

REAL ESTATE BOARD
MINUTES OF MEETING

September 18, 2008

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Carol Clarke, Chair
Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Sharon P. Johnson
Scott Gaeser
Florence Daniels

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Arthur Ryan, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Victoria Traylor, Legal Analyst
Kevin Hoefl, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Chair Clarke called the meeting to order at 9:05 A.M.

Call to Order

A motion was made by Ms. Clarke and seconded by Ms. Taylor to adopt the following resolution to honor the years of dedicated service as Chair by R. Schaefer Oglesby to the Board:

Resolution

RESOLUTION IN HONOR OF

R. Schaefer Oglesby

WHEREAS, **R. Schaefer Oglesby** did faithfully and diligently serve as chairman of the Real Estate Board from July 2004 to January 2008; and

WHEREAS, **R. Schaefer Oglesby** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **R. Schaefer Oglesby** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and the real estate profession;

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude for devoted services of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this eighteenth day of September 2008, that **R. Schaefer Oglesby** be given all honors and respect due for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The motion passed unanimously. Member voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Taylor to adopt the following resolution to honor the years of dedicated service by former Board Member Miles B. Leon to the Board:

Resolution

RESOLUTION IN HONOR OF

Miles B. Leon

WHEREAS, **Miles B. Leon**, has faithfully and diligently served as a member of the Real Estate Board since 2004; and

WHEREAS, **Miles B. Leon**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Miles B. Leon**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the

Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this eighteenth day of September, 2008 that **Miles B. Leon** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Member voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Childress to approve the agenda. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

There was no public comment.

A motion was made by Ms. Clark and seconded by Ms. Childress to adopt the following minutes: June 25, 2008, Informal Fact-Finding Conference; July 9, 2008, Informal Fact-Finding Conference; July 10, 2008, Real Estate Board Meeting; July 24, 2008, Informal Fact-Finding Conference; July 25, 2008, Informal Fact-Finding Conference; July 30, 2008, Informal Fact-Finding Conference; August 5, 2008, Informal Fact-Finding Conference; August 7, 2008 (Disciplinary), Informal Fact-Finding Conference; August 7, 2008 (Licensing), Informal Fact-Finding Conference; August 14, 2008, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Timothy and Charity Ford v. United Property Associates, Inc. and Bernie Grablowsky, REB File Number 2008-03604**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Michael Beverly, attorney for the respondents, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Agenda

Public Comment

Minutes

**Fair Housing
Administrators Report**

**Timothy and Charity
Ford v. United Property
Associates, Inc. and
Bernie Grablowsky,
REB File Number 2008-
03604**

In the matter of **Yolanda Mayfield v. Karen Martin, Carolyn Donahoe, John J. Grady and Grady Management, Inc., REB File Number 2008-04605**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Yolanda Mayfield v. Karen Martin, Carolyn Donahoe, John J. Grady and Grady Management, Inc., REB File Number 2008-04605

In the matter of **Nasir and Jennifer Manzoor v. Rianna Elliott and KPM, LLC, REB File Number 2008-03134**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Barrie Bowers, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Nasir and Jennifer Manzoor v. Rianna Elliott and KPM, LLC, REB File Number 2008-03134

In the matter of **Darlene Sheppard v. Venus Wilson, REB File Number 2008-03291**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Darlene Sheppard v. Venus Wilson, REB File Number 2008-03291

The Board considered the matter of **Joan Heinig v. John H. Jenkins and J & J Real Estate, Ltd., REB File Number 2008-04618**, A motion was made by Ms. Johnson and seconded by Ms. Clark to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Conciliation Agreement

A motion was made by Ms. Johnson and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of July 10, 2008. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2008-02891, Virginia Real Estate Transaction Recovery Act Claim of Marvin & Alecia Farley (Claimants) and Andrew J. Walker (Regulant)**, Ms. Farley, claimant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation

File Number 2008-02891, Marvin & Alecia Farley and Andrew J. Walker

contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in §54.1-2117.A of the *Code of Virginia*, deny the recovery fund claim. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2007-03880, Cabell F. Childress**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and to find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2007-03880,
Cabell F. Childress

A motion was made by Ms. Johnson and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,250.00 for the violation contained in Count 1. In addition, for the violation of Count 1 the Board imposes the following sanction(s): probation of Childress’ license until such time as he provides evidence acceptable to the Board that he has attended and successfully completed six (6) total hours of continuing education which is to include: three (3) hours in ethics and standards of conduct; and three (3) hours in real estate contracts. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. Such courses shall be completed in classroom hours (no on-line courses). Childress must provide proof of the course completion within 90 days of the execution of the Order. The Board voted to increase the monetary penalty due to the seriousness of the violation and to be consistent with previous Board action. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03836, James Robert Rogers**, the Board reviewed the Consent Order as agreed to by Mr. Rogers. Mr. Rogers was present and addressed the Board. Mr. Rogers rejected the

File Number 2008-03836,
James Robert Rogers

Consent Order and instead requested to proceed with an Informal Fact-Finding Conference. **No action was taken by the Board.**

In the matter of **File Number 2008-01138, Frank W. Hines**, the Board reviewed the Consent Order as agreed to by Mr. Hines. Mr. Hines was present and addressed the Board. Mr. Hines rejected the Consent Order and instead requested to proceed with an Informal Fact-Finding Conference. **No action was taken by the Board.**

File Number 2008-01138,
Frank W. Hines

In the matter of **File Number 2008-04013, Charles J. First**, the Board reviewed the Consent Order as seen and agreed to by Mr. First. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. First admits to a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$900.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-04013,
Charles J. First

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01522, Tiffany Marie Henshaw**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Tiffany M. Henshaw, respondent, and John Poden, complainant, were present and addressed the Board. 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 to find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, 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 to find a violation of 18 VAC 135-20-300.9 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-01522,
Tiffany Marie Henshaw

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 impose a monetary penalty of \$1,000.00 and revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

Clark, Clarke, Daniels, Johnson, Oglesby and Taylor. 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 impose revocation of license for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

In the matter of **File Number 2007-04283, Gardiner S. Mulford**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Gardiner Mulford, respondent, and Benjamin J. Trichilo, attorney for the respondent, were 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 to find a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby 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 \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the presiding Board, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2008-04291, Megan Hill**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Hill, the applicant, and Diane Kiser, witness, were present and addressed the Board. A motion was made by Ms. Daniels and

Transfer of Chair

**File Number 2007-04283,
Gardiner S. Mulford**

Transfer of Chair

**File Number 2008-04291,
Megan Hill**

seconded by Ms. Clark 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. Hill's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby. Member voting "No" was Taylor.

In the matter of **File Number 2008-04464, Jeffrey Davis**, 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. Davis, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Davis' application to activate his real estate salesperson's license with John Remington as Managing Broker. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor. Member voting "No" was Daniels.

File Number 2008-04464,
Jeffrey Davis

In the matter of **File Number 2008-02449, Nadia Darmani**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Nadia Darmani, respondent, and Mustafa Khalil, complainant, were 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 to find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

File Number 2008-02449,
Nadia Darmani

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 to find a violation of 18 VAC 135-20-280.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,000.00 and probation of Darmani's license until such time as she provides evidence acceptable to the Board that she has attended and successfully completed

eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such courses shall be completed in classroom hours (no-online) courses. Darmani must provide proof of the course completion within 180 days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 2. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

The Board recessed from 10:45 A.M. to 11:05 A.M.

Break

In the matter of **File Number 2009-00120, Tito Amaya**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. 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. Amaya's application for a real estate salesperson's license with the following amendment: Mr. Amaya's license is subject to an agreement for licensure for a period of two years wherein Mr. Amaya and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2009-00120,
Tito Amaya

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04428, Wanda Coppage**, 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. 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

File Number 2008-04428,
Wanda Coppage

criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Coppage's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2008-03992, Maria Parraga**, 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. A motion was made by Ms. Clark 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. Parraga's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-03992,
Maria Parraga

As the presiding Board member, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-04836, Susanne Vergoz**, 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. A motion was made by Mr. Gaeser 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. Vergoz's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-04836,
Susanne Vergoz

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

In the matter of **File Number 2008-03174, Patrick A. Womble**, the Board reviewed the Consent Order as seen and agreed to by Mr. Womble. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Womble admits to a violation of 18 VAC 135-20-210.A (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-270.3 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, and agrees to \$150.00 in Board costs for a total of \$750.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-03174,
Patrick A. Womble

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-02808, Joseph Hopkins**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. 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 to find a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02808,
Joseph Hopkins

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 impose revocation of Hopkin's license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-03316, Faisal A. Malik**, 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. 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 find a violation of 18 VAC 135-20-180.1.a (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, find a violation of 18 VAC 135-20-180.B.1.a (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 4) of the Board's 1999 Regulations, and find a violation of §54.1-2132.A.4 (Count 5) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2007-03316,
Faisal A. Malik

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 to impose revocation of license for the violations contained in Count 1, Count 2, Count 3, Count 4 and Count 5. The motion passed unanimously. Members voting "Yes" were Brown,

Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor

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

In the matter of **File Number 2007-00444, Charles I. Kirkwood**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. 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 find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2007-00444,
Charles I. Kirkwood

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 impose a monetary penalty of \$800.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the presiding Board, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02770, William R. Abbott**, the Board reviewed the Consent Order as seen and agreed to by Mr. Abbott. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Mr. Abbott admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. In addition, for violation of Count 1, Abbott agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02770,
William R. Abbott

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-04507, Lazelle D. Bryant**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bryant. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Bryant admits to a violation of 18 VAC 135-20-210.A (Count 1) of the Board's 2003 Regulations, and

File Number 2008-04507,
Lazelle D. Bryant

agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$300.00. In addition, for violation of Count 1, Bryant agrees to complete at least three (3) classroom hours of continuing education pertaining to Real Estate Agency and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-03461, Natalie T. Jones**, the Board reviewed the Consent Order as seen and agreed to by Ms. Jones. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Jones admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Jones agrees to a two (2) year probation of her Real Estate salesperson's license, effective on the date of reactivation of her license. During this two (2) year probation, Jones agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be involved in any lawsuits that arise from conduct related to Jones' licensure with the Board/Department; (3) Not be in violation of any local, state, or federal laws or regulation; and (4) Provide to the Board, on a quarterly basis, a written statement prepared by Jones' broker, along with supporting documentation that Jones is in compliance with terms listed above. If Jones violates any terms of this probation, her license shall be automatically revoked. Jones understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2.2-4021 of the *Code of Virginia*, and knowingly and voluntarily waives any rights to these proceedings. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-03461,
Natalie T. Jones

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01062, Joyce M. Gaines**, the Board

File Number 2008-01062,

reviewed the Consent Order as seen and agreed to by Ms. Gaines. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the proposed Consent Order wherein Ms. Gaines admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, find a violation of §54.1-2131 (Count 3) of the *Code of Virginia*, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, and agrees to \$150.00 in Board costs for a total of \$2,450.00. In addition, for violation of Count 2, Gaines agrees to complete at least (8) hours of continuing education pertaining to Broker Management and Supervision and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Gaines agrees to pay the above fines within six (6) months of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

Joyce M. Gaines

As the Board member who reviewed the file, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00348, Kay F. O'Banner**, the Board reviewed the Consent Order as seen and agreed to by Ms. O'Banner. A motion was made by Ms. Clark and seconded by Ms. Daniels to reject the proposed Consent Order offer and extend a counter offer to Ms. O'Banner wherein O'Banner admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-220.A.4 (Count 5) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,200.00 for the violation contained in Count 2, \$1,700.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, \$500.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$5,550.00. In addition, for violation of Counts 1-5, O'Banner agrees to complete at least eight (8) hours of continuing education pertaining to Real Estate Agency and/or other equivalent course approved by the Board and provide proof of attendance and successful completion. O'Banner agrees to suspension of her license until this

File Number 2008-00348,
Kay F. O'Banner

education requirement is satisfied. It is also acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. If Ms. O'Banner does not accept the counter offer within 10 days the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

As the Board member who reviewed the file, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00472, Catherine C. Young**, the Board reviewed the Consent Order as seen and agreed to by Ms. Young. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Young admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$900.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, for violation of Count 1, Young agrees to complete at least eight (8) classroom hours of continuing education pertaining to Broker Management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Oglesby and Taylor.

File Number 2008-00472,
Catherine C. Young

As the Board member who reviewed the file, Mr. Gaeser did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2008-02833, Changsun Yoon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yoon. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Yoon admits to a violation of 18 VAC 135-20-180.C.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-170.B.1 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, as well as \$350.00 in Board costs for a total of \$2,350.00. In

File Number 2008-02833,
Changsun Yoon

addition, for violations of Counts 1 and 2, Yoon agrees not to violate any of the provisions of Chapter 21, (§54.1-2100 et seq.) of Title 54.1 or of Chapter 5.1 (§36-96.1 et seq.) of Title 36 of the *Code of Virginia* or of the regulations of the Board during the term of probation. If Yoon is found to have violated the term of probation, Yoon agrees to the automatic revocation of his broker license. In addition, Yoon agrees to complete at sixteen (16) classroom hours of continuing education pertaining to Supervision and Management of Real Estate Agents and the Management of Real Estate Brokerage Firms, two (2) hours of training in fair housing laws, three (3) hours in Ethics and Standards of Conduct and a minimum of one (1) hour each in State Real Estate Laws and Regulations, Agency and Contracts and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within sixty (60) days of the effective date of the Order. The continuing education hours must be obtained in a classroom, and not through online means. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Oglesby and Taylor.

As the Board members who reviewed the file, Ms. Clarke and Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-04937, Daniel T. Crosby**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and to find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Oglesby and Taylor.

File Number 2007-04937,
Daniel T. Crosby

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 license revocation and no monetary penalty for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, and \$500.00 for the violation contained in Count 3, for a total monetary penalty of \$500.00. The motion passed unanimously. Members voting "Yes" were Brown,

Childress, Clark, Daniels, Gaeser, Oglesby and Taylor.

As the presiding Board, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

As the Board member who reviewed the file, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

In the matter of **File Number 2008-04741, Thomas E. Cox**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cox. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the proposed Consent Order wherein Mr. Cox admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-02049, Calvin P. Stephens, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Stephens. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Stephens admits to a violation of §54.1-2135 (Count 1) of the *Code of Virginia*, find a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and agrees to \$150.00 in Board costs for a total of \$1,350.00. In addition, for violation of Count 1, Stephens agrees to complete at least three (3) classroom hours of continuing education pertaining to Real Estate Contracts and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. Further, for violation of Count 2, Stephens agrees to complete at least three (3) classroom hours of continuing education pertaining to Ethics and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any

Transfer of Chair

File Number 2008-04741,
Thomas E. Cox

File Number 2008-02049,
Calvin P. Stephens, Jr.

continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Childress did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-00858, Tracy M. Edwards**, the Board reviewed the Consent Order as seen and agreed to by Mr. Edwards. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Edwards admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$350.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-00858,
Tracy M. Edwards n

In the matter of **File Number 2007-04636, Patricia A. Hill**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hill. A motion was made by Mr. Gaeser and seconded by Ms. Taylor to accept the proposed Consent Order wherein Ms. Hill admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$450.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2007-04636,
Patricia A. Hill

In the matter of **File Number 2008-00416, Betty L. Cline**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cline. A motion was made by Mr. Gaeser and seconded by Ms. Clark to reject the proposed Consent Order offer and extend a counter offer to Ms. Cline wherein Ms. Cline admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$300.00. In addition, Cline agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. Such courses shall be completed in classroom hours (no on-line courses). It is also acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

File Number 2008-00416,
Betty L. Cline

Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2007-03860, Angela J. Mairs**, the Board reviewed the Consent Order as seen and agreed to by Ms. Mairs. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order wherein Ms. Mairs admits to a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for the violation of Count 1, Mairs agrees to complete at least eight (8) hours of continuing education pertaining to Broker Management and Supervision and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2007-03860,
Angela J. Mairs

In the matter of **File Number 2007-04385, Tina M. Condon**, the Board reviewed the Consent Order as seen and agreed to by Ms. Condon. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Ms. Condon admits to a violation of 18 VAC 135-20-210.A (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$750.00. In addition, Condon agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2007-04385,
Tina M. Condon

Due to a possible conflict of interest, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-00439, Coaching Institute**, the

File Number 2009-00439,

Board reviewed the Consent Order as seen and agreed to by Coaching Institute. A motion was made by Mr. Gaeser and seconded by Ms. Taylor to accept the proposed Consent Order wherein Coaching Institute admits to a violation of 18 VAC 135-20-390.1 (Count 1) of the Board's 2008 Regulations, and agrees to no monetary penalty for the violation contained in Count 1. In addition, for violation of Count 1, Coaching Institute agrees to voluntary withdrawal of approval of continuing education courses 55895 and 56808, "Maximize Property Value and Assist Motivated Sellers" and 51872, "Techvantage – Stop Buying and Start Using Technology," and 56809, "A Systematic Approach to Building and Maintaining Client Relations" upon entry of the Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Coaching Institute

The Board considered the request of Thomas F. Gross, son of Don G. Gross, deceased, to appoint him to carry on the business of his father for 180 days in order to close out the real estate business of Virginia Real Estate in accordance with §54.1-2109 of the *Code of Virginia*. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to allow Thomas F. Gross, to close out the real estate business of Virginia Real Estate in accordance with §54.1-2109 of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Death of Broker

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to repeal the existing public participation guidelines and to adopt the model public participation guidelines via exempt action. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Administrative Issues

The Board agreed to the 2009 Board meeting dates without dissent.

Ms. Childress gave the Education Committee Report. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the September 17, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Education Committee Report

The Board discussed commercial and residential brokers and the differences between them. No action was taken by the Board.

New Business

Ms. Martine updated the Board on the current information obtained pertaining to the implementation of criminal records checks on new applicants. No action was taken by the Board

There being no further business, the Board adjourned at 12:20 P.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary

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