

Minutes of Meeting

VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES AUGUST 18, 2003 (10:00 A.M.)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

R. Schaefer Oglesby, Board Member, Presided. No other Board members were present

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application

A=Applicant
PB=Principal Broker
W=Witness

PARTICIPANTS

- | | | |
|----|---|--|
| 1. | Patrick R. Haynes, Jr.
File Number 2003-03548 (Lic) | Haynes – A
Judith H. Gattinger - PB |
| 2. | Jerod A. Wilson
File Number 2003-03549 (Lic) | Wilson – A |
| 3. | Dilnawaz Ahmed Baig
File Number 2004-00337 (Lic) | Baig – A |
| 4. | George William Dodd
File Number 2004-00340 (Lic) | Dodd –A |
| 5. | Sherelle Kay Cypress
File Number 2004-00509 (Lic) | Cypress – A |
| 6. | Cynthia Sharon Scrivner
File Number 2004-00510 (Lic) | Scrivner – A
Paul Scrivner - W |

7. Mary Sue Ross-Roach
File Number 2004-00339 (Lic)

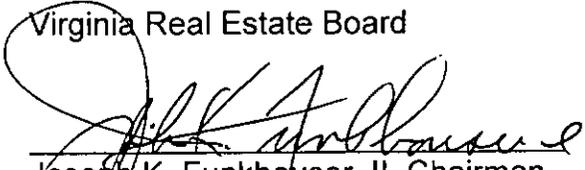
Ross-Roach -A

8. Kuohwa Wang
File Number 2004-00338 (Lic)

Wang - A

The meeting adjourned at 4:15 p.m.

Virginia Real Estate Board



Joseph K. Funkhouser, II, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: PATRICK R. HAYNES, JR.
APPLICATION**

FILE NUMBER: 2003-03548

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Patrick R. Haynes, Jr. on July 3, 2003. The following individuals participated at the conference: Patrick R. Haynes, Jr. (Haynes), Applicant; Judith H. Gattinger (Gattinger), Principal Broker of Bath County Realty; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Patrick R. Haynes, Jr. applied for a broker license on or about May 29, 2003, and failed to meet the experience verification requirements.
2. On or about June 26, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. Haynes did not provide independent verification of experience showing that he was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application for licensure.
4. During the IFF, Haynes testified that he managed his business, Bacova Properties, during the period of 48 months prior to application, for an average of ten to fifty percent of the time, while working as a salesperson under Bath County Realty.

Additionally, Haynes testified that on average, between Bacova Properties and Bath County Realty, he has worked a minimum of 40 hours a week in the real estate business, managing his own rental properties. These properties include 23 apartments, as well as other residential and commercial rentals.

5. Gattinger testified that Haynes did not put in 40 hours a week in sales with Bath County Realty.

Conclusion and Recommendation

Based upon the record, including the information provided at the IFF, I recommend Haynes' application be approved. After hearing testimony from Haynes and Gattinger, I believe that Haynes has demonstrated that he actually has been in the real estate business for 36 of the last 48 months, even though it may not be directly under Gattinger.

By: _____

R. Schafer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: JEROD A. WILSON
APPLICATION**

FILE NUMBER: 2003-03549

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Jerod A. Wilson on July 3, 2003. The following individuals participated at the conference: Jerod A. Wilson, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Jerod A. Wilson (Wilson) applied for a salesperson license on or about March 31, 2003, and disclosed a criminal conviction.
2. On or about June 26, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Wilson testified that he is not a drug user but that he did sell heroin. Since the conviction, Wilson has not been involved in any drug activity. The conviction was a wake-up call. Wilson stated he grew up in a Christian family and was taught the difference between right and wrong. In addition, he has discussed his criminal conviction and future employment with the broker for Long & Foster.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

- B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:
1. The nature and seriousness of the crime;

Wilson was convicted of Possession of Heroin, a Felony.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. The type of conviction was of a personal nature and would not affect Wilson's performance in the real estate business. I do not feel Wilson would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Wilson a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Wilson's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Wilson was convicted of Possession of Heroin, a Felony on or about July 16, 2002, and he received a 5 year suspended sentence, upon the condition that he be of good behavior for an indeterminate period of probation. It was also recommended that probation include substance abuse counseling and/or testing as prescribed by his probation officer.

6. The age of the person at the time of the commission of the crime;

Wilson was approximately 26 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Wilson's felony conviction, occurred on or about October 5, 2001.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Wilson stated he was not working for a few years prior to his conviction and he has worked for a "Temp" agency for the last few years, while attending Norfolk State University.

Wilson has provided letters of reference from Phillip E. McNeil, Professor & Past Chair, Mathematics Department, Norfolk State University, Derrick N. Greenhill, a HAZMAT/HTR/Firefighter with the City of Norfolk, and Sarah Coleman, a Pastor, each giving Wilson a favorable recommendation.

- 9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

In a letter dated March 13, 2003, from Ms. Kevin D. Edwards, Deputy Chief Probation and Parole Officer, Edwards stated that Wilson is on active supervised probation, and to date is doing well and adhering to all aspects of his probation. During the IFF, Wilson testified that he expected to be released from supervised probation on August 22, 2003, and continue on unsupervised probation.

During the IFF, Wilson testified that he played football and attended Fork Union Military Academy following high school for one year and then attended college at West Virginia Tech for one year, before returning to Virginia. Wilson attended Norfolk State University for approximately two to three years before getting caught up in the "party scene" which lead to his conviction. Wilson stated that he has seen the error of his ways. Wilson is currently a student at Norfolk State University majoring in Mathematics and doing well.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Wilson's application be approved, 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.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: DILNAWAZ AHMED BAIG
APPLICATION**

FILE NUMBER: 2004-00337

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Dilnawaz Ahmed Baig on July 29, 2003. The following individuals participated at the conference: Dilnawaz Ahmed Baig, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Dilnawaz Ahmed Baig (Baig) applied for a salesperson license on or about May 13, 2003, and disclosed a criminal conviction.
2. On or about July 1, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Baig stated that his brother is in the real estate business licensed as an associate broker with Fairfax Realty, Inc. and that Baig has discussed his criminal conviction and future employment with the broker. Further, Baig stated that he is not a bad person and wants a chance to come into the real estate business. He is married with a daughter and is expecting a second child.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Baig was convicted of Assault and Batter, a Misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe that this conviction would not affect Baig's performance in the real estate business. I do not feel that Baig would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Baig a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Baig's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Baig was convicted of Misdemeanor Assault and Batter on or about March 15, 1995.

6. The age of the person at the time of the commission of the crime;

Baig was approximately 21 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Baig's Misdemeanor Assault and Batter conviction, occurred on or about January 21, 1995.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Baig stated he was in the retail business for approximately one year prior to his conviction and has worked as a taxi driver for eight years, with no driving infractions and no other problems.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Baig was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Baig's application be approved.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**IN RE: GEORGE WILLIAM DODD
APPLICATION**

FILE NUMBER: 2004-00340

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to George William Dodd on July 29, 2003. The following individuals participated at the conference: George William Dodd, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. George William Dodd (Dodd) applied for a broker license on or about June 27, 2003, and failed to meet the experience verification requirements.
2. On or about July 9, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. Dodd did not provide independent verification of experience showing that he was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application for licensure.
4. During the IFF, Dodd testified that he has worked in the real estate business as a real estate appraiser since December of 1984. Dodd has been a licensed Certified Residential Appraiser since 1992. Dodd is asking the Board to waive the experience requirements based on the fact that he is an experienced real estate appraiser and has completed all the education requirements to be a broker.

Conclusion and Recommendation

Based upon the record, including the information presented at the IFF, I recommend Dodd's application for a broker's license be denied. Dodd currently has no salesman's license, and clearly does not meet the requirements for licensure as a broker.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: SHERELLE KAY CYPRESS
APPLICATION**

FILE NUMBER: 2004-00509

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Sherelle Kaye Cypress on August 5, 2003. The following individuals participated at the conference: Sherelle K. Cypress, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Sherelle K. Cypress (Cypress) applied for a salesperson license on or about July 15, 2003, and disclosed a criminal conviction.
2. On or about July 27, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Cypress stated although she originally reported her car stolen, she realized it was wrong, and eventually told the insurance adjuster and the police that the car was not stolen. Cypress has learned from her mistake. In addition, she has discussed her criminal conviction and future employment with the broker for Caldwell Banker Whittle and Roper Realtors.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Cypress was convicted of Attempted Grand Larceny by False Pretense, a Felony.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe that this conviction would not affect Cypress's performance in the real estate business. I do not feel that Cypress would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Cypress a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Cypress's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Cypress was convicted of attempted grand larceny by false pretense, a felony, on or about March 8, 2000. Cypress was sentenced to 3 years, with 2 years and 6 months suspended, on condition the defendant shall be of good behavior. Cypress was placed on 5 years supervised probation upon release from incarceration. Probation included substance abuse counseling and/or testing as prescribed by the probation officer.

6. The age of the person at the time of the commission of the crime;

Cypress was approximately 23 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Cypress' felony attempted grand larceny conviction, occurred on or about December 11, 1999.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Cypress stated she worked in the retail business during high school and attended college, working at Crestar Bank part-time, and Capital One until her conviction. After incarceration, she worked at Evergreen Enterprises for the two and a half years as a customer service representative and was promoted to sales supervisor, until being laid off in May of 2003.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

In a letter dated June 30, 2003, Rose Brassington, Probation Officer, stated that Cypress was actively supervised from May 2000 up to April 2001, and that her adjustment "can be described as excellent". Cypress reported as instructed, random urine screens all tested negative, and she maintained both a stable residence and stable employment.

Cypress stated that the best rehabilitation for her was starting to work for Evergreen three weeks after being released from prison and being promoted within that company.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Cypress' application be approved, with the stipulation that 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.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: CYNTHIA SHARON SCRIVNER
APPLICATION**

FILE NUMBER: 2004-00510

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Cynthia Sharon Scrivner on August 5, 2003. The following individuals participated at the conference: Cynthia Sharon Scrivner, Applicant and Paul Scrivner, her Husband; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Cynthia S. Scrivner applied for a real estate salesperson's license by examination on July 2, 2003, and disclosed a criminal conviction on her application.
2. On or about July 27, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Scrivner stated that she was very regretful that the situation had occurred and realized that she cannot let anger get out of hand. This was a onetime incident. Further, she and the other women involved, a real estate licensee, have resolved their differences and become friends.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Cynthia Scrivner was convicted of Assault and Batter, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe that this conviction would not affect Scrivner's performance in the real estate business. I do not feel that Scrivner would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Scrivner a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Scrivner's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Scrivner was convicted of Misdemeanor Assault and Batter on or about May 13, 1999.

6. The age of the person at the time of the commission of the crime;

Scrivner was approximately 34 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Scrivner's Misdemeanor Assault and Batter, conviction, occurred on or about March 18, 1999.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Scrivner stated she was a cosmetologist for approximately three years and then a stay-at-home mom prior to and following her conviction and she has worked for Craftmark Homes for the past year.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Scrivner was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Scrivner's application be approved.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: MARY SUE ROSS-ROACH
APPLICATION**

FILE NUMBER: 2004-00339

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Mary Sue Ross-Roach on July 29, 2003. The following individuals participated at the conference: Mary Sue Ross-Roach, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Mary Sue Ross-Roach (Ross-Roach) applied for a real estate salesperson's license by examination on May 20, 2003, and disclosed a criminal conviction on her application.
2. On or about July 9, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

3. During the IFF, Ross-Roach testified that the criminal action is something she regrets deeply. It was a onetime offense and it changed her life.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Ross-Roach was convicted of Bad Check(s) \$300.00 and up, a Felony.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe that this conviction would not affect Ross-Roach's performance in the real estate business. I do not feel that Ross-Roach would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Ross-Roach a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Ross-Roach's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Ross-Roach was convicted of Bad Check(s) \$300.00 and up, a Felony, on or about March 28, 1994, for which she received a 10 day suspended sentence and placed on unsupervised probation for a period of one year. Ross-Roach was also required to complete 16 hours of community service.

6. The age of the person at the time of the commission of the crime;

Ross-Roach was approximately 44 years old at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The last offense, which resulted in Ross-Roach's felony conviction, occurred on or about March 28, 1994.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Ross-Roach stated she has worked as a lab technician, a secretary at public schools, worked with the Chesapeake Bay Foundation and the Appalachian Trail Foundation, as well as raise two sons.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Ross-Roach was not incarcerated.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Ross-Roach's application be approved.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: KUOHWA WANG
APPLICATION**

FILE NUMBER: 2004-00338

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on August 18, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Kuohwa Wang on July 29, 2003. The following individuals participated at the conference: Kuohwa Wang, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, Presiding Board Member.

Summation of Facts

1. Kuohwa Wang applied for a real estate broker's license by examination on May 16, 2003, and did not meet the experience verification requirements.
2. On or about July 14, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. Kuohwa Wang did not provide independent verification of experience showing that he was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application for licensure.
4. During the IFF, Wang stated that he worked part-time in the real estate business while he was in college, working at least 20 hours per week but less than 40 hours per week, with most of the work being referrals to other agents.
5. Wang's former broker, Mr. Lau, refused to sign his experience verification because Wang did not work 40 hours per week.

Conclusion and Recommendation

Based upon the record, including the information presented at the IFF, I recommend Wang's application be denied. Even though the record shows that he has been licensed as a salesperson/broker since 1992 in Maryland, I do not believe that he has the direct or comparable experience to comply with Virginia broker's licensure requirements.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: August 18, 2003

Minutes of Meeting

VIRGINIA REAL ESTATE BOARD INFORMAL FACT-FINDING CONFERENCES SEPTEMBER 4, 2003 (1:00 PM)

The Virginia Real Estate Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Sharon Parker Johnson, Board Member, Presided.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application

A=Applicant

Participants

1. Shelby Gardner
File Number 2003-03151 (Lic)
2. Yu Fan
File Number 2003-03153 (Lic)

Gardner – A

Yu Fan – A

The meeting adjourned at 2:30 p.m.

Virginia Real Estate Board

S. Ronald Owens, Chairman

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

REAL ESTATE BOARD

**IN RE: SHELBY JEAN GARDNER
APPLICATION**

FILE NUMBER: 2003- 03151

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 4, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Shelby Jean Gardner on June 23, 2003. The following individuals participated at the conference: Shelby Jean Gardner, Applicant; Douglas Schroder, Staff Member; and Sharon Parker Johnson, presiding Board Member.

Summation of Facts

1. Shelby Jean Gardner (Gardner) applied for a real estate salesperson's license by examination on or about April 29, 2003, and disclosed criminal conviction(s).
2. On or about May 20, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Gardner was convicted of assault and battery, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public.

Gardner's conviction occurred approximately 20 years ago and she has had no further criminal convictions since that time.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Gardner a license will encourage any criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

The misdemeanor conviction should not affect Gardner's ability to perform the duties of a licensee.

5. The extent and nature of the person's past criminal activity;

Gardner was convicted of assault and battery.

6. The age of the person at the time of the commission of the crime;

Gardner was approximately 36 years of age at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

Gardner was arrested for the offense on or about March 14, 1983.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Gardner stated she was in the nursing field for several years prior to her conviction and she has worked in accounting for the last few years.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Gardner was not incarcerated.

Conclusion and Recommendation

Based upon the record and in consideration of the criteria outlined in § 54.1-204.B, I recommend Gardner's application be approved.

By: _____

Sharon Parker Johnson
Presiding IFF Board Member
Real Estate Board

Date: September 4, 2003

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE BOARD**

**RE: YU FAN
APPLICATION**

FILE NUMBER: 2003-03153

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 4, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Yu Fan on June 23, 2003. The following individuals participated at the conference: Yu Fan, Applicant; Douglas W. Schroder, Staff Member; and Sharon Parker Johnson, presiding Board Member.

Summation of Facts

1. Yu Fan (Fan) applied for a principal broker's license by reciprocity on January 16, 2003. The Certification of Licensure from Maryland disclosed a previous disciplinary action against Fan.

2. On August 16, 2000, the Maryland Real Estate Commission found Fan, a real estate salesperson, in violation of Section 17-322 (b) (4) of the Business Occupations and Professions Article. Fan agreed to pay a monetary penalty of \$1,000.00 and to take a three credit hour real estate ethics course.
3. Fan has been licensed as a real estate broker, in the state of Maryland, since March 11, 2002.

Conclusion and Recommendation

Based upon the record and information presented at the conference, I recommend Fan's application be approved, 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.

By: _____

Sharon Parker Johnson
Presiding IFF Board Member
Real Estate Board

Date: September 4, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

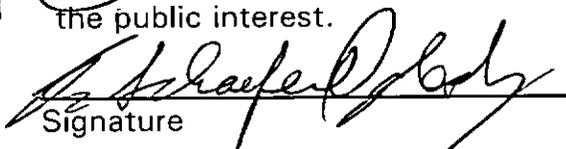
TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: R. Schaefer Oglesby
2. Title: Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on August 18, 2003
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.


Signature


Date