

Minutes of Meeting
VIRGINIA REAL ESTATE BOARD
INFORMAL FACT-FINDING CONFERENCES
OCTOBER 20, 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

R=Respondent/Regulant

AT=Attorney

Participants

1. Wallace B. Hughes
File Number 2004-00842 (Lic)

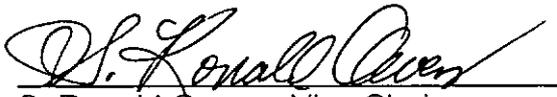
Hughes – A
Lawrence E. Marshall -AT

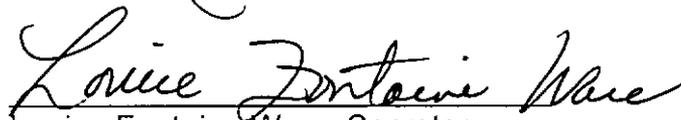
2. John Francis Cassata
File Number 2004-01331 (Lic)

Cassata – A

The meeting adjourned at 11:40 a.m.

Virginia Real Estate Board


S. Ronald Owens, Vice Chairman


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

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

**RE: WALLACE B. HUGHES
APPLICATION**

FILE NUMBER: 2004-00842

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 20, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Wallace B. Hughes on September 25, 2003. The following individuals participated at the conference: Wallace B. Hughes, Applicant; Lawrence Marshall, Attorney for Hughes; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, presiding Board Member.

Summation of Facts

1. Wallace B. Hughes (Hughes) applied for a real estate broker's license by examination on July 30, 2003, and disclosed a previous disciplinary action on his application.
2. On March 1, 1990, Hughes admitted to violating the Virginia Real Estate Board 1987 Regulations 3.5.32 and 3.9 and agreed to the immediate revocation of his broker's license with the simultaneous issuance of a salesperson's license.

3. During the IFF, regarding the consent order signed in 1990, Hughes stated that he realized that he did not properly supervise his brokerage firm and that it was his responsibility to do so. He has been active in his local association and active in the real estate business since then, and has had a completely clean record.

Conclusion and Recommendation

Based upon the record and information presented at the conference, I recommend Hughes' application be approved. I think Hughes learned from his experience and that he will be a responsible broker.

By: _____

R. Schaefer Oglesby
Presiding IFF Board Member
Real Estate Board

Date: October 20, 2003

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

**RE: JOHN FRANCIS CASSATA
APPLICATION**

FILE NUMBER: 2004-01331

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on October 20, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to John Francis Cassata on September 30, 2003. The following individuals participated at the conference: John Francis Cassata, Applicant; Douglas W. Schroder, Staff Member; and R. Schaefer Oglesby, presiding Board Member.

Summation of Facts

1. John Francis Cassata (Cassata) applied for a real estate broker's license by reciprocity on or about June 27, 2003, and disclosed criminal conviction(s).

2. On or about September 23, 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. Cassata held real estate licenses in Pennsylvania and on November 6, 1990, the State Real Estate Commission for the Commonwealth of Pennsylvania held a formal hearing regarding the criminal conviction in Arizona. On April 21, 1993, the State Real Estate Commission ordered that a one year stayed suspension be imposed against the real estate licenses of Cassata if he submitted written documentation that he had satisfactorily completed the terms of the probation entered in the criminal case. During the IFF, Cassata stated he is currently in good standing with the Pennsylvania State Real Estate Commission.

4. During the IFF, Cassata stated that in 1996 he received a real estate license in the state of Colorado.

5. During the IFF, it was noted that Cassata was fined \$12,330.00 as a result of the criminal conviction. Cassata stated that he made payments towards the fine for a few years, and then stopped making payments. Subsequently, a judgment was entered. Cassata stated the unpaid judgment amount is approximately \$7,000.00.

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;

Cassata was convicted of illegal possession of narcotic drugs, a felony, in Maricopa County Superior Court in Phoenix, Arizona on June 3, 1988.

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. Cassata's conviction occurred over 15 years ago and he has had no further criminal charges or convictions since that time. Based upon his testimony and credibility at the conference, it does not appear that Cassata is 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;

Based upon the above information, it does not appear that granting Cassata a license will encourage any criminal activity. He has already been working in the real estate business for many years.

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;

Due to the age of the crimes and Cassata's actions since that time, I do not see any significant relationship of the crime to his fitness to engage in licensed activity.

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

Cassata was convicted of illegal possession of narcotic drugs, a felony.

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

Cassata was approximately 37 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 occurred on or about December 30, 1987.

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

According to documents submitted by Cassata, he was in the real estate business from March of 1978 through October of 1985, as a salesperson and an associate broker; operated a strip mining business from October of 1985 through October of 1987, for the years prior to his conviction and he has worked as an associate broker, licensed in Pennsylvania, for the last few years.

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

Cassata was sentenced to incarceration in Arizona for a period of one month, after which he returned to Pennsylvania to serve out his four years of probation. Cassata successfully completed an outpatient substance abuse program in 1990, at a drug and alcohol treatment center in

Johnstown, Pennsylvania. During the IFF, Cassata stated that he no longer drinks alcoholic beverages.

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 Cassata's application for a real estate broker's license be denied. I would recommend approval for a salesperson's application. The very nature of a broker's license implies financial responsibility. The fact that Cassata has an outstanding judgment against him does not show financial stability. I do believe he has the qualities which would make him a good real estate salesperson.

By: _____

R. Schaefer Oglesby
Presiding IFF Member
Real Estate Board

Date: October 20, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Marion Cooper
2. Title: Presiding Officer, Virginia Real Estate Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Informal Fact-Finding Conference on November 20, 2003
5. Nature of Personal Interest Affected by Transaction: _____

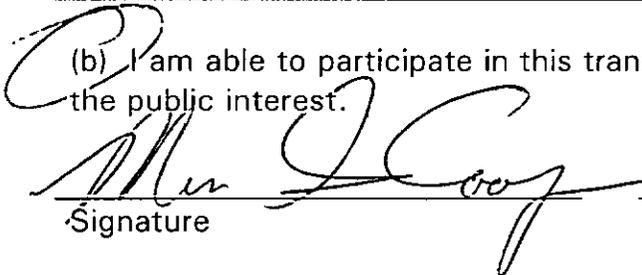
6. I declare that:

(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

 _____
11-20-03