

REAL ESTATE BOARD
MINUTES OF MEETING

November 18, 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
Nathaniel Brown (arrived at 9:14 a.m.)
Judith L. Childress
Sharon Johnson
Sandra Ferebee

Board member not present: Joseph Funkhouser
Jorge G. Lozano

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
David Dorner, Investigations Director
Liz Hayes, Fair Housing Administrator
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Kristin Becker, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Tom Payne from the Office of the Attorney General was present.

Byrl Taylor called the meeting to order at 9:10 A.M.

Call to Order

A motion was made by Mr. Wells and seconded by Ms. Johnson to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

Agenda

A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the following minutes: September 8, 2010, Regulatory Review Committee Meeting, September 8, 2010, Informal Fact-

Minutes

Finding Conference (Disciplinary); September 8, 2010, Informal Fact-Finding Conference (Licensing); September 9, 2010, Real Estate Board Meeting; September 9, 2010, Informal Fact-Finding Conference (Disciplinary); September 9, 2010, Informal Fact-Finding Conference (Licensing); September 14, 2010, Informal Fact-Finding Conference; September 22, 2010, Informal Fact-Finding Conference; September 23, 2010, (9:00 A.M.) Informal Fact-Finding Conference; September 23, 2010, (11:00 A.M.) Informal Fact-Finding Conference; September 23, 2010, Informal Fact-Finding Conference (Disciplinary); September 30, 2010, Informal Fact-Finding Conference; October 4, 2010, Informal Fact-Finding Conference; October 5, 2010, Informal Fact-Finding Conference; and October 26, 2010, Advisory Council Meeting Report. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

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

Board member Nate Brown arrived at 9:14 A.M.

In the matter of **Dimetra Redd v. Landmark Property Services, Inc., REB File Number 2010-05856**, a motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **Nora Ward v. Hercules Real Estate Services and Todd Copeland, REB File Number 2010-05765**, a motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **Frances Owens v. Billy Eudailey, Jr. and W. W. Eudailey t/a Eudailey & Co/GMAC Real Estate, REB File Number 2010-02896**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation of the

**Fair Housing
Administrators
Report**

**Arrival of Board
Member**

**Dimetra Redd v.
Landmark Property
Services, Inc., REB
File Number 2010-
05856**

**Nora Ward v.
Hercules Real Estate
Services and Todd
Copeland, REB File
Number 2010-05765**

**Frances Owens v.
Billy Eudailey, Jr.
and W. W. Eudailey
t/a Eudailey &
Co/GMAC Real**

Office of the Attorney General. A motion was made by Ms. Clarke and seconded by Mr. Wells to find reasonable cause that the respondents discriminated against complainants by refusing to rent and making discriminatory statement based upon familial status. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

**Estate, REB File
Number 2010-02896**

Jay DeBoer, Special Counsel for the Virginia Association of Realtors, addressed the Board concerning Virginia Association of Realtors Residential Lease forms. No action was taken by the Board.

Public Comment

In the matter of **File Number 2011-00880, Todd Fuller**, 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. Todd Fuller, applicant, was present and addressed the Board. 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. Fuller's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

**File Number 2011-
00880, Todd Fuller**

In the matter of **File Number 2011-01678, Henry Powell**, 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 Mr. Wells 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 Mr. Powell's application for a real estate salesperson's license, with the following amendment: Mr. Powell's license is subject to an agreement for licensure for a period of one year wherein Mr. Powell and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

**File Number 2011-
01678, Henry Powell**

In the matter of **File Number 2011-01927, Timothy Penick**, 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. Timothy Penick, applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Wells 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. Penick's application for a real estate salesperson's license, with the following amendment: Mr. Penick's license is subject to an agreement for licensure for a period of two years wherein Mr. Penick and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-01927, Timothy Penick

In the matter of **File Number 2011-01679, LaMonica Harrison**, 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. LaMonica Harrison, applicant, was present and addressed the Board. 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 Ms. Harrison's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-01679, LaMonica Harrison

In the matter of **File Number 2011-01681, Bradley McKnight**, 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 (IFF) to deny Mr. McKnight's application based upon the record. After reviewing the facts and nature of the crimes, the Board thoroughly considered the Summary of the IFF and the Recommendation, the Board is of the opinion that due to the

File Number 2011-01681, Bradley McKnight

recentness of McKnight's last involvement in the commission of a crime, and the relationship of the crime to the purpose for requiring a license, that not enough time has elapsed for McKnight to demonstrate he has made the effort to correct his behavior. The Board further notes that McKnight has yet to complete the court ordered ASAP course from his April 2010 conviction. Therefore, in its exercise of its expert discretion, the Board determined that the relationship of the offenses and the Board's purpose to protect the health, safety and welfare of the public is significant enough to deny the license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-01672, Michael Douglas Taphouse**, 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. Michael Douglas Taphouse, 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 (IFF) to deny Mr. Taphouse's application based upon the record. After reviewing the facts and nature of the crimes, the Board considered the Summary of the IFF and the Recommendation, and after hearing from Taphouse at the Board meeting, the Board is of the opinion that due to the recentness of the last offense five months ago that not enough time has elapsed for Taphouse to demonstrate he has made the effort to correct his behavior and live an offense-free lifestyle. Therefore, in its exercise of its expert discretion, the Board determined that the relationship of the offenses and the Board's purpose to protect the health, safety and welfare of the public is significant enough to deny the license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-01672, Michael Douglas Taphouse

In the matter of **File Number 2011-01674, Elliott Davis**, 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 Mr. Wells and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal

File Number 2011-01674, Elliott Davis

Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Davis' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-01682, Marcia Hubley**, 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. Marcia Hubley, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Ferebee 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. Hubley's application for a real estate salesperson's license with a correction in the Summary of the Informal Fact-Finding Conference clarifying that Ms. Hubley had no prior criminal history. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-01682, Marcia Hubley

In the matter of **File Number 2011-02032, Scott Paterson**, 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. Scott Paterson, applicant, was present and address 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 a real estate broker's license contingent upon Paterson completing 45 hours of Real Estate law and to immediately issue a real estate salesperson's license with a correction to the Summary, Summation of Fact, correction paragraph 1, sentence 1 from August 26, 2010 instead of 2009; and changing 1976 to 1996; and correcting paragraph 2, sentence 1 to read Board statute instead of regulation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

File Number 2011-02032, Scott Paterson

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 2011-01924, Roy Amason**, 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. Roy Amason, applicant, was 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 Mr. Amason's application for a real estate broker's license acknowledging completion of the 2 hours in each of the following topics; (1) ethics and standard of conduct, (2) fair housing, and (3) Real Estate Agency. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

File Number 2011-01924, Roy Amason

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 2011-01392, Kenneth Brown**, 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 Ms. Childress, and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the real estate broker's license. The Board determined based upon the record that Brown did not provide proof that he has been actively engaged as a salesperson/broker for 36 of the last 48 months with a correction deleting the phrase "what notice are you talking about?" from the third paragraph, first sentence. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Taylor.

File Number 2011-01392, Kenneth Brown

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 2011-01685, Glenn Witherspoon**, 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. Glenn Witherspoon, applicant, was present and addressed the Board. A motion was made by Ms. Johnson,

File Number 2011-01685, Glenn Witherspoon

and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the real estate broker's license. The Board determined based upon the record that Witherspoon did not provide proof that he has been actively engaged as a salesperson/broker for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson 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 2011-01391, Gloria M. Rosario**, 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. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Ms. Rosario's application based upon the record. After reviewing the facts, the Board is of the opinion that the relationship of Rosario's prior regulatory violation and the purpose of requiring a license are significant. Rosario's failure to accept responsibility for her actions in the Maryland transaction and the relationship of the Maryland violation and the Board's purpose to protect the health, safety and welfare of the public is significant enough to deny the license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Taylor.

File Number 2011-01391, Gloria M. Rosario

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 2011-01686, Steven Bunch**, 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. Steven Bunch, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant Mr. Bunch's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, and Taylor.

File Number 2011-01686, Steven Bunch

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

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

In the matter of **File Number 2011-01687, Tammy Bunch**, 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. Tammy Bunch, applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and grant Ms. Bunch's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, and Taylor.

File Number 2011-01687, Tammy Bunch

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

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

In the matter of **File Number 2011-00882, Ernest D. Banks, 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 Board member. Ernest D. Banks, Jr., applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Banks' application based upon the record. After reviewing the facts, the Board thoroughly considered the Summary of the IFF and the Recommendation. In addition, after hearing from Banks at the Board meeting, the Board is of the opinion that due to Banks prior disciplinary action, and the nature of the violation, that it could not approve Bank's application; there the Board voted to deny the license. The motion passed unanimously. Members voting "Yes" were The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

File Number 2011-00882, Ernest D. Banks, Jr.

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 2011-00881, George Souis**, 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. George Souis, applicant, was present and addressed the Board. 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 grant Mr. Souis' application for a real estate broker's license subject to the following: the state portion of Virginia Real Estate Broker's examination must be completed and successfully passed. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

File Number 2011-00881, George Souis

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 2010-05577, Theresa I. Nam**, the Board reviewed the Consent Order as seen and agreed to by Ms. Nam. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Nam admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 and agrees to no monetary penalty for the violation contained in Count 1 and Count 2, as well as \$150.00 in Board costs for a total of \$150.00. Further, for violation of Count 1, Nam agrees to probation of her license, to coincide with the sentencing order which states, "The Defendant shall be of good behavior for Twelve (12) months from the Defendant's date of sentencing". The date of sentencing was June 10, 2010; therefore this probation is effective as of the date of this order and continues until June 10, 2011. During this probation period, Nam 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) Comply with the terms of her sentencing order as assigned by the court; (3) Provide to the Board, on a quarterly basis, a written statement and supporting documentation that she is in compliance with terms listed above. If Nam violates any terms of this probation, her license shall be automatically suspended until such time as there is complete satisfactory compliance. Nam understands

File Number 2010-05577, Theresa I. Nam

the right to have this suspension 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, Clarke, Ferebee, Johnson and Taylor.

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

In the matter of **File Number 2011-01416, Sara Shelton Adams**, the Board reviewed the Consent Order as seen and agreed to by Ms. Adams. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Adams 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, Adams agrees to an one (1) year probation of her license, to run concurrent with the one (1) year court ordered probation. During this probation, Adams 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) Comply with the terms of her sentencing order as assigned by the court; (3) Provide to the Board, on a quarterly basis, a written statement and supporting documentation that she is in compliance with terms listed above. If Adams violates any terms of this probation, her license shall be automatically suspended until such time as there is complete satisfactory compliance. Adams understands the right to have this suspension 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, Clarke, Ferebee, Johnson and Taylor.

File Number 2011-01416, Sara Shelton Adams

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

In the matter of **File Number 2011-00693, Lourdes Rojas-Almanza**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rojas-Almanza. A motion was made by Ms.

File Number 2011-00693, Lourdes Rojas-Almanza

Clarke and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Rojas-Almanza admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, 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 and Count 2, as well as no Board costs. In addition, for violations of Count 1 and Count 2, Rojas-Almanza agrees to revocation of her license. Further, Rojas-Almanza agrees not to apply for, or obtain, a Virginia real estate salesperson's or broker's license in the future. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Taylor.

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

In the matter of **File Number 2010-03614, Gloria Berry**, the Board reviewed the Consent Order as seen and agreed to by Ms. Berry. A motion was made by Ms. Johnson and seconded by Ms. Clarke to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain further information. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Taylor.

File Number 2010-03614, Gloria Berry

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

In the matter of **File Number 2010-04163, Juan F. Chicas, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Chicas. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Chicas admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,550.00. In addition, for violation of Count 1, Chicas 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 this order. The course must be completed

File Number 2010-04163, Juan F. Chicas

in the classroom. Further, for violation of Count 2, Chicas agrees to complete at least four (4) classroom hours of Board-approved continuing 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 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, Clarke, Ferebee, Johnson, Taylor and Wells.

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 2010-02988, Noorjahan Syeda**, the Board reviewed the Consent Order as seen and agreed to by Ms. Syeda. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order wherein Ms. Syeda admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,200.00 for violation contained in Count 1, \$1,700.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$3,050.00. In addition, for violation of Counts 1 and 2, Syeda agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-02988, Noorjahan Syeda

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

The Board recessed from 10:40 A.M. to 10:50 A.M.

Break

In the matter of **File Number 2010-05212, Julie Huffmann Hamann**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hamann. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Hamann admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-280.2 (Count 2) of

File Number 2010-05212, Julie Huffman Hamann

the Board's 2008 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 \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Count 1, Hamann agrees to complete at least eight (8) 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 this 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. Further, for violation of Count 2, Hamann agrees to complete at least eight (8) 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 this 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 failed. Members voting "Yes" were Ferebee, Johnson, Wells. Members voting "No" were Brown, Childress and Taylor.

A motion was made by Mr. Wells and seconded by Ms. Johnson to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain further information. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

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

In the matter of **File Number 2009-01896, Mirtes Sousa Happy-Nysven**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation. William J. Kovatch, Jr., attorney for the respondent, and Mirtes Sousa Happy-Nysven, respondent were present and addressed the Board.

File Number 2009-01896, Mirtes Sousa Happy-Nysven

At 11:08 A.M., Ms. Johnson offered a motion which was seconded by Mr. Wells, that the Board meeting be recessed

Closed Session

and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Mark Courtney and Christine Martine.

This motion is made with respect to the matter(s) identified as agenda item(s):

30. File Number 2009-01896, Mirtes Sousa Happy-Nysven

At 11:40 A.M., a motion was made by Mr. Wells and seconded by Ms. Johnson that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 6-0

AYES: Brown, Childress, Ferebee, Johnson, Taylor and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Clarke.

ABSENT DURING THE MEETING: Funkhouser and Lozano.

In the matter of **File Number 2009-01896, Mirtes Sousa Happy-Nysven**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation. A motion was made by Ms. Johnson based on review of the evidence in the record to find Ms. Happy-Nysven's credibility in question due to inconsistent statements in the record including but not limited to the last paragraph on page 2, the last two paragraphs on page 3 and the fourth paragraph on page 4 of the Summary and Recommendation from the July 7, 2010, Informal Fact-Finding Conference. Therefore, I move to accept the summary and recommendations and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion was seconded by Ms. Ferebee. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

File Number 2009-01896, Mirtes Sousa Happy-Nysven

A motion was made by Ms. Johnson and seconded by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, for a total of \$1,500.00. The Board also imposes the following sanctions: revocation of Happy-Nysven broker's license for the violation of the regulation with the simultaneous issuance of a salesperson license, effective on the date of the execution of the Final Order. Further, Happy-Nysven shall retake and successfully complete 180 class/clock hours of Board approved broker pre-license education before she submits an application for a broker license. In addition, Happy-Nysven salesperson's license will be placed on probation for a period of three (3) years. While on probation, Happy-Nysven, and her broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

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

In the matter of **File Number 2010-04452, Gail Franke**, the Board reviewed the Consent Order as seen and agreed to by Ms. Franke. A motion was made by Ms. Johnson and

File Number 2010-04452, Gail Franke

seconded by Mr. Bhatt to accept the proposed Consent Order offer wherein Ms. Franke admits to a violation of 18 VAC 135-20-180.1.a (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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Taylor and Wells.

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

In the matter of **File Number 2010-04306, James I. Marrow**, 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. James I. Marrow, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor.

File Number 2010-04306, James I. Marrow

A motion was made by Ms. Ferebee 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, for a total of \$1,000.00. The Board also imposes the following sanction(s): Marrow's license is placed on probation for a period of two (2) years. During such time Marrow shall provide evidence acceptable to the Board that he has attended and successfully completed four (4) classroom hours (no on-line courses) of continuing education pertaining to Ethics within ninety (90) days of execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. In addition, Marrow, and his broker, will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board for a period of two (2) years. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson,

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 2010-05638, Tony C. Cash**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cash. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Cash admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-210.B (Count 2) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$750.00 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 \$1,300.00. In addition, Cash agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and Cash 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 this order. The courses 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 Brown, Childress, Clarke, Ferebee, Taylor and Wells.

File Number 2010-05638, Tony C. Cash

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 2010-03559, James Leonard Cash**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cash. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Cash admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board's 1999 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, Cash agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within

File Number 2010-03559, James Leonard Cash

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 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, Clarke, Ferebee, 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 2010-05661, Are Johan Andresen**, the Board reviewed the Consent Order as seen and agreed to by Mr. Andresen. A motion was made by Mr. Wells and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Andresen 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 \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. In addition, for violation of Count 1, Andresen agrees to complete at least four (4) classroom hours of Board-approved continuing 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 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, Clarke, Ferebee, 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 2010-01582, Tony C. Cash**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were

File Number 2010-05661, Are Johan Andresen

File Number 2010-01582, Tony C. Cash

Brown, Childress, Clarke, Ferebee, Johnson, Taylor. 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 find a violation of 18 VAC 135-20-300.10 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor. A motion was made by Mr. Wells and seconded by Ms. Ferebee 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 2 for a total of \$1,500.00. In addition, for the violation of Count 2 the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, 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 2010-04829, Dale G. Strawser**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor. 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 find a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

File Number 2010-04829, Dale G. Strawser

A motion was made by Mr. Wells and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor. A motion was made by Ms. Childress and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 2 for a total of \$1,000.00. In addition, for the violation of Count 1, Strawser's license shall be placed on probation and Strawser shall be required to provide evidence acceptable to the Board that he has attended and successfully completed two (2) classroom hours of continuing education pertaining to Ethics and Standards of Conduct; and completed two (2) classroom hours of continuing education pertaining to the Legal Updates. As to Count 2, the Board voted that Strawser's license shall be placed on probation and Strawser shall be required to provide evidence acceptable to the Board that he has attended and successfully completed four (4) classroom hours of continuing education pertaining to Real Estate Contracts. The course(s) shall be completed in the classroom (no on-line courses). Strawser must provide proof acceptable to the Board of the course completion within three (3) months days of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license with the correction to the Summary, Count 1 Recommendation to read 2 hours Ethics and Standards of Conduct and 2 hours Legal Updates and not Ethics and Standards of Conduct/Legal Updates. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, 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 2010-01247, Kathleen Gayle Carter**, 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 Mr. Wells and seconded by Ms. Clarke to

File Number 2010-01247, Kathleen Gayle Carter

accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor. 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 find a violation of 18 VAC 135-20-220.A.1 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells. 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 find a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells. 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 find a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

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 impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells. 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 impose a monetary penalty of \$500.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells. 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 impose a monetary penalty of \$2,500.00 for the violation contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.. 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 impose a monetary penalty of \$500.00 for the violation contained in Count 4, for a total of \$6,000.00. In addition the Board imposes revocation of license for the violation of Count 3 and Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Taylor and Wells.

As the presiding Board member, Ms. Johnson 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 2010-05196, Nathan D. Rowe**, the Board reviewed the Consent Order as seen and agreed to by Mr. Rowe. A motion was made by Mr. Wells and seconded by Ms. Johnson to accept the proposed Consent Order wherein Mr. Rowe 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 \$500.00 for violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-05196, Nathan D. Rowe

In the matter of **File Number 2010-00248, Nick Khawaja**, 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 Mr. Wells and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-00248, Nick Khawaja

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 to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1. The Board also imposes revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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

In the matter of **File Number 2010-00417, Aliyah Nisa Malik**, 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. Aliyah Nisa Malik, respondent, was 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 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, Clarke, Ferebee, Johnson and Wells.

File Number 2010-00417, Aliyah Nisa Malik

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 to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1. The Board also imposes revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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

In the matter of **File Number 2010-01986, Janice Wolk Grenadier**, 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 the Board's 2003 Regulations, 2 *violations* of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-240 (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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee,

File Number 2010-01986, Janice Wolk Grenadier

Johnson and Wells.

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 a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for each violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, for a total of \$12,500.00. In addition, the Board imposes revocation of license for the violation of Count 1, Count 2, Count 3 and Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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

In the matter of **File Number 2010-02801, Juliette Safwat Ghabbour**, 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. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

File Number 2010-02801, Juliette Safwat Ghabbour

A motion was made by Ms. Johnson and seconded by Ms. Wells 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 Count 2. In addition, the Board imposes revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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

In the matter of **File Number 2010-03854, Larry S. Brown**, the Board reviewed the record which consisted of the

File Number 2010-03854, Larry S.

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. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §6.7.5 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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 a monetary penalty of \$1,500.00 for the violation contained in Count 2, for a total of \$1,500.00. In addition, the Board imposes revocation of license for the violation of Count 1 and Count 2, with a correction to the Summary changing 18 VAC 135.20.260.5 to §6.7.5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson and Wells.

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

Ms. Taylor returned and assumed the position of Chair.

In the matter of **File Number 2011-00806, Virginia Real Estate Transaction Recovery Act Claim of Thomas Ward (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,459.25 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2010-06057, Virginia Real Estate Transaction Recovery Act Claim of Phyllis May**

Brown

Transfer of Chair

File Number 2011-00806, Virginia Real Estate Transaction Recovery Act Claim of Thomas Ward (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

File Number 2010-06057, Virginia Real

(Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,990.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2010-06038, Virginia Real Estate Transaction Recovery Act Claim of Carol and Sonya Coppadge (Claimants) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$740.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-00614, Virginia Real Estate Transaction Recovery Act Claim of Dean F. Sculthorpe (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,740.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

Estate Transaction Recovery Act Claim of Phyllis May (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

File Number 2010-06038, Virginia Real Estate Transaction Recovery Act Claim of Carol and Sonya Coppadge (Claimants) and Athans, Inc. t/a St. John's Realty (Regulant)

File Number 2011-00614, Virginia Real Estate Transaction Recovery Act Claim of Dean F. Sculthorpe (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00615, Virginia Real Estate Transaction Recovery Act Claim of Ronald Tilton (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,921.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00615, Virginia Real Estate Transaction Recovery Act Claim of Ronald Tilton (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06049, Virginia Real Estate Transaction Recovery Act Claim of Barbara Grey (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,084.25 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06049, Virginia Real Estate Transaction Recovery Act Claim of Barbara Grey (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06051, Virginia Real Estate Transaction Recovery Act Claim of Robert J. Grey, Jr. (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,209.25 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06051, Virginia Real Estate Transaction Recovery Act Claim of Robert J. Grey, Jr. (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06047, Virginia Real Estate Transaction Recovery Act Claim of Jean W. Dunn (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$5,803.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06047, Virginia Real Estate Transaction Recovery Act Claim of Jean W. Dunn (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06060, Virginia Real Estate Transaction Recovery Act Claim of Todd and Deborah Stoudt (Claimants) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$678.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06060, Virginia Real Estate Transaction Recovery Act Claim of Todd and Deborah Stoudt (Claimants) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00612, Virginia Real Estate Transaction Recovery Act Claim of Bettina Pamplona (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,928.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee,

File Number 2011-00612, Virginia Real Estate Transaction Recovery Act Claim of Bettina Pamplona (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

Johnson, Taylor and Wells.

In the matter of **File Number 2011-00029, Virginia Real Estate Transaction Recovery Act Claim of Eugene Smith (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,546.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00029, Virginia Real Estate Transaction Recovery Act Claim of Eugene Smith (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00609, Virginia Real Estate Transaction Recovery Act Claim of Howlette Partners LLC (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$4,886.06 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00609, Virginia Real Estate Transaction Recovery Act Claim of Howlette Partners LLC (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00031, Virginia Real Estate Transaction Recovery Act Claim of Latoya Anderson (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,709.25 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed

File Number 2011-00031, Virginia Real Estate Transaction Recovery Act Claim of Latoya Anderson (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2010-06048, Virginia Real Estate Transaction Recovery Act Claim of Margaret Duvall and Robert Petres (Claimants) and Athans, Inc. t/a St. John’s Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$4,428.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06048, Virginia Real Estate Transaction Recovery Act Claim of Margaret Duvall and Robert Petres (Claimants) and Athans, Inc. t/a St. John’s Realty (Regulant)

In the matter of **File Number 2011-00028, Virginia Real Estate Transaction Recovery Act Claim of Jennifer L. Tyler (Claimant) and Athans, Inc. t/a St. John’s Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,021.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00028, Virginia Real Estate Transaction Recovery Act Claim of Jennifer L. Tyler (Claimant) and Athans, Inc. t/a St. John’s Realty (Regulant)

In the matter of **File Number 2010-06053, Virginia Real Estate Transaction Recovery Act Claim of E. Michael Howlette (Claimant) and Athans, Inc. t/a St. John’s Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,276.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in

File Number 2010-06053, Virginia Real Estate Transaction Recovery Act Claim of E. Michael Howlette (Claimant) and Athans, Inc. t/a St. John’s Realty (Regulant)

anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2010-06035, Virginia Real Estate Transaction Recovery Act Claim of Danita Barnes (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,421.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06035, Virginia Real Estate Transaction Recovery Act Claim of Danita Barnes (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06054, Virginia Real Estate Transaction Recovery Act Claim of Holmberg Homes (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,365.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06054, Virginia Real Estate Transaction Recovery Act Claim of Holmberg Homes (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06058, Virginia Real Estate Transaction Recovery Act Claim of Mark Palmer (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,678.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in

File Number 2010-06058, Virginia Real Estate Transaction Recovery Act Claim of Mark Palmer (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2010-06059, Virginia Real Estate Transaction Recovery Act Claim of Sandra Jordan (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,615.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06059, Virginia Real Estate Transaction Recovery Act Claim of Sandra Jordan (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06036, Virginia Real Estate Transaction Recovery Act Claim of Spencer Budwell (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$3,865.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2010-06036, Virginia Real Estate Transaction Recovery Act Claim of Spencer Budwell (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00533, Virginia Real Estate Transaction Recovery Act Claim of Tracey J. Conley (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,365.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in

File Number 2011-00533, Virginia Real Estate Transaction Recovery Act Claim of Tracey J. Conley (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-00600, Virginia Real Estate Transaction Recovery Act Claim of Margaret Crews (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,240.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00600, Virginia Real Estate Transaction Recovery Act Claim of Margaret Crews (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00604, Virginia Real Estate Transaction Recovery Act Claim of Elfriede I. Dutz (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,590.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00604, Virginia Real Estate Transaction Recovery Act Claim of Elfriede I. Dutz (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00606, Virginia Real Estate Transaction Recovery Act Claim of Bettye Earley (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$2,303.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in

File Number 2011-00606, Virginia Real Estate Transaction Recovery Act Claim of Bettye Earley (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-00608, Virginia Real Estate Transaction Recovery Act Claim of Carl Engstrom (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,303.00 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00608, Virginia Real Estate Transaction Recovery Act Claim of Carl Engstrom (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00611, Virginia Real Estate Transaction Recovery Act Claim of Jeanine Neal (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,046.75 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00611, Virginia Real Estate Transaction Recovery Act Claim of Jeanine Neal (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00796, Virginia Real Estate Transaction Recovery Act Claim of Peter Mederi (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$3,584.25 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in

File Number 2011-00796, Virginia Real Estate Transaction Recovery Act Claim of Peter Mederi (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

In the matter of **File Number 2011-00799, Virginia Real Estate Transaction Recovery Act Claim of Megyeri Investments, LLC (Claimant) and Athans, Inc. t/a St. John's Realty (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 officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the recommendation to approve payment in the amount of \$1,615.50 but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

File Number 2011-00799, Virginia Real Estate Transaction Recovery Act Claim of Megyeri Investments, LLC (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

The Board recessed from 12:38 P.M. to 1:15 P.M.

Break

A motion was made by Ms. Johnson and seconded by Mr. Wells to reconsider the action for temporary Emergency Real Estate Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

Administrative Issues

A motion was made by Ms. Johnson and seconded by Ms. Ferebee to withdraw the regulatory action for Emergency Real Estate Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

A motion was made by Mr. Brown and seconded by Ms. Childress to approve payment of receiver fees from the recovery fund pursuant to §54.1-2108 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Childress to approve the amended Military Air Disclosure Form. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson,

Taylor and Wells.

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Real Estate Board. Clifford Wells nominated Judith Childress for the position of Vice-Chair. Carol Clarke nominated Sharon Johnson for the position of Vice-Chair. With no other nominations, the nominations were closed. Members voting for Judith Childress for the position of Vice-Chair were Childress, Taylor and Wells. Members voting for Sharon Johnson for the position of Vice-Chair were Brown, Clarke, Ferebee and Johnson. Sharon Johnson was nominated as Vice-Chair of the Real Estate Board by majority vote.

The Board reviewed the Education Committee Report. A motion was made by Ms. Clarke and seconded by Ms. Johnson to accept the November 17, 2010, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

Education Committee Report

A motion was made by Ms. Clarke and seconded by Mr. Wells due to change in law in Virginia to rescind the Reciprocity Agreement with West Virginia and give staff authority to negotiate another agreement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

Old Business

Ms. Johnson gave the Board an update on the Real Advisory Council Meeting. No action was taken by the Board.

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

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to approve the request of H. Clifford Scott, Jr. to carry on the business of his deceased father, a broker, for 180 days for the purpose of concluding the business of the deceased broker pursuant to §54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

New Business

A motion was made by Ms. Johnson and seconded by Ms. Clarke to appoint a task force to review and draft policy and

procedure manual guideline. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Taylor and Wells.

There being no further business, the Board adjourned at 2:45 **Adjourn**
P.M.

Byrl Taylor, Chair

Gordon Dixon, Secretary

DRAFT