

REAL ESTATE BOARD
MINUTES OF MEETING

January 27, 2011

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
Sandra Ferebee
Judith L. Childress
Joseph Funkhouser

Board member not present: Sharon Johnson
Jorge G. Lozano
Nathaniel Brown

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Nick Christner, Deputy Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Deanda Shelton, Fair Housing Assistant Administrator
Earlyne Perkins, Legal Analyst
Kristin Becker, 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 9:07 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Wells and seconded by Ms. Childress to adopt the following minutes: November 9, 2010, Informal Fact-Finding Conference (Licensing); November 17,

Minutes

2010, Informal Fact-Finding Conference (Licensing); November 17, 2010, Informal Fact-Finding Conference (Disciplinary); November 17, 2010, Regulatory Review Committee Meeting; November 18, 2010, Informal Fact-Finding Conference (Disciplinary); November 18, 2010, Informal Fact-Finding Conference (Licensing); November 18, 2010, Real Estate Board Meeting; December 8, 2010, Informal Fact-Finding Conference (Disciplinary); December 13, 2010, Informal Fact-Finding Conference (Disciplinary); December 13, 2010, Informal Fact-Finding Conference (Licensing); and December 16, 2010, Informal Fact-Finding Conference (Licensing). The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

There was no public comment.

Deanda Shelton, Fair Housing Assistant Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Adrienne and Fred Daniels v. Lillian Boutros, Jennifer Shields, and Augusta Realty Group Ltd., REB File Number 2011-01837**, 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 Ms. Ferebee to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to approve the Fair Housing Sub-Committee minutes of January 27, 2011. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2011-02166, Chad Parello**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the

Public Comment

**Fair Housing
Administrators
Report**

**Adrienne and Fred
Daniels v. Lillian
Boutros, Jennifer
Shields, and Augusta
Realty Group Ltd.,
REB File Number
2011-01837**

**Fair Housing
Minutes**

**File Number 2011-
02166, Chad Parello**

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

In the matter of **File Number 2011-02164, John Atherton**, 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. Mr. Atherton, applicant, and Allen Thompson, witness, appeared and addressed the Board. A motion was made by Ms. Clarke 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. Atherton's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02164, John Atherton

In the matter of **File Number 2011-02107, Patrick Augustus Baden**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Baden's application based upon the record. After reviewing the facts and the nature of the crimes, the Board thoroughly considered the Summary of the IFF and the Recommendation, and the Board is of the opinion that due to the recentness of Baden's last involvement in the commission of a crime, and the relationship of the crime to the purpose for requiring a license as well as Baden's not possessing the character or integrity to possess the credentials of a license, the Board determined that the relationship of the offense 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 Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02107, Patrick Augustus Baden

In the matter of **File Number 2011-02415, Marian Riedel**, the Board reviewed the record which consisted of the

File Number 2011-02415, Marian Riedel

application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Marian Riedel, applicant, appeared and addressed the Board. A motion was made by Ms. Ferebee 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. Riedel's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Ms. Riedel and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2011-02165, Lance Young**, 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. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Young'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, and the Board is of the opinion that due to Young purposefully omitting his criminal conviction information and providing false statements on his application that Young has not demonstrated a reputation for honesty and truthfulness in a manner to safeguard the interest of the public. Therefore, the Board determined that the relationship of the offense 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 Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02165, Lance Young

In the matter of **File Number 2011-02417, Tara Driggers**, 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. Ferebee and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the

File Number 2011-02417, Tara Driggers

criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Driggers's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2011-02424, Dawn Cales**, 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. Clarke and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Cales' application for a Real Estate Pre-license Education Instructor Certification to teach Principles and Practices of Real Estate. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02424, Dawn Cales

In the matter of **File Number 2011-02168, Hamid Faraji**, 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. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, approve Mr. Faraji's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02168, Hamid Faraji

In the matter of **File Number 2011-02416, Cathleen DeLoach**, 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. Childress 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. DeLoach's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-02416, Cathleen DeLoach

In the matter of **File Number 2011-02690, Chester Budd**, 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. Chester Budd, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to remand the case to another Informal Fact-Finding Conference (IFF) to consider letters of reference Mr. Budd asked to present to the Board. The motion failed. Members voting "Yes" were Wells, Funkhouser and Clarke. Members voting "No" were Childress, Ferebee and Taylor.

File Number 2011-02690, Chester Budd

A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Budd's application based upon the record. The motion failed. Members voting "Yes" were Childress and Taylor. Members voting "No" were Ferebee, Wells, Funkhouser and Clarke.

A motion was made to defer the case while copies of the reference letters were made to distribute to the Board for review. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

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 2011-02623, Kaera Mims**, 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. Clarke and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mims' application for a Real Estate Pre-license Education Instructor Certification to teach Principles and Practices of Real Estate. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-02623, Kaera Mims

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 2011-00938, Cornell Lorenzo Urquhart**, 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. Cornell Lorenzo Urquhart, respondent, and Michael Lafayette, attorney for respondent, were 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 find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells. 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 find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-00938, Cornell Lorenzo Urquhart

A motion was made by Mr. Funkhouser and seconded by Mr. Wells to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose revocation of his broker's license and simultaneously issue Urquhart a salesperson's license which will be placed on probation for a period of two (2) years with quarterly reporting during the probation to the Board from Urquhart, and his broker for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

A motion was made by Mr. Wells and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,500.00 for the violation contained in Count 2, for a total of \$2,500.00. Additionally, impose revocation of Urquhart's broker's license and simultaneously issue Urquhart a salesperson's license to be placed on probation for a period of two (2) years with quarterly reporting to the Board during the probation from Urquhart, and his broker for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser 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 2010-03671, Michael Lee Conway**, 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 accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-185.B (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2010-03671, Michael Lee Conway

A motion was made by Mr. Wells and seconded by Mr. Funkhouser 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 \$2,500.00 for the violation contained in Count 2, for a total of \$3,500.00. 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 Childress, Clarke, Ferebee, Funkhouser 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.

Transfer of Chair

In the matter of **File Number 2011-02690, Chester Budd**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, the Summary of the Informal Fact-Finding Conference of the presiding officer and two letters of reference presented by Mr. Budd. Chester Budd, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation of the Informal Fact-Finding Conference to deny the 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. After hearing from Budd

File Number 2011-02690, Chester Budd

at the Board meeting, and reviewing two reference letters presented by Budd, the Board is of the opinion that due to the recentness of Budd's last involvement in the commission of a crime, and the relationship of the crimes to the purpose for requiring a license, as well as Budd not possessing the character or integrity to possess the credentials of a licensee based on the false information on the application submitted, 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 Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2010-00983, Wen Yu**, 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 135-20-260.11 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.6 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells. A motion was made by Mr. Funkhouser 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 135-20-290.2 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells. 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 find no violation of 18 VAC 135-20-240 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the

File Number 2010-00983, Wen Yu

Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-170.A.1 (Count 5) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

A motion was made by Ms. Clarke 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 \$2,500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, and \$600.00 for the violation contained in Count 5, for a total of \$4,200.00. The Board also imposes the following sanctions: Suspension of Yu's license for a period of twenty-four (24) months or until Yu completes the continuing education hours, whichever is longer. As to Count 1, Yu's license shall be placed on probation and Yu shall be required to provide evidence acceptable to the Board that she has attended and successfully completed three (3) classroom hours of continuing education pertaining Ethics and Standards of Conduct. As to Count 2, Yu's license shall be placed on probation and Yu shall be required to provide evidence acceptable to the Board that she has attended and successfully completed two (2) classroom hours of continuing education pertaining to Real Estate Contracts. As to Count 5, the Board voted Yu's license shall be placed on probation and Yu shall be required to provide evidence acceptable to the Board that she has attended and successfully completed three (3) classroom hours of continuing education pertaining to Legal Updates and Emerging Trends. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2010-01554, Karen Casey Taylor**, 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. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a

File Number 2010-01554, Karen Casey Taylor

violation of 18 VAC 135-20-185.C.2 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-180.B.4 (Count 2) of the Board's 2008 Regulations, find a violation of 18 VAC 135-20-180.B.1.b (Count 3) of the Board's 2008 Regulations, find a violation of 18 VAC 135-20-185.C.3 (Count 4) of the Board's 2003 Regulations, find 2 *violations* of 18 VAC 135-20-260.11 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, 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 \$900.00 for the violation contained in Count 1, \$1,300.00 for the violation contained in Count 2, \$700.00 for the violation contained in Count 3, \$1,450.00 for the violation contained in Count 4, and \$1,700.00 for the violation of Count 5, for a total of \$6,050.00. The Board also imposes the following sanctions: revocation of Taylor's license for the violation of Count 1, Count 4 and Count 5. As to Count 2, Taylor's license will be placed on Probation. While on Probation, Taylor shall be required to complete two (2) classroom hours of continuing education pertaining Escrow. The course shall be completed in the classroom (no on-line courses). Taylor shall provide evidence acceptable to the Board that she has successfully completed the course within three (3) months of the effective date of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. As to Count 3, Taylor's license will be placed on Probation. While on Probation, Taylor shall be required to complete two (2) classroom hours of continuing education pertaining Real Estate Contracts. The course shall be completed in the classroom (no on-line courses). Taylor shall provide evidence acceptable to the Board that she has successfully completed the course within three (3) months of the effective date of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2010-04151, Patrick Venditti**, 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. Gary Arsenault, attorney for the respondent, 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 to close the file and find no violation of 18 VAC 135-20-260.11. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2010-04151, Patrick Venditti

In the matter of **File Number 2010-03767, Joanne McElroy-Hall**, the Board reviewed the Consent Order as seen and agreed to by Ms. McElroy-Hall. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. McElroy-Hall admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.2 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1 and Count 2, \$500.00 for the violation contained in Count 3, as well as \$350.00 in Board costs for a total of \$850.00. In addition, for violation of Counts 1, 2, and 3, McElroy-Hall agrees to the voluntary revocation of her license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Taylor.

File Number 2010-03767, Joanne McElroy-Hall

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 2010-03872, Joanne McElroy-Hall**, the Board reviewed the Consent Order as seen and agreed to by Ms. McElroy-Hall. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. McElroy-Hall admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.2 (Count 3) of the Board's 2003

File Number 2010-03872, Joanne McElroy-Hall

Regulations, and a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations and agrees to no monetary penalty for the violation contained in Count 1, Count 2, and Count 3, \$500.00 for the violation contained in Count 4, as well as \$350.00 in Board costs for a total of \$850.00. In addition, for violation of Counts 1, 2, 3 and 4, McElroy-Hall agrees to the voluntary revocation of her license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser 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 2011-02055, Carl M. Early**, the Board reviewed the Consent Order as seen and agreed to by Mr. Early. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Early 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 \$250.00 for violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Taylor and Wells.

File Number 2011-02055, Carl M. Early

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

In the matter of **File Number 2011-00050, Julie Tokarz Hall**, 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. Brian Sivak, witness, 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 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 Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-00050, Julie Tokarz Hall

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 to impose a monetary

penalty of \$750.00 for the violation contained in Count 1, for a total of \$750.00. The Board also imposes the following sanction(s): Hall's license is placed on probation for a period of six (6) months. While on Probation, Hall shall be required to complete four (4) classroom hours of Board approved continuing education pertaining to real estate contracts. The course shall be completed in the classroom (no on-line courses). Hall shall provide evidence acceptable to the Board that she has successfully completed the course within three (3) months of the effective date of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Clarke, Ferebee, Funkhouser, Taylor and Wells.

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

In the matter of **File Number 2010-05623, Carol Renee Quinn**, the Board reviewed the Consent Order as seen and agreed to by Ms. Quinn. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Quinn admits to a violation of §54.1-2135.A.2 (Count 1) of the *Code of Virginia*, a violation of §54.1-2135.A.1 (Count 2) of the *Code of Virginia*, and a violation of 18 VAC 135-20-210 (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$200.00 for the violation contained in Count 2, \$100.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$950.00. In addition, Quinn agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Property 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, Ferebee, Funkhouser, Taylor and Wells.

File Number 2010-05623, Carol Renee Quinn

In the matter of **File Number 2010-04507, Harry W. L. Shepherd**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shepherd. A motion was made by Mr. Wells

File Number 2010-04507, Harry W. L. Shepherd

and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Shepherd admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,600.00. In addition, for the violation of Count 1, Shepherd agrees to complete at least two (2) classroom hours of Board-approved education pertaining to Property 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, Ferebee, Funkhouser, Taylor and Wells.

In the matter of **File Number 2011-01123, Virginia Real Estate Transaction Recovery Act Claim of Corbell Investments (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$1,303.00 with the correction to the Background of the Claim Review, the name should be Corbell Investments not "Jeanine Neal", Under Prima Facie and the Amended Recommendation, third paragraph the dollar amount should read \$1,303.00. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-01123, Virginia Real Estate Transaction Recovery Act Claim of Corbell Investments (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00616, Virginia Real Estate Transaction Recovery Act Claim of Melissa Yadao (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$1,678.00. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-00616, Virginia Real Estate Transaction Recovery Act Claim of Melissa Yadao (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2011-00602, Virginia Real**

File Number 2011-

Estate Transaction Recovery Act Claim of Eric Gross (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant) the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$865.50. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

00602, Virginia Real Estate Transaction Recovery Act Claim of Eric Gross (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

In the matter of **File Number 2010-06056, Virginia Real Estate Transaction Recovery Act Claim of Bernice Lewis (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$8,209.25 with the correction Under Prima Facie and the Amended Recommendation; third paragraph the dollar amount should read \$8,209.25. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

File Number 2011-06056, Virginia Real Estate Transaction Recovery Act Claim of Bernice Lewis (Claimant) and Athans, Inc. t/a St. John's Realty (Regulant)

The Board recessed from 10:30 A.M. to 10:46 A.M.

Break

Sharon Sweet, Examinations Director, discussed extending the PSI Examination contract with the Board. A motion was made by Ms. Ferebee and seconded Ms. Clarke to extend the PSI examination contract for one year. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

Administrative Issues

Ms. Martine gave the Board an update on pending legislation. No action was taken by the Board.

A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to approve use of past Board members within three years of going off the Board only in instances where staff needs to use former Board members due to the unavailability of current Board members or in situations where the quorum may be affected. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

The Board discussed whether to grant broker pre-license education credit to broker licensees in the Virginia border states of Maryland, North Carolina, Tennessee and West Virginia who apply for a Virginia broker license by reciprocity. The Board determined the broker pre-license education completed by reciprocal applicants from these states is “comparable in content and duration and scope” to the broker pre-license education required by the Board in Section 54-1-2105.B.3 of the Code of Virginia. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to accept the broker pre-license education completed by broker license reciprocal applicants from Maryland, North Carolina, Tennessee and West Virginia toward the Board’s 180 classroom hour broker pre-license education requirement. Broker license reciprocal applicants from these states who do not meet the Board’s 180 classroom hour broker pre-license education requirement must make up the difference in hours by completing a Board-approved Real Estate Brokerage pre-license education course, and, if necessary, additional Board-approved broker pre-license education courses. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

Education

The Board reviewed the Education Committee Report. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the January 26, 2011, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Ms. Ferebee to reconsider the Recovery Fund claims, agenda items 27-30. The motion passed unanimously. Members voting “Yes” were Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells

New Business

A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation to approve the Recovery Fund claims, agenda items 27-30, 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 Childress, Clarke, Ferebee, Funkhouser, Taylor and Wells

There being no further business, the Board adjourned at 11:50 A.M.

Adjourn

Byrl Taylor, Chair

Gordon Dixon, Secretary

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