

REAL ESTATE BOARD
MINUTES OF MEETING

September 9, 2010

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

Byrl Taylor, Chair
Carol Clarke
Clifford L. Wells
Jorge G. Lozano (arrived at 9:27 a.m.)
Nathaniel Brown (arrived at 10:00 a.m.)
Judith L. Childress
Joesph Funkhouser
Sharon Johnson

Board member not present: Sandra Ferebee

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Amy Chapell, Compliance Manager
Liz Hayes, Fair Housing Administrator
Victoria Traylor, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

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

Byrl Taylor called the meeting to order at 9:04 A.M.

Call to Order

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, Clarke, Funkhouser, Johnson, Taylor and Wells.

Agenda

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the following minutes: June 22, 2010, Informal Fact-Finding Conference; July 7, 2010, Real Estate Board

Minutes

Committee Meeting; July 7, 2010, Real Estate Regulation Review Committee; July 8, 2010, Informal Fact-Finding Conference (Licensing); July 8, 2010, Informal Fact-Finding Conference; July 8, 2010, Real Estate Board Meeting; July 13, 2010, Informal Fact-Finding Conference; July 19, 2010, Informal Fact-Finding Conference; July 22, 2010, Informal Fact-Finding Conference; July 27, 2010, Informal Fact-Finding Conference; and July 28, 2010, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

There was no public comment.

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

In the matter of **Geovannie Bonilla v. Darrell Heath Bowman, Ronald Vaughan, and Coldwell Banker Vaughan and Company, Inc., REB File Number 2010-04534**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Mr. Wells to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

In the matter of **Housing Opportunities Made Equal v. Brenda Griffin and Drucker and Falk, REB File Number 2010-05047**, a motion was made by Ms. Clarke and seconded by Ms. Childress to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

In the matter of **Darryl Johnson v. Whittle & Roper, Inc. and Joseph P. Whittle, Jr., REB File Number 2010-04796**, a motion was made by Ms. Clarke and seconded by Ms. Childress to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

In the matter of **Timothy Voigtsberger v. S. L. Nusbaum**

Public Comment

**Fair Housing
Administrators
Report**

**Geovannie Bonilla v.
Darrell Heath
Bowman, Ronald
Vaughan, and
Coldwell Banker
Vaughan and
Company, Inc., REB
File Number 2010-
04534**

**Housing
Opportunities Made
Equal v. Brenda
Griffin and Drucker
and Falk, REB File
Number 2010-05047**

**Darryl Johnson v.
Whittle & Roper,
Inc. and Joseph P.
Whittle, Jr., REB
File Number 2010-
04796**

Timothy

Realty Co., REB File Number 2010-05058, a motion was made by Ms. Clarke and seconded by Ms. Childress to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

Voigtsberger v. S. L. Nusbaum Realty Co., REB File Number 2010-05058

In the matter of **Andrea Vaughan v. Community Housing Partners Corporation, REB File Number 2010-03596**, a motion was made by Ms. Clarke and seconded by Ms. Childress to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

Andrea Vaughan v. Community Housing Partners Corporation, REB File Number 2010-03596

In the matter of **File Number 2010-05622, Theresia Laurenn**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Theresia Laurenn, 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. Laurenn’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

File Number 2010-05622, Theresia Laurenn

In the matter of **File Number 2010-05207, Richard Hillman, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clarke 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. Hillman’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

File Number 2010-05207, Richard Hillman, Jr.

In the matter of **File Number 2010-04839, Darren Gibson**,

File Number 2010-

the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 Mr. Gibson's application for a real estate broker's license with a correction to the Summary of the Informal Fact-Finding Conference indicating application for broker's license instead of salesperson. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

**04839, Darren
Gibson**

In the matter of **File Number 2010-04840, Jonathan Silar**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 Mr. Silar's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

**File Number 2010-
04840, Jonathan
Silar**

In the matter of **File Number 2010-05210, Carol Joseph**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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. Joseph's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

**File Number 2010-
05210, Carol Joseph**

In the matter of **File Number 2011-00008, Thomas Farlow**, the Board reviewed the record which consisted of the

**File Number 2011-
00008, Thomas**

application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Wells 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 Mr. Farlow's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

Farlow

In the matter of **File Number 2011-00010, Payam Bakhaje**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 Mr. Bakhaje's application for a real estate salesperson's license, with the following amendment: Mr. Bakhaje's license is subject to an agreement for licensure for a period of two years wherein Mr. Bakhaje and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-00010, Payam Bakhaje

In the matter of **File Number 2011-00626, Henry Olds, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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 Mr. Olds' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

File Number 2011-00626, Henry Olds, Jr.

In the matter of **File Number 2010-05620, Dorothy Woodruff**, the Board reviewed the record which consisted of

File Number 2010-05620, Dorothy

the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. 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. Woodruff's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Taylor and Wells.

Woodruff

In the matter of **File Number 2010-05459, Cindy Sinanan**, 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. Cindy Sinanan, applicant, and her attorney, Mary Sue Davies, were present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant Ms. Sinanan's application for a real estate broker's license. The motion failed. Members voting "Yes" was Wells. Members voting "No" were Childress, Funkhouser, Johnson and Taylor.

File Number 2010-05459, Cindy Sinanan

A motion was made by Ms. Childress and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead, deny Ms. Sinanan's application for a real estate broker's license. After reviewing the facts, nature and recentness of the prior disciplinary action in Maryland, the Board voted to deny the broker license. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Taylor and Wells.

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

Jorge Lozano, Board Member, arrived at 9:27 a.m.

Arrival of Board Member

In the matter of **File Number 2011-00009, Allen Griffey**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding

File Number 2011-00009, Allen Griffey

Conference of the presiding officer. Allen Griffey, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser 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. Griffey's application for a real estate salesperson's license with a correction to the Summary of the Informal Fact-Finding Conference correcting the file number from 2010-00009 to 2011-00009. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2011-00011, Dawn Poe**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Dawn Poe, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Poe's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Funkhouser, Johnson, Lozano, Taylor and Wells.

File Number 2010-00011, Dawn Poe

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

In the matter of **File Number 2011-00476, Ernest Dill**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Dill, applicant, and Jane Wallace, witness, were present and addressed the Board. A motion was made by Mr. Funkhouser, and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve Mr. Dill's application for a real estate salesperson's license with the following condition: Mr. Dill's license is subject to an agreement for licensure for a period of two years wherein Mr. Dill and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Childress, Funkhouser, Johnson and Lozano. Members voting "No"

File Number 2010-00476, Ernest Dill

were Taylor and Wells.

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

In the matter of **File Number 2010-00611, Jennifer D. Robertson**, 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 Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file with no violation. The motion passed by majority vote. Members voting "Yes" were Childress, Funkhouser, Johnson, Lozano and Wells. Member voting "No" was Taylor.

File Number 2011-00611, Jennifer D. Robertson

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

In the matter of **File Number 2010-05072, Emily Meade Johnson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Johnson. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Johnson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 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, Johnson agrees to complete at least three (3) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

File Number 2010-05072, Emily Meade Johnson

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

In the matter of **File Number 2010-03491, Marion Hawkins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hawkins. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Hawkins admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Hawkins agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. 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 Childress, Clarke, Funkhouser, Lozano, Taylor and Wells.

File Number 2010-03491, Marion Hawkins

As the Board member who reviewed the file, Ms. Johnson did not vote or participate in the discussion concerning this matter.

In the matter of **File Number 2010-03550, Aaron Joseph-Lee Estrada**, the Board reviewed the Consent Order as seen and agreed to by Mr. Estrada. A motion was made by Ms. Childress and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Estrada admits to 3 *violations* of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, 3 *violations* 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 2008 Regulations and agrees to no monetary penalty for the violations contained in Count 1, \$300.00 for each violation contained in Count 2, \$600.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,650.00. In addition, for violation of Count 1, Estrada agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing

File Number 2010-03550, Aaron Joseph-Lee Estrada

education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Lozano, Taylor and Wells.

As the Board member who reviewed the file, Ms. Johnson did not vote or participate in the discussion concerning this matter.

In the matter of **File Number 2010-01171, Terri Floyd Davidson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Davidson. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Davidson admits to a violation of 18 VAC 135-20-180.C.5 (Count 1) of the Board’s 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board’s 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and no monetary penalty for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1 and 2, Davidson agrees to revocation of her license. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Lozano and Taylor.

File Number 2010-01171, Terri Floyd Davidson

As the Board members who reviewed the file, Ms. Johnson and Mr. Wells did not vote or participate in the discussion concerning this matter.

In the matter of **File Number 2010-01270, Racquel Rose Harbaugh**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of Board’s 2003 Regulations, a violation of 18 VAC 135-20-290.2 (Count 2) of Board’s 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Johnson, Lozano and Taylor.

File Number 2010-01270, Racquel Rose Harbaugh

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 to impose

a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, and \$2,000.00 for the violation contained in Count 3, for a total of \$3,500.00. The Board also imposes the following sanctions: revocation of license for the violation of Count 1, Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano and Taylor.

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

In the matter of **File Number 2010-02045, James Runaldue Jorden**, 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. Clarke 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 (Count 1) of Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano and Taylor.

File Number 2010-02045, James Runaldue Jorden

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 to impose no monetary penalty for the violation contained in Count 1, and \$600.00 for the violation contained in Count 2, for a total of \$600.00. The Board also imposes the following sanctions: revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano and Taylor.

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

In the matter of **File Number 2010-01874, Malcolm Mead Norris**, 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.

File Number 2010-01874, Malcolm Mead Norris

Childress 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 Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano 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 to impose no monetary penalty for the violation contained in Count 1. The Board also imposes the following sanctions: revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano and Taylor.

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

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

Transfer of Chair

In the matter of **File Number 2010-04633, Vandelette Denise Ware**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ware. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Ware admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-250 (Count 4) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, \$750.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$5,900.00. In addition, for violation of Counts 1-4, Ware agrees to revocation of her license. Further, Ware agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of

File Number 2010-04633, Vandelette Denise Ware

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 Childress, Clarke, Funkhouser, Lozano, Johnson and Wells.

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 2010-04354, Kevin Orrin Ward**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ward. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Ward 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, and agrees to no monetary penalty for the violation contained in Count 1, \$550.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$700.00. In addition, Ward agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. 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 Childress, Clarke, Funkhouser, Lozano, Johnson and Wells.

File Number 2010-04354, Kevin Orrin Ward

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 2010-01671, Lisseth Alejandra Viafara**, the Board reviewed the Consent Order as seen and agreed to by Ms. Viafara. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Ms. Viafara admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a

File Number 2010-01671, Lisseth Alejandra Viafara

total of \$650.00. In addition, upon reactivation of her license, Viafara agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. 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 Childress, Clarke, Funkhouser, Lozano, Johnson and Wells.

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

Ms. Taylor returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2010-03993, Hossein Goal**, the Board reviewed the Consent Order as seen and agreed to by Mr. Goal. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Goal 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, Goal agrees to one (1) year probation of his license as of the effective date of this order. During this one (1) year probation, Goal agrees to: (1) Not be in violation of any rules and regulations of the Real Estate Board for transactions occurring after the effective date of this order; (2) Provide to the Board, on quarterly basis, a written statement and supporting documentation from his supervising broker, that Goal in compliance with terms listed above. If Goal violates any terms of this probation, his license shall be automatically revoked. Goal 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 Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

File Number 2010-03993, Hossein Goal

In the matter of **File Number 2010-04227, Michael Johannes Bouchard**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bouchard. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Bouchard admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for violation of Count 1, Bouchard agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

File Number 2010-04227, Michael Johannes Bouchard

In the matter of **File Number 2010-03855, Milton Marshall Brown**, the Board reviewed the Consent Order as seen and agreed to by Mr. Brown. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order wherein Mr. Brown admits to a violation of 18 VAC 135-20-260.10 (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, Brown agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

File Number 2010-03855, Milton Marshall Brown

In the matter of **File Number 2010-03995, Virginia Real Estate Transaction Recovery Act Claim of Margaret J. Davis (Claimant) and Dixie Rose Voight (Regulant)** the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, 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 Mr. Funkhouser and seconded by Ms. Clarke to adopt the recommendation to deny the claim for payment pursuant to Code of Virginia §54.1-2114.A which states in part "...and the improper or dishonest

File Number 2010-03995, Virginia Real Estate Transaction Recovery Act Claim of Margaret J. Davis (Claimant) and Dixie Rose Voight (Regulant)

conduct occurred during a period when the individual or entity was a regulant and occurred in connection with a transaction involving the sale, lease, or management of real property by the regulant acting in the capacity of a real estate broker or real estate salesperson and not (emphasis added) in the capacity of a principal, or on his own account, the person to whom such judgment was awarded ...” The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Lozano, Taylor and Wells.

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

In the matter of **File Number 2010-03113, Virginia Real Estate Transaction Recovery Act Claim of Delaware Plaza Apts L C (Claimant) and Tidewater Realty & Management Inc. (Regulant)** the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, 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. Clarke and seconded by Mr. Funkhouser to adopt the recommendation and to approve payment in the amount of \$17,287.50. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Lozano, Taylor and Wells.

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

In the matter of **File Number 2010-03858, Virginia Real Estate Transaction Recovery Act Claim of Christopher Chater (Claimant) and Tidewater Realty & Management Inc. (Regulant)** the Board reviewed the record, which consisted of the Recovery Act claim form and review, transcript, 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 Mr. Wells and seconded by Ms. Clarke to adopt the recommendation and to approve payment in the amount of \$7,253.00. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Funkhouser, Lozano, Taylor and Wells.

As the presiding Board member, Ms. Johnson did not

File Number 2010-03113, Virginia Real Estate Transaction Recovery Act Claim of Delaware Plaza Apts L C (Claimant) and Tidewater Realty & Management Inc. (Regulant)

File Number 2010-03858, Virginia Real Estate Transaction Recovery Act Claim of Christopher Chater (Claimant) and Tidewater Realty & Management Inc. (Regulant)

participate in the discussion or vote pertaining to this matter.

Nathaniel Brown, Board Member, arrived at 10:00 a.m.

**Arrival of Board
Member**

In the matter of **File Number 2010-04844, William Arthur Carter**, the Board reviewed the record which consisted of the application 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 Mr. Funkhouser and seconded by Mr. Lozano to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve Mr. Carter's application for a real estate salesperson's license subject to an Agreement for Licensure for one (1) year. The motion failed. Members voting "Yes" were Funkhouser and Lozano. Members voting "No" were Brown, Childress, Clarke, Taylor and Wells.

**File Number 2010-
04844, William
Arthur Carter**

A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Carter's application for a real estate salesperson's license. The Board considered the record, including Carter's age at the time of the last offense and, as such, he was of a sufficient age to recognize the difference between right and wrong. In addition, the Board considered the extent and relationship of Carter's crime and his fitness to perform the duties and discharge the responsibilities of the occupation. Further the Board determined that due to the egregious nature of the crime, conflicting testimony from Carter, and the fact that he will have unsupervised contact with and access to a public of all ages. The Board is of the opinion it could not protect the health, safety and welfare of the public. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clarke, Taylor and Wells. Members voting "No" were Funkhouser and Lozano.

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

In the matter of **File Number 2010-03828, Dorcas Martinez-Hall**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Ms. Martinez-Hall may be acting as a real estate

**File Number 2010-
03828, Dorcas
Martinez-Hall**

salesperson/broker when she is not licensed by the Board. A motion was made by Mr. Wells and seconded by Ms. Childress to issue a Cease and Desist Order to Ms. Martinez-Hall to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

The Board recessed from 10:10 A.M. to 10:30 A.M.

Break

Ms. Taylor introduced new Board members Jorge Lozano and Joe Funkhouser. No action was taken by the Board.

**Administrative
Issues**

A motion was made by Mr. Wells and seconded by Ms. Childress to adopt the following resolution to honor the years of dedicated service by former Board Member Marjorie Clark to the Board:

Resolution

RESOLUTION IN HONOR OF

Marjorie Clark

WHEREAS, **Marjorie Clark**, has faithfully and diligently served as a member of the Real Estate Board since 2002; and

WHEREAS, **Marjorie Clark**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Marjorie Clark**, 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 ninth day of September, 2010 that **Marjorie Clark** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of

the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Member voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Childress to adopt the following resolution to honor the years of dedicated service by former Board Member Florence Daniels to the Board:

Resolution

RESOLUTION IN HONOR OF

Florence Daniels

WHEREAS, **Florence Daniels**, has faithfully and diligently served as a member of the Real Estate Board since 2002; and

WHEREAS, **Florence Daniels**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Florence Daniels**, 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 ninth day of September, 2010 that **Florence Daniels** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

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

The motion passed unanimously. Member voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Childress to adopt the following resolution to honor the years of dedicated service by former Board Member Scott Gaeser to the Board:

Resolution

RESOLUTION IN HONOR OF

Scott Gaeser

WHEREAS, **Scott Gaeser**, has faithfully and diligently served as a member of the Real Estate Board since 2006; and

WHEREAS, **Scott Gaeser**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Scott Gaeser**, 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 ninth day of September, 2010 that **Scott Gaeser** 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, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Johnson to support the Virginia Association of Realtors in concept regarding the proposal to amend the continuing education requirement in the Code of Virginia and have it reviewed by the Real Estate Advisory Council during its 2010

**Administrative
Issues**

meeting. The motion passed unanimously. Member voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

The Board reviewed the Education Committee Report. A motion was made by Ms. Clarke and seconded by Ms. Johnson to accept the September 8, 2010, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson, Lozano, Taylor and Wells.

Education Committee Report

Ms. Johnson gave the Board an update on the Regulatory Review Committee. No action was taken by the Board.

Old Business

The Compliance and Investigative Division (CID) staff updated the Board on its Inspections program. No action was taken by the Board.

There being no further business, the Board adjourned at 11:35 A.M.

Adjourn

Byrl Taylor, Chair

Gordon Dixon, Secretary