

**REAL ESTATE BOARD
MINUTES OF MEETING**

July 9, 2009

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

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

Board member not present: Sharon Johnson

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

**Jay DeBoer, Director
Steven Arthur, Deputy Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, &
Resolution
Liz Hayes, Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant**

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

Carol Clarke called the meeting to order at 9:02 A.M.

Call to Order

Lem Marshall, Special Counsel for the Virginia Association of Realtors, addressed the Board concerning the Military Air Installation Disclosure form. No action was taken by the Board.

Public Comment

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

A motion was made by Mr. Oglesby and seconded by Mr. Gaeser to adopt the following minutes: April 16, 2009, Informal Fact-Finding Conference; April 23, 2009, Informal Fact-Finding Conference; May 5, 2009, Informal Fact-Finding Conference; May 13, 2009, Informal Fact-Finding Conference; May 14, 2009, (Disciplinary) Informal Fact-Finding Conference; May 14, 2009, (Licensing) Informal Fact-Finding Conference; May 14, 2009, Real Estate Board Meeting; May 22, 2009, (Licensing) Informal Fact-Finding Conference; May 22, 2009, (Disciplinary) Informal Fact-Finding Conference; May 28, 2009, (Disciplinary) Informal Fact-Finding Conference; May 28, 2009, (Licensing) Informal Fact-Finding Conference and June 11, 2009, Real Estate Board Meeting. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **Larissa Ann Wells and Jamie Davis v. Debra M. Gantt and Gantt Investment Corporation, REB File Number 2009-00405**, the matter was deferred to the next Board meeting. No action was taken by the Board.

In the matter of **Aron Stewart v. Tera Hammonds, Vickie LaBocchetta, Robin Edmonds, Morton G. Thalhimer, t/a Thalhimer, Paul Silver, TTM Honeybrook Apartments and GEI Honeybrook LLC, REB File Number 2009-03082**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes"

Agenda

Minutes

Fair Housing Administrators Report

Larissa Ann Wells and Jamie Davis v. Debra M. Gantt and Gantt Investment Corporation, REB File Number 2009- 00405

Aron Stewart v. Tera Hammonds, Vickie LaBocchetta, Robin Edmonds, Morton G. Thalhimer, Paul Silver, TTM Honeybrook Apartments and GEI

were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

In the matter of **Nancy Peralta v. Lisa Peavey**, REB File Number **2009-03099**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the Fair Housing Sub-Committee minutes of May 14, 2009. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

Connie Chamberlain, Executive Director of HOME, presented the Board with information from an accessibility audit performed by HOME. No action was taken by the Board.

In the matter of **File Number 2009-03260, Lisa Gilmore**, 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. Ms. Gilmore, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Oglesby 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. Gilmore's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

In the matter of **File Number 2009-03789, Charles Henry**, 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

Honeybrook LLC,
REB File Number
2009-03082

Nancy Peralta v.
Lisa Peavey, REB
File Number 2009-
03099

Fair Housing
Minutes

New Business

File Number 2009-
03260, Lisa Gilmore

File Number 2009-
03789, Charles
Henry

Fact-Finding Conference of the presiding officer. Mr. Henry, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Henry's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

In the matter of **File Number 2009-03790, Donald Crenshaw**, 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. Crenshaw, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Crenshaw's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-03790, Donald Crenshaw

In the matter of **File Number 2009-03860, Daniel Littlefield**, 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. Littlefield, the applicant, was present and addressed the Board. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Littlefield's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-03860, Daniel Littlefield

In the matter of **File Number 2009-03861, Matthew Maurice**, 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. Maurice, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Maurice's application for a real estate salesperson's license with the correction to remove the reference of probation from the terms of the agreement of licensure. Mr. Maurice's license is subject to an agreement for licensure for a period of two years wherein Mr. Maurice and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-03861, Matthew Maurice

In the matter of **File Number 2009-03982, Richard Shortell, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Shortell, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Shortell's application for a real estate salesperson's license with the following amendment: Mr. Shortell's license is subject to an agreement for licensure for a period of two years wherein Mr. Shortell and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-03982, Richard Shortell, Jr.

In the matter of **File Number 2009-03582, Dana Bowie**, 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. Ms. Bowie, the

File Number 2009-03582, Dana Bowie

applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Mr. Oglesby 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. Bowie's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

In the matter of File Number 2009-03581, Mark DeShano, 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. DeShano, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. DeShano's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-03581, Mark DeShano

In the matter of File Number 2009-03983, Harvey Griffith, Jr., the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the Board member. Mr. Griffith, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Griffith's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-03983, Harvey Griffith, Jr.

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

In the matter of **File Number 2009-03518, Margaret Fernandez**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and Summary of the presiding Board member. Ms. Fernandez, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Fernandez's application for a broker's license based upon the record. After reviewing the facts, the Board considered Fernandez's experience as a salesperson, title underwriter and real estate settlement agent. Based on Fernandez's description of her experience, and the information presented at the IFF, the Board determined Fernandez does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-03518, Margaret Fernandez

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

In the matter of **File Number 2009-03517, Matthew Johnson**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Johnson, the applicant, was present and addressed the Board. A motion was made by Ms. Clark, and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Johnson's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-03517, Matthew Johnson

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

In the matter of **File Number 2009-03355, Cindy B. Sinanan**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the

File Number 2009-03355, Cindy B. Sinanan

Informal Fact-Finding Conference and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Sinanan, respondent, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violation contained in Count 1, and \$750.00 for the violation contained in the Count 2, for a total of \$750.00. The Board also imposes the following sanctions: For Count 2, Sinanan's license be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to Legal Updates and Emerging Trends. The course(s) must be completed in the classroom. Sinanan must provide proof acceptable to the Board of the course completion within ninety (90) days of the execution 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 Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

In the matter of File Number 2009-03285, Cindy B. Sinanan, 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. Ms. Sinanan, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by

File Number 2009-03285, Cindy B. Sinanan

Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Sinanan's application for a broker's license based upon the record. After reviewing the facts, the Board is of the opinion that due to the nature of Sinanan's prior disciplinary action in Maryland, that there is a significant relationship between the prior disciplinary action and Sinanan's ability to perform the duties of a real estate broker. Further, the Board considered Sinanan's apparent attitude of disregard for the regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

In the matter of File Number 2008-01319, Meredith Minter, 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. Lawrence Marshall, attorney for the respondent, Mr. Minter, respondent, and Chuck Romito, complainant, were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, and Daniels. Members voting "No" were Clarke and Gaeser.

File Number 2008-01319, Meredith Minter

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead find no violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Clark, Clarke and Gaeser. Members voting "No" were Childress and Daniels.

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to reject the recommendation contained in the

Summary of the Informal Fact-Finding Conference and instead find no violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations. The motion failed. Members voting "Yes" were Gaeser and Clarke. Members voting "No" were Brown, Clark, Childress and Daniels. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Clark, Childress and Daniels. Members voting "No" were Gaeser and Clarke.

A motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,600.00 for the violation contained in Count 1. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke and Daniels. Member voting "No" was Gaeser. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$250.00, for a total of \$1,850.00. The Board also imposes the following sanctions: For Count 1 and Count 3, probation for a period of three (3) years. While on probation, Minter, and his broker, will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser.

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

In the matter of **File Number 2008-03449, Marie Ann Schulte**, 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. Lawrence Marshall, attorney for the respondent, and Ms. Schulte, respondent, were present and

File Number 2008-03449, Marie Ann Schulte

addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clark 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 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.6 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2132.A.4 (Count 5) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Clark and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding to impose a monetary

penalty of \$1,500.00 and license revocation of the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor. A motion was made by Ms. Clark and seconded by Mr. Gaeser to impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Gaeser. Member voting "No" was Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding to impose a monetary penalty of \$1,000.00 and license revocation for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to impose a monetary penalty of \$500.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$750.00 for the violation contained in Count 3 with an amendment to the following sanctions: Schulte's license is placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to the real estate contracts and/or other equivalent course approved by the Board. The course(s) must be completed in the classroom. Schulte must provide proof acceptable to the Board of the course completion within sixty (60) days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. In addition, Schulte, and her broker, must provide to the Board on quarterly basis, for a period of two (2) years, a report that she is in compliance with the rules and regulation of the Board. The motion passed unanimously. Members voting "Yes" were

Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violation contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$350.00 for the violation contained in Count 5, for a total of \$2,100.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

The Board recessed from 11:25 A.M. to 11:40 A.M.

In the matter of File Number 2009-02469, Roy L. Davis, t/a Real Property Solutions, LLC, the Board reviewed the record, which consisted of the investigative file, the 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. Taylor and seconded by Mr. Gaeser to uphold the Cease and Desist Order entered on March 30, 2009 based upon the evidence in the record and testimony during the Informal Fact-Finding Conference including the evidence showing Davis received payment from the seller for a transaction. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

Ms. Clarke turned the position of Chair over to Mr. Oglesby

Break

File Number 2009-02469, Roy L. Davis, t/a Real Property Solutions, LLC

Transfer of Chair

and recused herself from the meeting.

In the matter of **File Number 2009-00776, Sandra DeLapp**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conferences, and the Summaries of the Informal Fact-Finding Conferences of the presiding Board member. Ms. DeLapp, respondent, and Edwin Rucker, witness, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and 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 Brown, Childress, Clark, Daniels, Gaeser and Oglesby.

File Number 2009-00776, Sandra DeLapp

A motion was made by Mr. Gaeser and seconded by Ms. Clark 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser and Oglesby.

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

Ms. Clarke returned and resumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2009-00726, Kathleen Weeks**, 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. Ms. Weeks, respondent, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby. A motion was made

File Number 2009-00726, Kathleen Weeks

by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of § 54.1-2131.A.4 (Count 3) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,250.00 with no license revocation for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$750.00 with no license revocation for the violation contained in Count 2, with no second the motion failed. A motion was made by Mr. Gaeser and seconded by Ms. Childress to reject the recommendation and instead impose a monetary penalty of \$750.00, and probation for a period of two (2) years. While on probation, Weeks and her broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

A motion was made by Ms. Daniels and Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$400.00, and in addition, Weeks' license will be placed on probation until such time as she provides

evidence acceptable to the Board that she has attended and successfully completed six (6) hours of continuing education pertaining to Ethics and six (6) hours of continuing education pertaining to Contracts, and/or other equivalent course approved by the Board. The course(s) must be completed in the classroom. Weeks must provide proof acceptable to the Board of the course completion within ninety (90) days of the execution 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 Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

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 2008-02861, Vinay Gulati**, 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. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations and a violation of §54.1-2132.A.4 (Count 2) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

File Number 2008-02861, Vinay Gulati

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, and \$750.00 for the violation contained in Count 2, for a total of \$2,250.00. The Board also imposes the following sanctions: As to Count 1, Gulati's license will be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed six (6) hours of continuing education pertaining to Contracts and three (3) hours of continuing education pertaining to Agency and/or equivalent course approved by

the Board. As to Count 2, Gulatis's license will be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed six (6) hours of continuing education pertaining to Ethics and/or equivalent course approved by the Board. The course(s) must be completed in the classroom. Gulati must provide proof acceptable to the Board of the course completion within 120 days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Oglesby.

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 2009-03791, Sheila D. Sowell**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Sowell's application for a broker's license based upon the record. After reviewing the facts, the Board considered Sowell's description of her previous real estate experience, her loan officer experience and involvement with the realty organizations, and in consideration of the information presented at the IFF, the Board determined Sowell does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-03791, Sheila D. Sowell

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

In the matter of **File Number 2009-03459, Jonathan Chadwick Ingram**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and Summary of the

File Number 2009-03459, Jonathan Chadwick Ingram

Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Ingram's application for a broker's license based upon the record. After reviewing the facts, the Board considered Ingram's experience as a salesperson. Based on Ingram's description of his experience, and the information presented at the IFF, the Board determined Ingram does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

In the matter of **File Number 2008-04860, Judy Woten**, the Board reviewed the Consent Order as seen and agreed to by Ms. Woten. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Woten admits to a violation of 18 VAC 135-20-160.D.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$250.00. In addition, for the violation of Count 1, Woten agrees to complete at least four (4) classroom hours of Board approved education pertaining to Property Management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. 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, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2008-04860, Judy Woten

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

In the matter of **File Number 2009-02369, Michael Bond Fuqua**, the Board reviewed the Consent Order as seen and agreed to by Mr. Fuqua. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Fuqua admits to a violation of 18 VAC 135-20-290.2 (Count 1) of the Board's 2003 Regulations, a violation of §54.1-2106.1.A (Count 2) of the *Code of Virginia*, a violation of 18 VAC 135-20-270.3 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-290.4 (Count 4) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Counts 1-4, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1-4, Fuqua agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-02369, Michael Bond Fuqua

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

In the matter of **File Number 2009-02997, Robert A. Craig, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Craig. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Craig admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Counts 1-2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Craig agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

File Number 2009-02997, Robert A. Craig, III

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

In the matter of **File Number 2009-02393, Elsie Lorraine Lilly**, the Board reviewed the record which consisted of the

File Number 2009-02393, Elsie

Lorraine Lilly

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. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (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 135-20-260.1 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.1 (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 5) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 6) of the Board's 2003. Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00, and revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500.00 for the violation contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500.00 for the violation contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty, and revocation of license for the violation contained in Count 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$500.00, for the violation contained in Count 6, for a total of \$2,250.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

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

Transfer of Chair

In the matter of File Number 2009-00922, Figadelfo Mendieta Jara, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference 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 135-20-170.A.1 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously.

File Number 2009-00922, Figadelfo Mendieta Jara

Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser and Taylor.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00, for the violation contained in Count 1, and \$350.00 for the violation contained in Count 2, for a total of \$600.00. The Board also imposes revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser and Taylor.

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

In the matter of File Number 2009-01707, Jawid Wali, the Board reviewed the Consent Order as seen and agreed to by Mr. Wali. A motion was made by Ms. Clark and seconded by Ms. Taylor to accept the proposed Consent Order offer wherein Mr. Wali admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-300.6 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for the violation of Count 1, Wali agrees to complete at least sixteen (16) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and Real Estate Contracts and/or equivalent course(s) approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) 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, Clark, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-01707, Jawid Wali

As the Board member who reviewed the file, Ms. Clarke did

not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2009-01083, Nasir Ahmed Bajwa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bajwa. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Bajwa admits to a violation of 18 VAC 135-20-180.C.5 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$200.00, as well as \$150.00 in Board costs, for a total of \$350.00. In addition, Bajwa agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or equivalent course(s) approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-01083, Nasir Ahmed Bajwa

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

In the matter of **File Number 2009-02171, Herman Andrew Stamper**, the Board reviewed the Consent Order as seen and agreed to by Mr. Stamper. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Stamper admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-02171, Herman Andrew Stamper

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of File Number 2008-04287, Alfrieta J. Bennett, 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. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The Board also imposes the following sanctions: Bennett's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed continuing education which is to include: two (2) hours pertaining to Contracts and/or other equivalent course approved by the Board; and two (2) hours pertaining to Legal Updates and Emerging Trends and/or other equivalent course approved by the board. The course(s) must be completed in the classroom. Bennett must provide proof acceptable to the Board of the course completion within ninety (90) days of the execution 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 Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

In the matter of File Number 2009-01780, Ernest Brent Futo, 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

Transfer of Chair

File Number 2008-04287, Alfrieta J. Bennett

File Number 2009-01780, Ernest Brent Futo

motion was made by Ms. Childress and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-240 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

A motion was made by Ms. Daniels 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, and \$1,500.00 for the violation contained in Count 2, for a total of \$4,000.00. The Board also imposes the following sanctions: revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor.

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

In the matter of File Number 2009-00291, William F. Gibson, Jr., the Board reviewed the Consent Order as seen and agreed to by Mr. Gibson. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Gibson admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and a violation of §54.1-2131.A.4 (Count 2) of the *Code of Virginia*, agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$900.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

File Number 2009-00291, William F. Gibson, Jr.

In the matter of File Number 2009-02204, William Paule, Jr., the Board reviewed the Consent Order as seen and agreed to by Mr. Paule. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the proposed Consent Order offer wherein Mr. Paule admits to a violation of 18

File Number 2009-02204, William Paule, Jr.

VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for the violation of Count 1, Paule agrees to complete at least eight (8) classroom hours of Board-approved education pertaining to Escrow Management and/or equivalent course(s) approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course 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, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

In the matter of File Number 2009-02511, Darlene B. Farrow, the Board reviewed the Consent Order as seen and agreed to by Ms. Farrow. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Ms. Farrow admits to (2 violations) of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$350.00 for each violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$850.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

File Number 2009-02511, Darlene B. Farrow

In the matter of File Number 2009-02512, Loretta Lynn Wolfe-Johnson, the Board reviewed the Consent Order as seen and agreed to by Ms. Wolfe-Johnson. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the proposed Consent Order offer wherein Ms. Wolfe-Johnson admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

File Number 2009-02512, Loretta Lynn Wolfe-Johnson

The Board recessed for lunch from 12:25 P.M. to 12:50

Break

P.M.

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to approve the filing of an Exempt Action to repeal the Condominium Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

Administrative Issues

Steven Arthur, Deputy Director of Administration and Finance for DPOR, gave the Board an update on the fingerprinting process. No action was taken by the Board.

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Gaeser to accept the July 8, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Taylor and Oglesby.

Education Committee Report

Mr. Oglesby and Ms. Childress gave the Board a report on their attendance at the Mid Year ARELLO meeting. No action was taken by the Board.

Old Business

After discussion, the Board deferred the Denise Vice matter to the September 10, 2009 Board meeting, in order to give Ms. Vice the opportunity to appear. No action was taken by the Board.

Ms. Taylor agreed to represent the Board on the Real Estate Appraiser BPO Committee Working Group. Mr. Gaeser and Ms. Johnson will also serve on the committee. No action was taken by the Board.

New Business

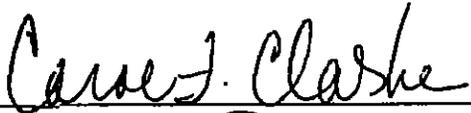
Steven Jack updated the Board on the H. K. Berdensey Real Estate LLC case. No action was taken by the Board.

Mr. Gaeser departed the meeting at 1:25 P.M.

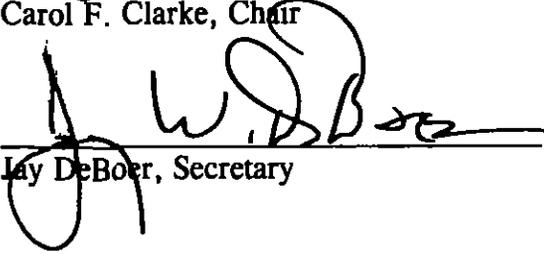
Departure of Board Member

There being no further business, the Board adjourned at 1:35 P.M.

Adjourn



Carol F. Clarke, Chair



Jay DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Carol Clarke
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Carol F. Clarke
Signature

July 9, 2009
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Schaefer Oglesby
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Schaefer Oglesby
Signature

July 9, 2009
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Florence Daniels
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Florence Daniels
Signature

7/9/09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Scott Gaeser
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Judith Childress
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Judith Childress
Signature

07/09/09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Byrl Taylor
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Byrl Taylor
Signature

7/9/09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Nathaniel Brown
Signature

7/9/2009
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Marjorie Clark
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: July 9, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.

Marjorie M. Clark
Signature

7-09-09
Date