the real estate business of Thomas F. Hampton in accordance with § 54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Funkhouser, Clark, Divaris, Johnson, Key,

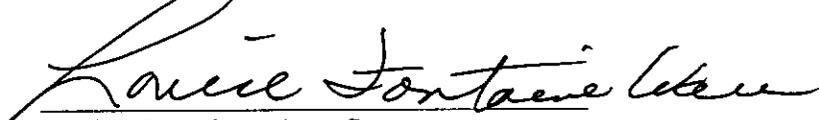
**Death of Broker-
Hampton Realty, LTD**

Oglesby, Owens, and Quayle. There were no negative votes.

The meeting adjourned at 11:40 a.m.

Adjourn


S. Ronald Owens
Vice-Chairman


Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

2. 51867 Advanced Like Kind Real Estate Exchanges, 4 hours real estate related (effective 7-1-04 – 8 hours real estate related), Lorman Business Center, Inc.
3. 51868 Title Examination and Other Real Estate Issues in Virginia, 4 hours real estate related, (effective 7-1-04 – 7 hours real estate related), Lorman Business Center, Inc.
4. 51874 Like Kind Real Estate Exchanges, 4 hours real estate related, (effective 7-1-04 – 8 hours real estate related), Lorman Business Center, Inc.
5. 51875 How to List and Sell to Diverse Ethnic Groups, 1 hour real estate related, Prince William Association of Realtors
6. 51876 How The “Do Not Call” Policy Affects the Realtor, 2 hours real estate related, Coldwell-Banker
7. 51877 Evaluation and Marketing of Land, 4 hours real estate related, Virginia Association of Realtors
8. 51879 2003 SIOR Fall Professional Conference, 4 hours real estate related, (effective 7-1-04 – 8 hours real estate related), Society on Industrial & Office Realtors
9. 51880 Investment in Knowledge: Learning in the Lone Star State, 4 hours real estate related, (effective 7-1-04 – 8 hours real estate related), Virginia Association of Realtors
10. 51881 Property Management Handling Escrow Accounts, 2 hours law, Alpha College of Real Estate
11. 51882 How Houses Work, 3 hours real estate related, Alpha College of Real Estate

One (1) continuing education course application was not approved as it was deemed unrelated to real estate business.

1. 51869 Construction Management/Design-Build, 7 hours real estate related, Lorman Business Center, Inc.

C. Three (3) pre-licensing instructors applications were approved.

1. Elizabeth Clawson Gatewood
2. John William Presto

3. John M. Owens
- D. One (1) additional instructor was approved to teach a previously approved continuing education course.
1. Gary M. Newman – Course 51864, Borrow with Confidence: Low Cost Option for Today's Home Buyers – Coldwell Banker

There being no further business nor public comment, the meeting adjourned at 4:55 p.m.

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Sharon Parker Johnson
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: October 23, 2003

Signature: Sharon P. Johnson

**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: October 23, 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: _____

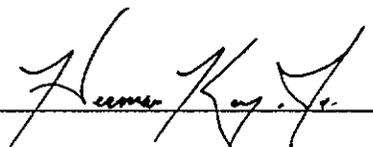
6. I declare that:

(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: October 23, 2003

Signature: _____



**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: October 23, 2003

Signature: Marjorie M. Clark

**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: _____

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: October 23, 2003

Signature:



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

TRANSACTIONAL DISCLOSURE STATEMENT

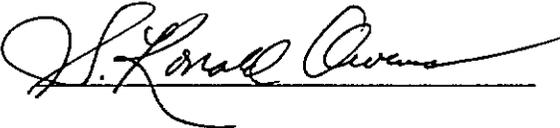
1. Name: S. Ronald Owens
2. Title: Member - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____
None

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: October 23, 2003

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Frank J. Quayle, III
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: October 23, 2003

Signature: _____

Frank J. Quayle

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Joseph K. Funkhouser, II
2. Title: Chairman - Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

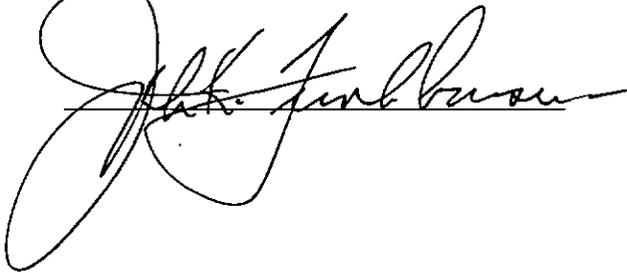
6. I declare that:

(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: October 23, 2003

Signature: _____

A handwritten signature in black ink, appearing to read "Joseph K. Funkhouser, II", written over a horizontal line. The signature is stylized and cursive.