REAL ESTATE BOARD
MINUTES OF MEETING

January 26, 2012

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

Clifford L. Wells, Chairman
Judith Childress, Vice-Chair
Sharon Johnson
Joseph Funkhouser, II
Carol Clarke
Sandra Ferebee
Nathaniel Brown (arrived at 9:08 a.m.)
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DPOR staff present for all or part of the meeting included:

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Liz Hayes, Fair Housing Administrator
Earlyne Perkins, Legal Analyst
Victoria Traylor, Legal Analyst
Kevin Hoeft, Education Administrator
Jeff Williams, Board Administrator
Emily Trent, Administrative Assistant

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

Call to Order

Mr. Wells called the meeting to order at 9:05 A.M.

Agenda

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

Minutes

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to adopt the following minutes: October 18, 2011, Informal Fact-Finding Conference; November 16, 2011, Real Estate Regulatory Review Committee Meeting; November 17, 2011, Real Estate Board Meeting; November 30, 2011,

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Informal Fact-Finding Conference; December 8, 2011, Informal Fact-Finding Conference; December 9, 2011, Informal Fact-Finding Conference; December 13, 2011, Informal Fact-Finding Conference; and December 13, 2011 (Licensing), Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Public Comment

There was no public comment.

Fair Housing Administrators Report

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

Arrival of Board Member

Board member Nate Brown arrived at 9:08 A.M.

Mohamed Saad v. Milagro Lopez and Kiwi Real Estate, LLC, t/a Lopez Realtors, REB File Number 2012-00589

In the matter of **Mohamed Saad v. Milagro Lopez and Kiwi Real Estate, LLC, t/a Lopez Realtors, REB File Number 2012-00589,** the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Richard Craig, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Victoria Anderson and Rasheen McDowell v. Elizabeth Dubrule and Hercules Real Estate Service, REB File Number 2011-04980

In the matter of **Victoria Anderson and Rasheen McDowell v. Elizabeth Dubrule and Hercules Real Estate Service, REB File Number 2011-04980,** the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Victoria Anderson and Rasheen McDowell, complainants, and Richard Craig, attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Sara Antes v. Cushman & Wakefield/ Thalhimer, REB File Number 2011-04812

In the matter of **Sara Antes v. Cushman & Wakefield/Thalhimer, REB File Number 2011-04812,** the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Ms.

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Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Patricia C. Castellano v. Ron Khuong, Proplocate Realty, LLC t/a Proplocate Realty, REB File Number 2012-00753,

In the matter of **Patricia C. Castellano v. Ron Khuong, Proplocate Realty, LLC t/a Proplocate Realty, REB File Number 2012-00753,** the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Veronica Chrisp v. JRK Residential America, LLC, REB File Number 2011-04349

In the matter of **Veronica Chrisp v. JRK Residential America, LLC, REB File Number 2011-04349,** Liz Hayes updated the Board on the status of this conciliation. No action was taken by the Board.

Zachary Belcher and Andrew Deboissiere v. Renee Daniels and 1st Choice Realty Affiliates LLC, t/a Exit 1st Choice Realty, REB File Number 2011-04573

In the matter of **Zachary Belcher and Andrew Deboissiere v. Renee Daniels and 1st Choice Realty Affiliates LLC, t/a Exit 1st Choice Realty, REB File Number 2011-04573,** a motion was made by Ms. Ferebee and seconded by Ms. Clarke 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, Do, Ferebee, Funkhouser, Johnson and Wells.

Beulah Arrington v. Dezaray Drinkard, and Artcraft Management, Inc., REB File Number 2012-00990

In the matter of **Beulah Arrington v. Dezaray Drinkard, and Artcraft Management, Inc., REB File Number 2012-00990,** a motion was made by Ms. Ferebee and seconded by Ms. Clarke 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, Do, Ferebee, Funkhouser, Johnson and Wells.

Shirley Thomas v. JRK Residential America, LLC, REB File Number 2011-03816

In the matter of **Shirley Thomas v. JRK Residential America, LLC, REB File Number 2011-03816,** a motion was made by Ms. Ferebee and seconded by Ms. Clarke 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, Do, Ferebee, Funkhouser, Johnson and Wells.

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Housing Opportunities Made Equal v. JRK Residential America, LLC, REB File Number 2011-03817

In the matter of **Housing Opportunities Made Equal v. JRK Residential America LLC, REB File Number 2011-03817,** a motion was made by Ms. Ferebee and seconded by Ms. Clarke 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, Do, Ferebee, Funkhouser, Johnson and Wells.

Fair Housing Minutes

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the Fair Housing Sub-Committee minutes of November 17, 2011. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Administrative Issues

Valerie Matney, Director of Investigations – Field Operations, and Johnathan Darden, Director of Investigations – Central Operations, updated the Board on the status of Real Estate Firm inspections. No action was taken by the Board.

File Number 2012-01068, Marvin Smith

In the matter of **File Number 2012-01068, Marvin Smith,** 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. Marvin Smith, 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Smith's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-01069, Theresa K. Garvis

In the matter of **File Number 2012-01069, Theresa K. Garvis,** 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. Theresa K. Garvis, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Garvis' application for a real estate

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salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Transfer of Chair

Mr. Wells turned the position of Chair over to Ms. Childress and recused himself from the meeting.

File Number 2012-01500, Yousuf Raza

In the matter of **File Number 2012-01500, Yousuf Raza,** 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 Board member. Yousuf Raza, applicant, was present and addressed the Board. 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 deny Mr. Raza's application for a real estate broker's license. The motion failed. Members voting "Yes" were Childress and Brown. Members voting "No" were Clarke, Do, Ferebee, Funkhouser and Johnson. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead issue an associate broker's license subject to an agreement for licensure for a period of two years wherein Mr. Raza and his broker will provide an annual report to the Board. Mr. Raza has 14 days to accept this offer, if Mr. Raza does not agree to the terms the original recommendation for denial will take effect. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, and Johnson.

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

File Number 2012-00687, Randolph Brett Perrin

In the matter of **File Number 2012-00687, Randolph Brett Perrin,** 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. Randolph Brett Perrin, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Perrin's application for a real estate broker's license. The motion passed unanimously. Members voting

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"Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, and Johnson.

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

File Number 2012-00697, Charlese Allen Breitenother

In the matter of **File Number 2012-00697, Charlese Allen Breitenother,** 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. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Breitenother's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, and Johnson.

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

File Number 2011-03309, Richard Livingston Joyeusaz

In the matter of **File Number 2011-03309, Richard Livingston Joyeusaz,** 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. Richard Livingston Joyeusaz, 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 and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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 revocation of license for the violation contained in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee,

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Funkhouser and Johnson.

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

File Number 2011-03508, Ivette Monney

In the matter of **File Number 2011-03508, Ivette Monney,** 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. Ferebee and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file and find no violation of Count 1 and no violation of Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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

File Number 2011-02846, Gunther Alberto Viscarra

In the matter of **File Number 2011-02846, Gunther Alberto Viscarra,** 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. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-170.A.1 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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 $500.00 for the violation contained in Count 1, for a total of $500.00. In addition, the Board imposes revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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

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File Number 2011-03182, Ivan Marcelo Parada

In the matter of **File Number 2011-03182, Ivan Marcelo Parada,** 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 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations 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, Do, Ferebee, Funkhouser and Johnson.

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 $500.00 for the violation contained in Count 1, $500.00 for the violation contained in Count 2, for a total of $1,000.00. In addition, for the violation of Count 1, Parada's license shall be placed on probation and Parada shall be required to complete four (4) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such courses shall be completed in a classroom. Further, Parada shall provide evidence acceptable to the Board that Parada has successfully completed the courses within three (3) months of the effective date of this order. If such evidence is not submitted within the specified timeframe, Parada's license shall be suspended until he complies with this term. Further, for the violation of Count 2, Parada's license shall be placed on probation and Parada shall be required to complete four (4) classroom hours of Board-approved continuing education pertaining to Ethics. Such courses shall be completed in a classroom. Further, Parada shall provide evidence acceptable to the Board that Parada has successfully completed the course within three (3) months of the effective date of this order. If such evidence is not submitted within the specified timeframe, Parada's license shall be suspended until he complies with this term. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, Parada's license will be placed on probation for one (1) year. While on probation, Parada and his broker will provide quarterly reports

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to the Board that he is in compliance with the regulations of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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

File Number 2011-04216, Christine Ann-Marie Nielsen

In the matter of **File Number 2011-04216, Christine Ann-Marie Nielsen,** the Board reviewed the Consent Order as seen and agreed to by Ms. Nielsen. Ms. Nielsen, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Nielsen admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations and agrees to no monetary penalty for Count 1, as well as $150.00 in Board costs, for a total of $150.00. In addition, for the violation of Count 1, Nielsen agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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

File Number 2011-04996, Theodoros Gregory Priftis

In the matter of **File Number 2011-04996, Theodoros Gregory Priftis,** the Board reviewed the Consent Order as seen and agreed to by Mr. Priftis. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Priftis admits to a violation of 18 VAC 135-20-290.2 (Count 1) of the Board's 2003 Regulations and agrees to no monetary penalty for Count 1, as well as $150.00 in Board costs, for a total of $150.00. In addition, for the violation of Count 1, Priftis agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and

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provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

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

File Number 2011-02715, Ann W. High

In the matter of **File Number 2011-02715, Ann W. High,** 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. Charllotte Erskines, complainant, was present and address 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 find a violation 18 VAC 135-20-180.C.2 (Count 1) of the Board's 2008 Regulations, a violation 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, Do, Funkhouser and Johnson.

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, for a total of $2,500.00. In addition, for the violation of Count 1 and Count 2 the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

As the presiding Board member and Board member who reviewed the file, Mr. Wells and Ms. Ferebee did not participate in the discussion or vote pertaining to this matter.

Transfer of Chair

Mr. Wells returned and assumed the position of Chair.

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File Number 2011-01514, Peter Tang Tang

In the matter of **File Number 2011-01514, Peter Tang Tang,** 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. Mr. Tang, 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 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Funkhouser, Johnson and Wells.

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

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

File Number 2011-03987, Peter Tang Tang

In the matter of **File Number 2011-03987, Peter Tang Tang,** 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. Mr. Tang, 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 18 VAC 135-20-250.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Funkhouser, Johnson and Wells.

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

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

File Number 2012-00504, Nick Khawaja

In the matter of **File Number 2012-00504, Nick Khawaja,** 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 Board member. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Khawaja's application for a real estate salesperson's license subject to an agreement for licensure with the following conditions: (1) Khawaja agrees that he and his broker will submit a quarterly report to the Board for the first year advising of Khawaja's status as a licensee; (2) Khawaja and his broker agree to appear before the Board twice per year for two years, if requested by the Board; (3) Khawaja completes an Ethics and Standards of Conduct course and a course pertaining to Contracts within six months of the Agreement, and that he submits proof within 30 days, of his successful completion of these courses; (4) Khawaja agrees that the above courses will not count toward any continuing education requirements, and that the coursework must be classroom hours; (5) Khawaja and his broker agree to submit a bi-annual report to the Board for the second year advising of Khawaja's status as a licensee; (6) Khawaja agrees that his failure to comply with any term outlined in the Agreement will result in automatic suspension of his license until such time as he comes into compliance; and removing item #7 from the terms of the agreement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

As the presiding Board member, Ms. Ferebee did not

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participate in the discussion or vote pertaining to this matter.

File Number 2012-00027, Ernie Ertel Jackson

In the matter of **File Number 2012-00027, Ernie Ertel Jackson,** the Board reviewed the Consent Order as seen and agreed to by Mr. Jackson. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Jackson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and agrees to no monetary penalty for Count 1, as well as $150.00 in Board costs, for a total of $150.00. In addition, for the violation of Count 1, Jackson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2012-00170, Usen Sony Udodong

In the matter of **File Number 2012-00170, Usen Sony Udodong**, the Board reviewed the Consent Order as seen and agreed to by Mr. Udodong. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Udodong admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of $1,100.00 for the violation contained in Count 1, as well as $150.00 in Board costs for a total of $1,250.00. The Board shall waive $350.00 of the $1,100.00 monetary penalty for Count 1 provided Udodong completes at least six (6) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within six (6) months of the effective date of this order. If Udodong fails to comply with these conditions, then the full monetary penalty will be

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automatically imposed. 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. In addition, Udodong agrees to enter into an Agreement for Licensure which requires that he and his principal broker report to the Board quarterly, 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, Do, Funkhouser, Johnson and Wells.

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

File Number 2012-00182, Ging-Hwang Felicia Tsoa

In the matter of **File Number 2012-00182, Ging-Hwang Felicia Tsoa,** the Board reviewed the Consent Order as seen and agreed to by Ms. Tsoa. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Tsoa admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, and a violation of §54.1-2132.A.4 of the *Code of Virginia* and agrees to a monetary penalty of $600.00 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 $1,150.00. In addition, for the violation of Count 1, Tsoa agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Escrow Management and for violation of Count 2, Tsoa agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

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File Number 2012-00008, Colleen Adeline Starr

In the matter of **File Number 2012-00008, Colleen Adeline Starr,** the Board reviewed the Consent Order as seen and agreed to by Ms. Starr. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Starr admits to a violation 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 the 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 Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2011-04358, Jaimie Gail Hess

In the matter of **File Number 2011-04358, Jaimie Gail Hess,** the Board reviewed the Consent Order as seen and agreed to by Ms. Hess. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Hess admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia,* and a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the 2008 Regulations, and agrees to a monetary penalty of $400.00 for the violation contained in Count 1, $900.00 for the violation contained in Count 2, as well as $150.00 in Board costs, for a total of $1,450.00. In addition, for the violation of Counts 1-2, Hess agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

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File Number 2011-04359, Vickie Lea England

In the matter of **File Number 2011-04359, Vickie Lea England,** the Board reviewed the Consent Order as seen and agreed to by Ms. England. A motion was made by Ms. Clarke and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. England admits to a violation of violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia,* and a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the 2008 Regulations, and agrees to a monetary penalty of $400.00 for the violation contained in Count 1, $900.00 for the violation contained in Count 2, as well as $150.00 in Board costs, for a total of $1,450.00. In addition, for the violation of Counts 1-2, England agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2011-03824, Kyungsoon Oh d/b/a Susan Oh

In the matter of **File Number 2011-03824, Kyungsoon Oh d/b/a Susan Oh,** 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 to close the file and find no violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2010-04336, Regis A. Gehin-Chireix

In the matter of **File Number 2010-04336, Regis A. Gehin-Chireix,** the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal

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Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-210 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-300.6 (Count 4) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.B (Count 5) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-310.2 (Count 6) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-180.A.1 (Count 7) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 8) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, 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 revocation of license for the violation of Count 1, 2, 3, 4, 5, 6, 7 and 8. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2011-03668, Regis A. Gehin-Chireix

In the matter of **File Number 2011-03668, Regis A. Gehin-Chireix,** 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 135-20-180.A.1 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.B (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-300.6 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-220.A.3 (Count 5) of the Board's 2008 Regulations. The motion

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passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, 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 revocation of license for the violation of Count 1, 2, 3, 4 and 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2011-03018, Aliyah Nisa Malik

In the matter of **File Number 2011-03018, 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. 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 135-20-390.1 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary to impose the sanction the following sanction(s): Withdrawal of Malik's Prelicense Education Instructor Certificate, number 023000475. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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

File Number 2012-00163, Cynthia Lynn Stevens

In the matter of **File Number 2012-00163, Cynthia Lynn Stevens,** 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. Clarke and seconded by Mr. Funkhouser to accept the recommendation contained in the

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Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, no violation found in Count 2, a violation of 18 VAC 135-20-250 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-240 (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser 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 to impose a monetary penalty of $2,500.00 for the violation contained in Count 1, $2,500.00 for the violation contained in Count 3, $750.00 for the violation contained in Count 4, and $1,500.00 for the violation contained in Count 5, for a total of $7,250.00. In addition, the Board imposes revocation of license for the violation of Count 1, Count 3, and Count 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

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

File Number 2011-04873, Matthew Peyton White

In the matter of **File Number 2011-04873, Matthew Peyton White,** the Board reviewed the Consent Order as seen and agreed to by Mr. White. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. White admits to 2 violations of 18 VAC 135-20-260.11 (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 135-20-180.B.1.c (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 4) of the Board's 2008 Regulations, and a violation of §54.1-2133.A.4 (Count 5) of the *Code of Virginia*, and agrees to a monetary penalty of $1,200.00 for each violation contained in Count 1, $1,050.00 for the violation contained in Count 2, $1,250.00 for the violation contained in Count 3, $2,500.00 for the violation contained in Count 4, and $750.00 for the violation contained in Count 5, as well as $150.00 in Board costs for a total of $8,100.00. Further, the Board shall waive imposition of the monetary penalties for Counts 1 through 5. In

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addition, White agrees to revocation of his license. Further, White agrees to pay the $150.00 Board costs. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Wells.

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

File Number 2012-00092, Tammy Y. Finch

In the matter of **File Number 2012-00092, Tammy Y. Finch,** the Board reviewed the Consent Order as seen and agreed to by Ms. Finch. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Finch admits to a violation of 18 VAC 135-20-280.B.1.C (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.A (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.B (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 5) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 6) of the Board's 2003 Regulations, and agrees to a monetary penalty of $1,250.00 for the violation contained in Count 1, $1,250.00 for the violation contained in Count 2, $700.00 for the violation contained in Count 3, $750.00 for the violation contained in Count 4, and no monetary penalty for the violations contained in Counts 5 and 6, as well as $150.00 in Board costs for a total of $4,100.00. In addition, for the violation of Counts 5 and 6, Finch agrees to revocation of her license. Further, Finch agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. For violation of Count 2, Finch agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. For violation of Count 3, Finch agrees to complete at least (2) classroom hours of Board-approved continuing education pertaining to Legal Updates. For violation of Count 4, Finch agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates. For Counts 1 through 4, Finch agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the 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

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any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Wells.

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

File Number 2011-05079, Cecelia A. Mahan

In the matter of **File Number 2011-05079, Cecelia A. Mahan,** the Board reviewed the Consent Order as seen and agreed to by Ms. Mahan. A motion was made by Ms. Childress and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Mahan admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the 2003 Regulations, and agrees to a monetary penalty of $600.00 for the violation contained in Count 1, $1,250.00 for the violation contained in Count 2, as well as $150.00 in Board costs, for a total of $2,000.00. In addition, for the violation of Count 1, Mahan agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Escrow Management; and for violation of Count 2, Mahan agrees to complete at least four (4) hours of Board-approved education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Wells.

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

File Number 2012-00104, Hyun Duck Lee

In the matter of **File Number 2012-00104, Hyun Duck Lee,** the Board reviewed the Consent Order as seen and agreed to by Mr. Lee. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Lee admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the 2008 Regulations, and a

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violation of 18 VAC 135-20-310.2 (Count 2) of the 1999 Regulations, and agrees to a monetary penalty of $500.00 for the violation contained in Count 1, $600.00 for the violation contained in Count 2, as well as $150.00 in Board costs, for a total of $1,250.00. In addition, for the violation of Count 1, Lee agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Short Sales and for violation of Count 2, Lee agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Wells.

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

File Number 2011-04577, John Daniel Samson

In the matter of **File Number 2011-04577, John Daniel Samson,** the Board reviewed the Consent Order as seen and agreed to by Mr. Samson. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Samson admits to a violation of 18 VAC 135-20-180.C.4 (Count 1) of the 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 2) of the 2008 Regulations, a violation of 18 VAC 135-20-180.C.5 (Count 3) of the 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the 2003 Regulations, and agrees to a monetary penalty of $1,300.00 for the violation contained in Count 1, $800.00 for the violation contained in Count 2, $550.00 for the violation contained in Count 3, $1,250.00 for the violation contained in Count 4, as well as $150.00 in Board costs, for a total of $4,050.00. Samson agrees to enter into an Agreement for Licensure which requires that he and his principal broker report to the Board quarterly, that he is in compliance with the rules and regulations of the Board, for a period of two (2) years. During this two (2) year period, Samson agrees not to apply to be a principal broker nor to hold signatory authority on any firm escrow account(s). In addition, Samson shall submit the results of an annual audit,

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completed by a Certified Public Accountant, of the financial records and escrow account(s) of his firm, Samson Companies, LLC t/a Samson Properties. The results of the audit shall be submitted to the Board no later than April 30, 2012. Further, for violation of Counts 1 and 2, Samson agrees to complete at least eight (8) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser, Johnson and Wells.

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

File Number 2011-04663, Robi Gene Kline

In the matter of **File Number 2011-04663, Robi Gene Kline,** the Board reviewed the Consent Order as seen and agreed to by Ms. Kline. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Kline admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the 2003 Regulations and agrees to a monetary penalty of $1,250.00 for the violation contained in Count 1, as well as $150.00 in Board costs, for a total of $1,400.00. In addition, for the violation of Count 1, Kline agrees to complete at least eight (8) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and at least four (4) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced 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, Do, Ferebee, Funkhouser, Johnson and Wells.

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

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File Number 2011-04963, Alan Kirby Price

In the matter of **File Number 2011-04963, Alan Kirby Price,** the Board reviewed the Consent Order as seen and agreed to by Mr. Price. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Price admits to a violation of 18 VAC 135-20-180.260.11 (Count 1) of the 2003 Regulations and agrees to a monetary penalty of $350.00 for the violation contained in Count 1, as well as $150.00 in Board costs, for a total of $500.00. In addition, for the violation of Count 1, Price agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

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

File Number 2011-04540, Kevin Joon Lee

In the matter of **File Number 2011-04540, Kevin Joon Lee,** the Board reviewed the Consent Order as seen and agreed to by Mr. Lee. Kevin Joon Lee, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Lee admits to a violation of 18 VAC 135-20-330 (Count 1) of the 2003 Regulations, and a violation of 18 VAC 135-20-260 (Count 2) of the 2003 Regulations and agrees to a monetary penalty of $400.00 for the violation contained in Count 1, $2,500.00 for 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 Count 2, Lee agrees to revocation of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of this Order by the Board. Further, Lee agrees that if he applies for a real estate broker's license, he shall successfully complete the Virginia Real Estate Board Broker Pre-License Education Requirements in effect at the time of

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application before he may be considered for licensure. Such education must be completed after the effective date of this Order. Lastly, Lee agrees that in the first sixty (60) days following the effective date of this Order, he will work with Fairfax Realty, Inc. management to evaluate the firm's supervisory brokerage policies, procedures and training programs for its agents, and implement any changes necessary to ensure proper supervision of all agents; Lee shall submit to the Board a statement from his supervising broker verifying Lee's efforts within ninety (90) days of the effective date of this Order. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

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

File Number 2011-04954, Kevin Joon Lee

In the matter of **File Number 2011-04954, Kevin Joon Lee,** the Board reviewed the Consent Order as seen and agreed to by Mr. Lee. Kevin Joon Lee, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Lee admits to a violation of 18 VAC 135-20-330 (Count 1) of the 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the 2003 Regulations and agrees to no monetary penalty for the violations contained in Count 1 and Count 2, as well as $150.00 in Board costs, for a total of $150.00. For violation of Counts 1 and 2, Lee agrees to revocation of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of this Order by the Board. Further, Lee agrees that if he applies for a real estate broker's license, he shall successfully complete the Virginia Real Estate Board Broker Pre-License Education Requirements in effect at the time of application before he may be considered for licensure. Such education must be completed after the effective date of this Order. In addition, for violation of Counts 1 and 2, Lee agrees to complete at least six (6) 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

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education requirements, if applicable, for renewal of license. Lastly, Lee agrees that in the first sixty (60) days following the effective date of this Order, he will work with Fairfax Realty, Inc. management to evaluate the firm's supervisory brokerage policies, procedures and training programs for its agents, and implement any changes necessary to ensure proper supervision of all agents; Lee shall submit to the Board a statement from his supervising broker verifying Lee's efforts within ninety (90) days of the effective date of this Order. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

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

File Number 2011-04576, Rana Hmaidan

In the matter of **File Number 2011-04576, Rana Hmaidan,** the Board reviewed the Consent Order as seen and agreed to by Ms. Hmaidan. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Hmaidan admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the 2003 Regulations and agrees to a monetary penalty of $350.00 for the violation contained in Count 1, as well as $150.00 in Board costs, for a total of $500.00. In addition, for the violation of Count 1, Hmaidan agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

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

File Number 2011-005013, Virginia

In the matter of **File Number 2011-005013, Virginia Real Estate Transaction Recovery Act Claim of James**

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Warbasse (Claimant) and Janice Wolk Grenadier (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 Ms. Johnson and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of $16,979.77. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Real Estate Transaction Recovery Act Claim of James Warbasse (Claimant) and Janice Wolk Grenadier (Regulant)

The Board recessed from 10:45 A.M. to 10:55 A.M.

Break

In the matter of **File Number 2012-00831, Leanne Moore,** the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Ms. Moore may be acting as a real estate salesperson/broker when she is not licensed by the Board. A motion was made by Ms. Clarke and seconded by Ms. Johnson to issue a Cease and Desist Order to Ms. Moore to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-00831, Leanne Moore

A motion was made by Ms. Johnson and seconded by Ms. Ferebee to approve the payment in the amount of $51,720.08 from the Real Estate Transaction Recovery Fund pursuant to §54.1-2108 of the *Code of Virginia* to the Special Receiver for the Court regarding H. K. Berdensey Real Estate LLC. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Administrative Issues

A motion was made by Ms. Johnson and seconded by Ms. Ferebee to approve the request of Eileen Kincer to carry on the business of her deceased brother, 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, Do, Ferebee, Funkhouser, Johnson and Wells.

Administrative Issue

A motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the proposed response to the public comment for the Periodic and Small Business Review. The motion passed unanimously. Members voting "Yes" were

Administrative Issues

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Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Johnson to retain the Board's Public Participation Guidelines, Fair Housing Regulations and Virginia Real Estate Board Licensing Regulations as is. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

At the Board's January 25, 2012, Education Committee meeting, representatives from several Board-approved proprietary schools asked when the Board will issue Residential Standard Agency (RSA) course approval numbers to the schools so they can start to offer their Board-approved RSA courses. Several schools have already scheduled RSA courses. After discussion with DPOR staff, the Board approved unanimously issuing RSA course numbers to approved schools no later than January 30, 2012, so the schools can start offering their RSA courses.

Education

Ms. Childress presented the Education Committee Report to the Board. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the January 25, 2012, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Administrative Issues

The Board approved unanimously, with minor language changes, the January 18, 2012, Advisory Council Final Report for amending the 30-hour Post License Education (PLE) curriculum for new real estate salespersons. The minor language changes consisted of replacing the word "including" with "shall include" and replacing the words, "such as" with "may include" on Page 3 of the Final Report.

The Board discussed briefly the proposed timeline for the implementation of the new PLE curriculum and decided to discuss this matter further at its March 15, 2012, meeting.

Adjourn

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

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Clifford Wells, Chair

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Gordon Dixon, Secretary

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