

**Minutes of Meeting  
VIRGINIA REAL ESTATE BOARD  
INFORMAL FACT-FINDING CONFERENCES  
FEBRUARY 10, 2005 (9:00 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.

Marjorie Clark and Judith Childress, Board Members, presided. No other Board Members were present.

Amy Chappell appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD.

The Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case  
Lic=Licensing Application

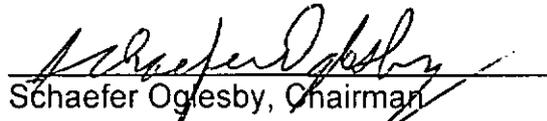
C=Complainant/Claimant  
A=Applicant  
R=Respondent/Regulant  
PB=Principal Broker  
SA=Sales Agent  
Invest=Investigator  
W=Witness

**PARTICIPANTS**

- |    |   |  |
|----|---|--|
| 1. | Vicky R. Lawson<br>File Number 2005-02619 (Lic)                               | Vicky R. Lawson – A                        |
| 2. | Elissa M. Fisher<br>File Number 2005-02616 (Lic)                              | Elissa M. Fisher – A<br>Sherry Brennan – W |
| 3. | Ingrid H. von Magdenko-Reichard<br>File Number 2005-02615 (Lic)               | Ingrid Magdenko – A                        |
| 4. | David Gianascoli<br>File Number 2005-02741 (Lic)                              | David Gianascoli – A                       |
| 5. | William C.B. Floyd<br>File Number 2005-03097 (Lic)<br><b>No decision made</b> | Bill Floyd – A                             |
| 6. | Richard D. Gerber<br>File Number 2005-02946 (Lic)<br><b>No decision made</b>  | Richard Gerber – A                         |

The meeting adjourned at 5:20 p.m.

Virginia Real Estate Board

  
Schaefer Oglesby, Chairman

  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Vicky R. Lawson  
Application

File Number: 2005-02619

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On December 28, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Vicky R. Lawson. The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application. The certified mail was signed for and received.

On February 10, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Vicky Lawson, Applicant; Amy Chappell, Staff Member; Marjorie Clark, Presiding Board Member; and Judith Childress, Assisting Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum:

Lawson has been a licensed sales agent since 1995; however, her license was inactive periodically until August of 2002. Since that time, she has been actively engaged as a real estate salesperson. Prior to that she worked mainly in property management. She is now seeking licensure as an associate broker and is requesting a waiver of the Board's requirement that she be actively engaged for 36 out of the preceding 48 months. However, she will have been actively engaged for 36 months in August of 2005. Because of Lawson's lack of experience in sales, we recommend that her application for an upgrade to associate broker be approved, but deferred until August 2005, at which time she will have been actively engaged for 36 months.

REAL ESTATE BOARD

By: \_\_\_\_\_

Marjorie Clark  
Presiding Board Member

Date: \_\_\_\_\_

By: \_\_\_\_\_

Judith Childress  
Assisting Board Member

Date: \_\_\_\_\_



BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS:  
EXPERIENCE VERIFICATION

Pursuant to VA Code or Board Regulation §: 18 VAC 135-20-40.2; and §54.1-2105.B

*Facts:* (Include name of Court, convicted of, Code §, misdemeanor or felony and date of order.)

Vicky R. Lawson applied for a broker license by examination on December 8, 2004 and did not meet the experience verification requirements on her application as follows:

Vicky R. Lawson did not provide independent verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Elissa M. Fisher  
Application

File Number: 2005-02616

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On December 28, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Elissa M. Fisher. The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application. The certified mail was signed for and received.

On February 10, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Elissa Fisher, Applicant; Sherry Brennan, Witness; Amy Chappell, Staff Member; Marjorie Clark, Presiding Board Member; and Judith Childress, Assisting Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum:

Fisher was initially licensed as a salesperson in Maryland in 1984. She received her broker's license in Maryland in 1990 and it remains active. Since 1991, she has been a licensed appraiser in both Virginia and Maryland. She is seeking licensure in Virginia as a sole proprietor and requests a waiver of the Board's requirement that she be actively engaged for 36 out of the preceding 48 months.

At the IFF, Fisher verified that she has been actively engaged as a broker, trading under the name of her firm, VIP Realty, for 14 years. While the majority of her time is spent in appraisals, she does complete several sales each year, manages agents, and maintains a separate escrow account. Brennan independently verified Fisher's active engagement. Therefore, we recommend a waiver of the experience verification requirement and recommend Fisher be granted a broker's license in Virginia.

REAL ESTATE BOARD

By: \_\_\_\_\_  
Marjorie Clark  
Presiding Board Member

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Judith Childress  
Assisting Board Member

Date: \_\_\_\_\_



REGULATORY PROGRAMS DIVISION  
APPLICATION REVIEW  
INFORMAL FACT FINDING CONFERENCE REFERRAL MEMORANDUM

To: Adjudication Section, CID Date: 12/22/04  
From: Christine Martine Board: Real Estate  
Re: Applicant Name: Elissa M. Fisher

Applied For: X License Certification Registration  
Type Applied For: Broker by Examination  
(as marked on application)

Reviewed By:  
Board Member  
Christine Martine  
Staff Member

IFF Requested by Whom: Applicant  
When: 12/20/04 How: Letter  
(date) (letter, telephone, etc.)

COMMENTS: THIS APPLICANT REQUESTED A WAIVER OF THE EXPERIENCE REQUIREMENT WHEN SHE APPLIED THEREFORE IT SHOULD BE HEARD BY A BOARD MEMBER.

BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS:  
EXPERIENCE VERIFICATION

Pursuant to VA Code or Board Regulation §: 18 VAC 135-20-40.2; and §54.1-2105.B

*Facts:* (Include name of Court, convicted of, Code §, misdemeanor or felony and date of order.)

Elissa M. Fisher applied for a broker license by examination on December 20, 2004, and did not meet the experience verification requirements on her application as follows:

Elissa M. Fisher did not provide independent verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: Ingrid H. von Magdenko-Reichard  
Application

File Number: 2005-02615

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On December 28, 2004, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Ingrid H. von Magdenko-Reichard. The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application. The certified mail was signed for and received.

On February 10, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Ingrid H. von Magdenko-Reichard, Applicant; Amy Chappell, Staff Member; Marjorie Clark, Presiding Board Member; and Judith Childress, Assisting Board Member.

**RECOMMENDATION**

*Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum:*

von Magdenko-Reichard is a licensed real estate broker in Nevada. Her active engagement has been 22 out of the last 48 months. In the IFF, von Magdenko-Reichard stated an eagerness to be licensed and actively working in real estate, either as an associate broker or salesperson. Based on an outstanding employment record, we recommend that she be granted a license as salesperson. We further recommend that von Magdenko-Reichard re-apply for an associate broker's license when she can meet the experience requirements.

REAL ESTATE BOARD

By: \_\_\_\_\_  
Marjorie Clark  
Presiding Board Member

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Judith Childress  
Assisting Board Member

Date: \_\_\_\_\_



BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS:  
EXPERIENCE VERIFICATION

Pursuant to VA Code or Board Regulation §: 18 VAC 135-20-40.2; and §54.1-2105.B

*Facts:* (Include name of Court, convicted of, Code §, misdemeanor or felony and date of order.)

Ingrid H. von Magdenko-Reichard applied for a broker license by examination on December 14, 2004, and did not meet the experience verification requirements on her application as follows:

Ingrid H. von Magdenko-Reichard did not provide independent verification of experience showing that she was actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application for licensure.

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE BOARD**

Re: David Gianascoli  
Application

File Number: 2005-02741

**SUMMARY OF THE INFORMAL FACT-FINDING CONFERENCE**

On January 7, 2005, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to David Gianascoli. The Notice included the Informal Fact-Finding Conference Referral Memorandum, which contained the facts regarding the application. The certified mail was signed for and received.

On February 10, 2005, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: David Gianascoli, Applicant; Amy Chappell, Staff Member; Marjorie Clark, Presiding Board Member; and Judith Childress, Assisting Board Member.

**RECOMMENDATION**

Based upon the evidence and the IFF, the following is recommended regarding the application requirements as outlined in the IFF Conference Referral Memorandum:

Gianascoli obtained his real estate salesperson license in 1990. However, his license has been inactive since 1998. Since then, he has been leasing and managing commercial and residential property which he owns. During the IFF, he stated that his company is growing, and he would like to start leasing and selling properties which he does not own. He would like a broker's license so that he can hire a sales agent to assist him. Since his license has not been active since 1998, he does not meet the Board's experience requirement and is seeking a waiver. He would prefer not to work as a sales agent under a broker in another firm or pay a broker to work for his firm. Because Gianascoli has not had the basic sales or brokerage experience, as contracts and escrow are being managed by his attorney, we recommend that his request for a waiver be denied.

REAL ESTATE BOARD

By: \_\_\_\_\_  
Marjorie Clark  
Presiding Board Member

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Judith Childress  
Assisting Board Member

Date: \_\_\_\_\_



BASIS UPON WHICH APPLICANT MAY NOT MEET BOARD REGULATORY REQUIREMENTS:  
EXPERIENCE VERIFICATION

Pursuant to VA Code or Board Regulation §: 18 VAC 135-20-40.2; and §54.1-2105.B

*Facts:* (Include name of Court, convicted of, Code §, misdemeanor or felony and date of order.)

David M. Gianascoli applied for a broker license by examination on December 17, 2004, and did not meet the experience verification requirements on his application as follows:

David M. Gianascoli 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.

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

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Marjorie Clark
2. Title: Presiding Board Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on February 10, 2005
5. Nature of Personal Interest Affected by Transaction: None

6. I declare that:

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

none

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

Marjorie M. Clark  
Signature

2-10-05  
Date

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

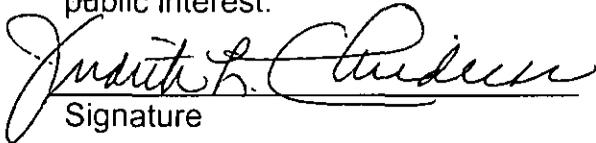
**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

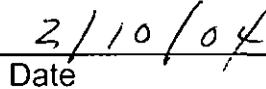
1. Name: Judith Childress
2. Title: Presiding Board Member
3. Agency: Real Estate Board
4. Transaction: Informal Fact-Finding Conferences on February 10, 2005
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

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