

REAL ESTATE BOARD
MINUTES OF MEETING

November 18, 2004

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:

R. Schaefer Oglesby, Chairman
Nathaniel Brown (arrived at 9:27 a.m.)
Judith L. Childress
Marjorie Clark
Carol F. Clarke
Florence Daniels
Sharon Parker Johnson
Miles B. Leon
Byrl Taylor

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

Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
John Cancelleri, Fair Housing Administrator
Liz Hayes, Fair Housing Investigative Supervisor
Brian Carver, Fair Housing Investigator
Deanda Shelton, Fair Housing Investigator
Tamika Jones, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

Wayne Halbleib from the Office of the Attorney General was present.

Chairman Oglesby called the meeting to order at 9:25 a.m.

Call to Order

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

Public Comment Period

A motion was made by Ms. Johnson and seconded by Ms. Clarke to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Agenda

Mr. Brown arrived at the meeting at 9:27 a.m.

Arrival of Mr. Brown

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the **minutes** of the **July 22, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Minutes

A motion was made by Ms. Clark and seconded by Ms. Clarke to adopt the **minutes** of the **August 9, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the **minutes** of the **September 2, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the **minutes** of the **September 16, 2004, Board meeting**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the **minutes** of the **September 16, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to adopt the **minutes** of the **September 20, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to adopt the **minutes** of the **October 5, 2004, Fair Housing Training**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to adopt the **minutes** of the **October 6, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to adopt the **minutes** of the **October 7, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded Ms. Daniels to adopt the **minutes** of the **October 7, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to adopt the **minutes** of the **October 14, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to adopt the **minutes** of the **October 21, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to adopt the **minutes** of the **October 27, 2004, Real Estate Advisory Council meeting**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the **minutes** of the **October 29, 2004, Informal Fact-Finding Conference**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

After an introduction by Mr. Cancelleri, the following cases were presented to the Board.

The Board considered the matter of **Michael Edelson and Ann Redding v. Todd Abell, REB File Number 2005-00636**. Todd Abell, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

The Board considered the matter of **Mohammad and Abeer Abbasi v. Re/Max Select Properties, REB File Number 2004-04027**. Robert Caines, respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

The Board considered the matter of **Donella Holmes v. Bisger Realty Management, Inc., REB File Number 2004-04042**. Fred Bisger, Respondent, and Susan Jancerek, Vice-President, were present. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

The Board considered the matter of **Jason Growcock v. Bob Panier, REB File Number 2005-00020**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

The Board considered the matter of **Cheryl Anderson v. S. L. Nusbaum Realty Co., REB File Number 2004-04403**. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor. Mr. Leon recused himself from voting on the motion in this matter due to his business relationship with the respondent.

The Board considered the matter of **Cheryl Anderson v. S. L.**

**Fair Housing
Administrator's Report**

**Michael Edelson and
Ann Redding v. Todd
Abell, REB File Number
2005-00636**

**Mohammad and Abeer
Abbasi v. Re/Max Select
Properties, REB File
Number 2004-04027**

**Donella Holmes v. Bisger
Realty Management,
Inc., REB File Number
2004-04042**

**Jason Growcock v. Bob
Panier, REB File
Number 2005-00020**

**Cheryl Anderson v. S.
L. Nusbaum Realty Co.,
REB File Number 2004-
04403**

Cheryl Anderson v. S.

Nusbaum Realty Co., REB File Number 2004-04404. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby, and Taylor. Mr. Leon recused himself from voting on the motion in this matter due to his business relationship with the respondent.

**L. Nusbaum Realty Co.,
REB File Number 2004-
04404**

In the matters of **Elaine Gilliard v. John R. Beard and Beard Development Corporation, REB File Number 2003-00691; Veronica Waddey v. Joseph Brian Chase and Landmark Property Services, Inc., REB File Number 2005-00575; and Daryll Johnson v. Motley Auctions, Inc., t/n Motley Real Estate Services, Tim O. Dudley, C. Lunsford Johnson, REB File Number 2005-01178,** no Board action was necessary. The aforementioned cases were closed due to successful conciliation.

Conciliation Agreements

Mr. Cancerelli gave an update on cases currently being investigated, as well as an update on cases currently with the Office of the Attorney General.

**Update on Fair Housing
Investigations**

A motion was made by Ms. Taylor and seconded by Ms. Daniels to approve the **Fair Housing minutes of September 16, 2004.** The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Fair Housing Minutes

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2002-03068, Wayne M. B. Lezama,** the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Gerrit Benson, attorney for the respondent, and Mr. Lezama, the respondent, were present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 of the Board's 1999 regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

**File Number 2002-
03068, Wayne M. B.
Lezama**

A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210.A of the Board's 1999 regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-220.A.1 and 18 VAC 135-20-220.A.2 of the Board's 1999 regulations for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2132.A.4 of the Code of Virginia for Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation for Count 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation for Count 6. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation for Count 7. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal

Fact-Finding Conference and impose revocation of Mr. Lezama's real estate license for the violation of 18 VAC 135-20-300.9 of the Board's 1999 Regulations contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

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 and impose a monetary penalty of \$100 for the violation of 18 VAC 135-20-210.A contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Mr. Leon and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$800 for the violation of 18 VAC 135-20-220.A.1 and 2 contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$400 for the violation of § 54.1-2132.A.4 of the Code of Virginia contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-01430, Wayne M. B. Lezama**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Gerrit Benson, attorney for the respondent, and Mr. Lezama, the respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference which finds no violation for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2002-01430, Wayne M. B. Lezama

A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310.1 of the Board's 1999 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 of the Board's 1999 Regulations for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 135-20-300.8 of the Board's 1999 Regulations for Count 4, as it is not the responsibility of the Board to question or reject the appraisal or assessments for the property. The motion failed due to a lack of majority vote. Members voting "Yes" were Daniels, Johnson, and Leon. Members voting "No" were Childress, Clark, Clarke, and Taylor. Mr. Brown abstained from the vote.

A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.8 of the Board's 1999 Regulations for Count 4. The motion passed with a majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, and Taylor. Members voting "No" were Daniels, Johnson, and Leon.

A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 of the Board's 1999 Regulations for Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$300 for

the violation of 18 VAC 135-20-310.1 contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$400 for the violation of 18 VAC 135-20-300.9 contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$100 for the violation of 18 VAC 135-20-300.8 contained in Count 4. The motion passed with a majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor. Member voting "No" was Johnson.

A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2500 and revocation of Mr. Lezama's license for the violation of 18 VAC 135-20-300.9 contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-02082, John Henry Martin**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Martin, the respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.9 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2003-02082, John Henry Martin

A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2131.A.4 of the Code of Virginia for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for the violation of 18 VAC 135-20-260.9 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

A motion was made by Ms. Johnson and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for the violation of § 54.1-2131.A.4 of the Code of Virginia contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-02780, John Henry Martin**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Martin, the respondent, was present and addressed the Board. A motion was made by Mr. Leon and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310.1 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2003-02780, John Henry Martin

A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$200 for the violation of 18 VAC 135-20-310.1 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown,

Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2004-03736, Abbitt Management, Inc.**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Charles Wornom, the respondent, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2106.1 of the Code of Virginia for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2004-03736, Abbitt Management, Inc.

A motion was made by Ms. Clarke and seconded by Mr. Leon to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the file with a warning, if, within 180 days, Abbitt Management submits evidence acceptable to the Board that any person listed with the SCC as an officer or director, who actively participates in the brokerage business, has a broker's license. However, if Abbitt Management fails to provide the above information to the Board within 180 days, the Board will find a violation and impose a \$250.00 fine. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-00883, Franklin Hall**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Hall. Samuel Kroll, attorney for the respondent, and Mr. Hall, the respondent, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Mr. Hall neither admits nor denies a violation of 18 VAC 135-20-180.C.4 (Count 1) or 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. However, Mr. Hall consents to the imposition of monetary penalties of \$2,500 for

File Number 2005-00883, Franklin Hall

Count 1 and \$2,500 for Count 2. In addition, Hall agrees to voluntarily surrender his Virginia real estate salesperson's license and agrees to not have any future signatory authority for the Hallmark Home Management's escrow accounts for the violations of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2003-03119, Norma Watkins Stein**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Stein, the respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.2 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

File Number 2003-03119, Norma Watkins Stein

A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1.2131.A.4 of the Code of Virginia for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1.2131.B of the Code of Virginia for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for the violation of 18 VAC 135-20-300.2 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$450 for the violation of § 54.1-2131.A.4 of the Code of Virginia contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no sanction for the violation of § 54.1-2131.B of the Code of Virginia contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter. Additionally, due to his business relationship with the respondent, Mr. Oglesby did not participate in the discussions or votes related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair of the Board.

Transfer of Chair

In the matter of File Number 2005-00965, Jane Ho, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Ho, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Ms. Ho's application for a real estate broker's license because Ms. Ho does not have sufficient experience equivalent to that required to be granted a waiver of the Board's requirements. The motion passed with a majority vote. Members voting "Yes" were Brown, Clark, Daniels, Leon, Oglesby, and Taylor. Members voting "No" were Childress and Clarke.

File Number 2005-00965, Jane Ho

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-02310, Karen R. Gear**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits from the Informal Fact-Finding Conference, the Summary of the Informal Fact-Finding Conference, and an additional letter provided at the Board meeting from Ms. Gear's therapist. Maureen White, attorney for the respondent, and Ms. Gear, the respondent, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-02310, Karen R. Gear

A motion was made by Ms. Clark and seconded by Mr. Leon to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no sanction for the violation of 18 VAC 135-20-260.5 contained in Count 1, as Ms. Gear's conviction has no bearing on her ability to act as a real estate licensee. The motion passed with a majority vote. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Leon, and Oglesby. Members voting "No" were Brown and Taylor.

After discussion, a motion was made by Ms. Clark and seconded by Mr. Leon to reconsider the previous motion. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor. A motion was then made by Ms. Clark and seconded by Mr. Leon to reject in part the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a monetary penalty of \$250 for the violation of 18 VAC 135-20-260.5 contained in Count 1. The motion passed with a majority vote. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Leon, and Oglesby. Members voting "No" were Brown and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2005-00185, Sherry Roxanne Samples**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Samples, the applicant, was

File Number 2005-00185, Sherry Roxanne Samples

present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Samples' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-00355, Donald Wayne Wright**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Wright, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Wright's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00355, Donald Wayne Wright

In the matter of **File Number 2005-00369, Steven R. Smith**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Smith, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Smith's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00369, Steven R. Smith

In the matter of **File Number 2005-00688, Steven R. Dunbar**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Dunbar, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of

File Number 2005-00688, Steven R. Dunbar

Virginia, approve Mr. Dunbar's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-00785, Kathryn A. Lomax**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Lomax, the applicant, and Joann Criss, a witness, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Lomax's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00785, Kathryn A. Lomax

In the matter of **File Number 2005-00278, Lori Ann Coates**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Coates, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Coates' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00278, Lori Ann Coates

In the matter of **File Number 2005-00352, Angelique W. Brown**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Brown, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Brown's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels,

File Number 2005-00352, Angelique W. Brown

Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-00395, Cornelius A. Benford**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Benford, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Benford's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00395, Cornelius A. Benford

In the matter of **File Number 2005-00279, Paulette M. Brown**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Brown, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Brown's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00279, Paulette M. Brown

In the matter of **File Number 2005-00184, Dan Van Nguyen**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Nguyen, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Nguyen's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00184, Dan Van Nguyen

The Board recessed for lunch from 12:05 to 12:40 a.m.

Recess

Ms. Johnson read the **Education Committee Report**. A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the recommendations contained in the **November 17, 2004 Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Education Committee Report

Ms. Hall provided a report from the **October 27, 2004, Real Estate Advisory Council meeting**. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the first recommendation as amended, accept the second recommendation, and defer action on the third recommendation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

Real Estate Advisory Council Report

Ms. O'Neal provided the Board members and various Department staff with training on the Conflict of Interests Act.

Training on the Conflict of Interests Act

The Board members were provided with information regarding a request for proposal (RFP) for the Common Interest Community Management Information Fund. After discussion, a motion was made by Mr. Leon and seconded by Ms. Clarke to approve the draft RFP as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

RFP for Common Interest Community Management Information Fund

Mr. Oglesby transferred the position of Chair to Ms. Daniels and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2003-01762, Thomas H. Brewer**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Brewer. Mr. Brewer was not present. A motion was made by Mr. Leon and seconded by Ms. Johnson to accept the Consent Order wherein Mr. Hall neither admits nor denies a violation of 18 VAC 135-20-300.4 of the Board's 1999 Regulations (Count 1) and agrees to the voluntary surrender of his real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2003-01762, Thomas H. Brewer

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2004-02125, Michael Joseph Allen**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Allen. Mr. Allen was not present. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Mr. Allen admits to a violation of 18 VAC 135-20-210.A of the Board's 2003 Regulations (Count 1) and agrees to a monetary penalty of \$100. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, and Taylor.

File Number 2004-02125, Michael Joseph Allen

As the reviewing Board member, Mr. Oglesby did not participate in the discussion or vote related to this matter.

Mr. Oglesby returned to the meeting and resumed as Chair of the Board.

Transfer of Chair

In the matters of **File Number 2002-03788, Marilyn E. Stumpf**, and **File Number 2004-03759, Janet L. Gresh**, the Board reviewed the records, which consisted of the Consent Orders as seen and agreed to by Ms. Stumpf and Ms. Gresh, respectively. Neither Ms. Stumpf nor Ms. Gresh were present. A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the Consent Order wherein Ms. Stumpf admits to a violation of 18 VAC 135-20-300.6 of the Board's 1999 Regulations (Count 1) and agrees to a monetary penalty of \$250, as well as the Consent Order wherein Ms. Gresh neither admits nor denies the violation of 18 VAC 135-20-300.6 of the Board's 2003 Regulations (Count 1) or § 54.1-2132.A.4 of the Code of Virginia (Count 2) but agrees to the imposition of a monetary penalty of \$250 for Count 1 and \$250 for Count 2, for a total of \$500. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Johnson, Leon, Oglesby, and Taylor.

File Number 2002-03788, Marilyn E. Stumpf, and File Number 2004-03759, Janet L. Gresh

As the reviewing Board member, Ms. Daniels did not participate in the discussion or vote related to these matters.

In the matter of **File Number 2004-01924, Troy E. Deierling**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Deierling. Mr. Deierling was not present. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Mr. Deierling admits to a violation of § 54.1-2132.A.4 of the Code of Virginia (Count 1) and agrees to a monetary penalty of \$500. In addition, Deierling agrees to attend four (4) hours of continuing education pertaining to brokerage responsibility

File Number 2004-01924, Troy E. Deierling

and buyer representation. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements for renewal of Deierling's license. The four (4) hours of continuing education, pertaining to brokerage responsibility and buyer representation, must be successfully completed within six months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2004-01353, E. Regina Randolph**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Randolph. Ms. Randolph was not present. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the Consent Order wherein Ms. Randolph admits to a violation of 18 VAC 135-20-170.A.3 of the Board's 2003 Regulations (Count 1) and agrees to a monetary penalty of \$350 and to reimburse the Board for investigative costs in the amount of \$100. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2004-01353, E. Regina Randolph

In the matter of **File Number 2004-02450, Donna Williams Howlett**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Howlett. Ms. Howlett was not present. A motion was made by Ms. Daniels and seconded by Ms. Johnson to reject the Consent Order as presented and counteroffer with a Consent Order wherein Ms. Howlett agrees to a monetary penalty of \$400 and to reimburse the Board for investigative costs in the amount of \$100 for the violation of 18 VAC 135-20-210.B of the Board's 2003 Regulations. Further, if the offer is not accepted by Ms. Howlett within 21 days of receipt of the offer, the matter will be referred for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2004-02450, Donna Williams Howlett

In the matter of **File Number 2004-04432, Steve Allen Jones**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Jones. Mr. Jones was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the Consent Order wherein Mr. Jones admits to a violation of § 54.1-2131.B of the Code of Virginia (Count 1) and agrees to a monetary penalty of \$400 and to reimburse the Board for investigative costs in the amount of \$100. The motion passed unanimously. Members

File Number 2004-04432, Steve Allen Jones

voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

In the matter of **File Number 2005-00885, Eva V. L. Nesmith**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Nesmith. Ms. Nesmith was not present. A motion was made by Ms. Daniels and seconded by Ms. Childress to reject the Consent Order as presented and counteroffer with a Consent Order wherein Ms. Nesmith agrees to a monetary penalty of \$500 and to reimburse the Board for investigative costs in the amount of \$100 for the violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 Regulations. Further, if the offer is not accepted by Ms. Nesmith within 21 days of receipt of the offer, the matter will be referred for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00885, Eva V. L. Nesmith

In the matter of **File Number 2005-00354, James P. Norton, II**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Norton was not present. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Norton's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00354, James P. Norton, II

In the matter of **File Number 2005-00647, Linda A. Crumble**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Crumble was not present. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Crumble's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00647, Linda A. Crumble

In the matter of **File Number 2005-00648, Tyrone B. Jackson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Jackson 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 and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Jackson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00648, Tyrone B. Jackson

In the matter of **File Number 2005-00790, Felicia M. Bowers**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Bowers was not present. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Bower's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Leon, Oglesby, and Taylor.

File Number 2005-00790, Felicia M. Bowers

In the matter of **File Number 2003-00581, Bryan Waitman Talbott**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Talbott was not present. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-270.3 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-00581, Bryan Waitman Talbott

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 and find a violation of 18 VAC 135-20-180.A.1 of the Board's 1999 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to

accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.7 of the Board's 1999 Regulations for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

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 and find a violation of 18 VAC 135-20-320.3 of the Board's 1999 Regulations for Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1000 and revocation of Mr. Talbott's real estate salesperson's license for the violation of 18 VAC 135-20-270.3 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1000 and revocation of Mr. Talbott's real estate salesperson's license for the violation of 18 VAC 135-20-180.A.1 contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1000 and revocation of Mr. Talbott's real estate salesperson's license for the violation of 18 VAC 135-20-300.7 contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1000 and revocation of Mr. Talbott's real estate salesperson's license for the violation of 18 VAC 135-20-320.3 contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-00760, Frances Geneviva Houchins**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Houchins 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 and find no violation for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-00760, Frances Geneviva Houchins

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 and find a violation of § 54.1-2132.A.4 of the Code of Virginia for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2132.A.4 of the Code of Virginia for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$100 for the violation of § 54.1-2132.A.4 of the Code of Virginia contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500 for the violation of § 54.1-2132.A.4 of the Code of Virginia contained in

Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-00824, Nga K. Ngo**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Ngo was not present. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.9 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-00824, Nga K. Ngo

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 and find a violation of 18 VAC 135-20-270.3 of the Board's 1999 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-250 of the Board's 1999 Regulations for Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

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 and impose a monetary penalty of \$1000 and revocation of Ms. Ngo's real estate salesperson's license for the violation of 18 VAC 135-20-260.9 contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

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 and impose a monetary penalty of \$1000 and revocation of Ms. Ngo's real estate salesperson's license for the violation of 18 VAC 135-20-270.3 contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

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 and impose a monetary penalty of \$1000 and revocation of Ms. Ngo's real estate salesperson's license for the violation of 18 VAC 135-20-250 contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-02360, Michael Shane Hummer**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Hummer was not present. A motion was made by Ms. Daniels and seconded by Mr. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-02360, Michael Shane Hummer

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 and find a violation of 18 VAC 135-20-300.9 of the Board's 1999 Regulations for Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1250 for the violation of 18 VAC 135-20-180.B.1.a contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference pertaining to Count 2 and impose a monetary penalty of \$1250 and suspension of Mr. Hummer's license until he presents evidence acceptable to the Board that he has completed 8 hours of continuing education, which must include topics of contract writing and ethics. This additional continuing education will not count towards any continuing education hours for renewal of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2003-03280, Joann P. Criss**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Criss was not present regarding this matter. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-290.1 of the Board's 1999 Regulations for Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

File Number 2003-03280, Joann P. Criss

A motion was made by Ms. Childress and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to increase the monetary penalty to \$1000 for the violation of 18 VAC 135-20-290.1 contained in Count 1, due to previous disciplinary actions by the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Johnson did not participate in the discussions or votes related to this matter.

In the matter of **File Number 2004-03815, Frederick Earl Virtucio**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Virtucio. Mr. Virtucio was not present. A motion was made by Ms. Daniels and seconded by Ms. Taylor to reject the Consent Order as presented and counteroffer with a Consent

File Number 2004-03815, Frederick Earl Virtucio

Order wherein Mr. Virtucio agrees to a monetary penalty of \$500 and to reimburse the Board for investigative costs in the amount of \$100 for the violation of 18 VAC 135-20-180.B.1.a of the Board's 2003 Regulations. Further, if the offer is not accepted by Mr. Virtucio within 21 days of receipt of the offer, the matter will be referred for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor.

As the reviewing Board member, Ms. Johnson was not present during the discussion or vote.

The Board members had no **old business** for discussion.

Old Business

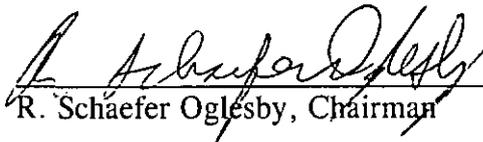
The Board members discussed the upcoming legislative session.

New Business

The Board members also discussed the current Informal Fact-Finding Conference process and made several suggestions for improving the process.

The meeting **adjourned** at 2:55 p.m.

Adjourn



R. Schaefer Oglesby, Chairman



Louise Fontaine Ware, Secretary

Copy Teste:

Custodian of the Record

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: R. Schaefer Oglesby
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: I am a former business partner with Norma Stein, file # 2003-03119 and will
recuse myself on this case.
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: November 18, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Nathaniel Brown
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: _____

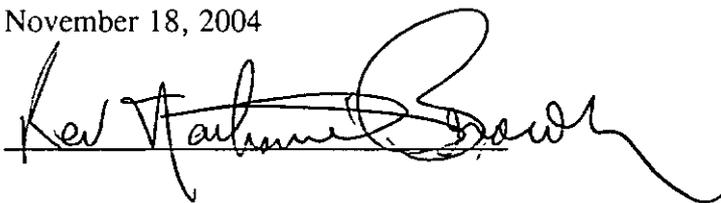
6. I declare that:

(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: November 18, 2004

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Judith L. Childress
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: November 18, 2004

Signature: _____

Judith L. Childress

**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: _____

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

Dated: November 18, 2004

Signature: Marjorie M. Clark

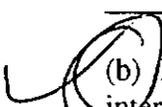
STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Carol F. Clarke
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: November 18, 2004

Signature: _____

Carol F. Clarke

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Florence Daniels
2. Title: Vice 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: November 18, 2004

Signature: *Florence Daniels*

**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: November 18, 2004

Signature: _____

Sharon P. Johnson

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

TRANSACTIONAL DISCLOSURE STATEMENT

- 1. Name: Miles B. Leon
- 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: FAIR HOUSING CASES
#2 - REB FILE # 2004-04403 & #3 2004-04404

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: REFUSE MYSELF DUE
to the above as noted because of role as Principal Broker
and President of S. L. NUSBAUM REALTY CO.

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

Dated: November 18, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Byrl Phillips Taylor
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: November 18, 2004

Signature: 