

REAL ESTATE BOARD
MINUTES OF MEETING

September 6, 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
Joseph Funkhouser, II, Vice-Chair
Rene Fonseca
Santee Ferebee
Anh Tu Do
Lynn G. Grimsley
Catherine M. Noonan
Steve Hoover

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

Mark Courtney, Senior Manager
Christine Martine, Executive Director
Kristin Clay, Legal Analyst
Kevin Hoeft, Education Administrator
Jeff Williams, Board Administrator
Emily Trent, Administrative Assistant

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

Mr. Wells called the meeting to order at 9:07 A.M.

Call to Order

A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to approve the agenda. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Agenda

A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to adopt the following minutes: June 28, 2012, Informal Fact-Finding Conference; July 10, 2012, Informal Fact-Finding Conference; July 11, 2012, Informal Fact-Finding Conference; July 12, 2012, Real Estate Board Meeting; July 13, 2012, Informal Fact-Finding Conference; July 18, 2012, (Brigil) Informal Fact-Finding Conference; July 18, 2012, (Wells) Informal Fact-Finding Conference; July 24, 2012, Informal Fact-Finding Conference and July 30, 2012, Informal Fact-

Minutes

Finding Conference. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

There was no public comment.

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

In the matter of **Mark Hartley v. Cindy Proffitt and Main Street Properties, Inc., REB File Number 2012-03067**, a motion was made by Ms. Ferebee and seconded by Ms. Grimsley to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **Real Estate Board v. Anonio Feijoo and Jaw Associates, LLC, t/a MaxValue Realtors, REB File Number 2012-02082**, a motion was made by Ms. Ferebee and seconded by Ms. Grimsley to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02955, Tina S. Shubert**, 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. Tina S. Shubert, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Ms. Shubert’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02956, Benjamin Holmes**, the Board reviewed the record which consisted of the

Public Comment

**Fair Housing
Administrator’s
Report**

**Mark Hartley v.
Cindy Proffitt and
Main Street
Properties, Inc., REB
File Number 2012-
03067**

**Real Estate Board v.
Anonio Feijoo and
Jaw Associates, LLC,
t/a MaxValue
Realtors, REB File
Number 2012-02082**

**File Number 2012-
02955, Tina S.
Shubert**

**File Number 2012-
02956, Benjamin**

application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Benjamin Holmes, applicant, and Leslie Holmes, witness, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Holmes' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Holmes

In the matter of **File Number 2012-03215, Isaac Arnold**, 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. Isaac Arnold, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Arnold's application based upon the record. After hearing from Arnold at the Board meeting, the Board thoroughly considered the record, the Summary of the Informal Fact-Finding and the Recommendation. While the Board is of the opinion that Arnold's crimes would not negatively impact his ability to perform the duties of a real estate salesperson, it determined that Arnold lacks a good reputation for honesty, truthfulness, and fair dealing, which in effect makes him less that competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interest of the public. The Board bases its determination upon a review of his past disciplinary action, and his failure to fully disclose his past disciplinary action and criminal convictions to the Board during the application process. Therefore, the Board determined it could not protect the health, safety and welfare of the public and denies licensure at this time. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03215, Isaac Arnold

In the matter of **File Number 2012-03275, Felicia Samuel**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding

File Number 2012-03275, Felicia Samuel

Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Ms. Samuel's application for a real estate salesperson's license with a correction to the Summary adding "not impede her ability...". The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-03276, Joseph Maurer**, 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. Joseph Maurer, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover 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. Maurer's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03276, Joseph Maurer

In the matter of **File Number 2012-03568, Victoria Browder**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Ms. Browder's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Do, Ferebee, Funkhouser, Hoover, Noonan and Wells. Member voting "No" was Grimsley.

File Number 2012-03568, Victoria Browder

In the matter of **File Number 2012-03570, Joseph Jaumillot**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal

File Number 2012-03570, Joseph Jaumillot

Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Joseph Jaumillot, applicant, and Paul Jaumillot, witness, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Jaumillot's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Jaumillot and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-03571, Stephanie Duke**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Grimsley and seconded by Mr. Hoover 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. Duke's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03571, Stephanie Duke

In the matter of **File Number 2012-03626, Emily Urban**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Funkhouser and seconded by Mr. Hoover 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. Urban's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Brown, Do, Ferebee, Funkhouser, Hoover, Noonan and Wells. Member voting "No" was Grimsley.

File Number 2012-03626, Emily Urban

In the matter of **File Number 2012-03831, Lee K. Winston**, the Board reviewed the record which consisted of the

File Number 2012-03831, Lee K.

application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Grimsley and seconded by Mr. Hoover 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. Winston's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Winston

In the matter of **File Number 2012-03830, Shelli M. Schinkus**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Schinkus' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03830, Shelli M. Schinkus

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

In the matter of **File Number 2012-00208, JoAnn Bogese**, 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. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Bogese's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-00208, JoAnn Bogese

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

In the matter of **File Number 2012-03699, Terry Zayac**, the Board reviewed the record which consisted of the application

File Number 2012-03699, Terry Zayac

file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Funkhouser and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Zayac's application for a real estate broker's license and simultaneously issue a salesperson's license. The Board determined Zayac does not meet the current education requirement for a broker's license. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-03781, Myrlin Young**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Myrlin Young, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan 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. Young's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03781, Myrlin Young

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

In the matter of **File Number 2013-00065, Gregg Holmes**, 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. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Holmes' application for a real estate broker's license and simultaneously issue a real estate salesperson's license. The Board determined Holmes does not meet the requirements of

File Number 2013-00065, Gregg Holmes

being actively engaged in real estate activities for 36 of the last 48 months preceding his application for licensure. The motion passed unanimously. Members voting “Yes” were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-02992, Brian Davis**, the Board reviewed the Consent Order as seen and agreed to by Mr. Davis. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Davis admits to 2 violation of §54.1-2135.A.2 of the *Code of Virginia* and agrees to a monetary penalty of \$450.00 for each violation in Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Davis agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and to provide proof of attendance and successful completion within six (6) months of the effective date of this Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02992, Brian Davis

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

In the matter of **File Number 2012-00406, Brian Sivak**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Brian Sivak, respondent, and John G. “Chip” Dicks, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover 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 135-20-180.C.5 (Count 2) of the Board’s 2003 Regulations. The motion

File Number 2012-00406, Brian Sivak

passed unanimously. Members voting “Yes” were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

A motion was made by Mr. Hoover and seconded by Ms. Noonan 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, for a total of \$5,000.00. The Board also imposes revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting “Yes” were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-02525, Mark Hoover**, 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. Mark Hoover, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Hoover’s application for a real estate broker’s license, subject to an agreement for licensure for a period of one year wherein Mr. Hoover agrees he will not seek upgrade to a principle broker license for a period of one year from the date of execution of the Agreement of Licensure. The motion passed unanimously. Members voting “Yes” were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02525, Mark Hoover

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

In the matter of **File Number 2012-03697, Zia Syed**, 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. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Syed’s application for a real estate broker’s license. The Board determined Syed does

File Number 2012-03697, Zia Syed

not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months preceding his application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2011-04049, Soyini Okola dba Sony Williams**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover 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 135-20-290.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-185.C.2 (Count 4) of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover and Wells. Member voting "No" was Noonan.

File Number 2011-04049, Soyini Okola dba Sony Williams

A motion was made by Ms. Grimsley and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, and \$800.00 for the violation contained in Count 4. In addition, the Board imposes the following sanction(s): Probation of Williams' license for the violation of Count 1-4. In addition, Williams shall present evidence, acceptable to the Board, within six (6) months of the effective date of the order of the following: 1) Successfully retaken and completed the current education requirements by achieving a passing grade on all required courses of §54.1-2105 of the Code of Virginia; and 2) Successfully retake and pass the licensing examination. If Williams does not comply with the terms of probation, her license shall be automatically revoked. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee,

Fonseca, Funkhouser, Grimsley, Hoover and Wells. Member voting "No" was Noonan.

In the matter of **File Number 2011-04683, Erick R. Burgos**, the Board reviewed the record which consisted of the investigative file, transcripts, 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 Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-240 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-250 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2011-04683, Erick R. Burgos

A motion was made by Ms. Ferebee and seconded by Mr. Hoover 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 \$2,500.00 for the violation contained in Count 3, for a total of \$7,500.00. The Board also imposes revocation of license for the violation of Count 1, Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02587, Karen Walton**, the Board reviewed the Consent Order as seen and agreed to by Ms. Walton. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Walton admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for the violation of Count 1, agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct, at least three (3) classroom hours of Board-approved continuing education in Real Estate Contracts and provide proof of attendance and successful completion

File Number 2012-02587, Karen Walton

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 Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02897, Anna Schwoerer**, the Board reviewed the Consent Order as seen and agreed to by Ms. Schwoerer. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Schwoerer admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 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, Schwoerer agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion of the above-referenced education requirement 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 Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02897, Anna Schwoerer

In the matter of **File Number 2012-00719, Theresa A. O'Gorman-Sykes**, 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. Theresa A. O'Gorman-Sykes, respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan 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 Do, Ferebee, Fonseca, Funkhouser,

File Number 2012-00719, Theresa A. O'Gorman-Sykes

Grimsley, Hoover, Noonan and Wells.

A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 2, for a total of \$500.00. The Board also imposes the following amended sanctions: a stay of the imposition of revocation of license for the violation contained in Count 1, and instead place O’Gorman-Sykes’ license on probation for a period of three (3) years. In addition, while on probation O’Gorman-Sykes and her broker will provide quarterly reports to the Board that she is in compliance with the regulations of the Board. Any violation of the Board’s regulations during this probation period will result in an automatic revocation of O’Gorman-Sykes’ license. For violation of Count 2, probation of O’Gorman-Sykes’ license and she must complete three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates focusing on Board’s Regulations. Evidence of completion of such course shall be submitted to the Board within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards continuing education requirements, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-00996, Nita Cacanindin**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cacanindin. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Cacanindin admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2008 Regulations, and 18 VAC 135-20-280.2 (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, \$1,200.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,850.00. In addition, for violation of Counts 1 and 2, Cacanindin agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours 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(s)

File Number 2012-00996, Nita Cacanindin

must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Further, for violation of Counts 1 and 2, Cacanindin agrees to provide to the Board, on a quarterly basis for a period of two (2) years and in a form acceptable to the Board, a written statement from Cacanindin and her principal broker that Cacanindin is in compliance with the rules and regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Cacanindin's license until such reporting requirements are met. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-01552, Christina Arbogast**, the Board reviewed the Consent Order as seen and agreed to by Ms. Arbogast. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Arbogast admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B.2.b (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20.300.7 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.c (Count 5) of the Board's 2008 Regulations. In addition, for the violation of Counts 1, 2, 3, 4, and 5, Arbogast agrees to a two (2) year probation of her license as of the effective date of the order. During this two (2) year probation, Arbogast agrees to: (1) Not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of this order; and (2) Provide to the Board, on a quarterly basis for a period of two (2) years and in a form acceptable to the Board, a written statement from Arbogast and her principal broker that Arbogast is in compliance with the rules and regulations of the Board. If Arbogast violates any terms of this probation, her license shall be automatically revoked. Arbogast understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. Further, for violation of Count 1, Arbogast agrees to complete at least three (3) classroom hours of Board-

File Number 2012-01552, Christina Arbogast

approved continuing education pertaining to Escrow Management and at least three (3) classroom hours of Board-approved continuing education pertaining to Property Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course(s) must be completed in the classroom. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02663, Debbie Maxam**, the Board reviewed the Consent Order as seen and agreed to by Ms. Maxam. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Maxam admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$600.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Maxam agrees to complete at least three (3) 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 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. Further, for violation of Count 1, Maxam agrees to provide to the Board, on a quarterly basis for a period of one (1) year and in a form acceptable to the Board, a written statement from Maxam and her principal broker that Maxam is in compliance with the rules and regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Maxam's license until such reporting requirements are met. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02663, Debbie Maxam

In the matter of **File Number 2012-02707, Michael Reardon, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Reardon. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Reardon admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for Count 1, as

File Number 2012-02707, Michael Reardon, Sr.

well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Reardon 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(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, Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02675, Patrick Carosi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Carosi. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Carosi admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Carosi 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(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, Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02675, Patrick Carosi

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

Transfer of Chair

In the matter of **File Number 2012-00841, Monica Lam Stephens**, the Board reviewed the record which consisted of the investigative file, transcripts, 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. Noonan to accept the recommendation contained in the

File Number 2012-00841, Monica Lam Stephens

Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.A.2 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

A motion was made by Ms. Ferebee and seconded by Ms. Grimsley 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 \$2,500.00 for the violation contained in Count 3, for a total of \$7,500.00. The Board also imposes revocation of license for the violation of Count 1, Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

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

In the matter of **File Number 2012-00884, Bonny A. MacLauhlan**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Bonny A. MacLauhlan, respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-280.2 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 3) of the Board's 2008 Regulations and a violation of 18 VAC 135-20-300.7 (Count 4) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

File Number 2012-00884, Bonny A. MacLauhlan

A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept and amend 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, \$1,500.00 for the violation contained in Count 2, \$2,000.00 for the violation contained in Count 3, and \$500.00 for the violation contained in Count 4, for a total of \$6,500.00. The Board also imposes the following sanctions: For the violation of Counts 1, 2 and 3, MacLachlan's license shall be suspended for a period of four (4) months. Based on the seriousness and egregious nature of MacLachlan's actions, the suspension was extended. Additionally, MacLachlan's license will be placed on probation for a period of two (2) years. While on probation MacLachlan, and her broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. In addition, MacLachlan shall be required to complete four (4) classroom hours of Board approved continuing education pertaining to Property Management; three (3) classroom hours of Board approved continuing education pertaining to Property Management; and three (3) classroom hours of Board approved continuing education pertaining to Escrow Management. MacLachlan must provide proof acceptable to the Board of completion of all courses within three (3) months of the execution of the order. Satisfactory completion of the above-referenced course(s) will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. The motion passed unanimously. Members voting "Yes" were Do, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

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

Due to possible conflict of interest, Ms. Ferebee did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2012-02668, Avtallyon Y. Ron**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ron. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed amended Consent Order offer wherein Mr. Ron 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 \$500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Ron agrees to a one (1) year probation of his license as of the effective date of this order. During this one (1) year probation, Ron agrees to not be in violation of any regulations of the Board

File Number 2012-02668, Avtallyon Y. Ron

for transactions occurring after the effective date of this order. If Ron violates any terms of this probation, his license shall be automatically suspended until such time as there is complete satisfactory compliance. Ron understands the right to have this suspension considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. Further, for violation of Count 1, Ron agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

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

In the matter of **File Number 2012-01701, Rachel Adler**, the Board reviewed the Consent Order as seen and agreed to by Ms. Adler. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Adler admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$2,650.00. In addition, for violation of Count 1, Adler's license shall be placed on probation and Adler shall be required to complete six (6) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course shall be completed in a classroom. Further, Adler shall provide evidence acceptable to the Board that Adler has successfully completed the course within six (6) months of the effective date of this order. 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, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee,

File Number 2012-01701, Rachel Adler

Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

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

In the matter of **File Number 2011-04287, Mitchell Kambis**, the Board reviewed the Post-IFF Consent Order as seen and agreed to by Mr. Kambis, investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference. Mitchell Kambis, respondent, and Michael Lafayette, attorney, appeared and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Kambis admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-160.D.2 (Count 2) of the Board's 2008 Regulations and agrees to a monetary penalty of \$1,650.00 for the violation of Count 1, \$1,000.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$3,150.00. In addition, for violation of Counts 1 and 2, Kambis agrees to revocation of his broker license, with the simultaneous issuance of a salesperson license, effective on the date of execution of the Order. Further, Kambis agrees to not apply for, or obtain, a Virginia real estate broker license for a period of eighteen (18) months from the effective date of the Order. Further, for violations of Counts 1 and 2, Kambis agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

File Number 2011-04287, Mitchell Kambis

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

In the matter of **File Number 2012-03224, Jason Hal Wolin**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wolin. A motion was made by Mr. Hoover and

File Number 2012-03224, Jason Hal Wolin

seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Wolin admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Wolin agrees to probation of his license to run concurrent with the Loudoun County Circuit Court ordered probation as of the effective date of this order. During this probation, Wolin agrees to: (1) Not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of this order; (2) Comply with the terms of his probation as assigned by the court; If Wolin violates any terms of this probation, his license shall be automatically revoked. Wolin understands the right to have this suspension considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan.

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

Mr. Wells returned and assumed the position of Chair.

The Board recessed from 10:33 A.M. to 10:49 A.M.

In the matter of **File Number 2012-02318, Gregory Dewayne Yonce**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yonce. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Yonce admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$350.00. In addition, for violation of Count 1, Yonce agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of this 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

Transfer of Chair

Break

File Number 2012-02318, Gregory Dewayne Yonce

towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02297, Barbara Bailey Smith**, the Board reviewed the Consent Order as seen and agreed to by Ms. Smith. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Smith admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, Smith agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of this 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 Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02297, Barbara Bailey Smith

In the matter of **File Number 2012-01852, Kenneth Andrew Thompson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thompson. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Thompson admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations and a violation of §54.1-2131.A.4 (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$500.00 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, Thompson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of this 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

File Number 2012-01852, Kenneth Andrew Thompson

education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02118, Zachary Lee Kennedy**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kennedy. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Kennedy admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$350.00. In addition, for the violation of Count 1, Kennedy agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of this 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 Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02118, Zachary Lee Kennedy

In the matter of **File Number 2012-02078, Wayne Gavin Pumphrey**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pumphrey. A motion was made by Mr. Funkhouser and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Pumphrey admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board’s 2008 Regulations, and agrees to a monetary penalty of \$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, Pumphrey agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and to provide proof of attendance and successful completion within six (6) months of the effective date of this 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

File Number 2012-02078, Wayne Gavin Pumphrey

Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02546, Ronald Scott Bennett**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bennett. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Bennett admits to a violation of 18 VAC 135-20-180.A.1 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 4) of the Board's 2008 Regulations and agrees to a monetary penalty of \$1,300.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$800.00 for the violation contained in Count 4, as well as \$150.00 in Board costs, for a total of \$3,750.00. In addition, for the violation of Count 1, Bennett agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Management. For violation of Count 2, Bennett agrees Bennett agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management. For violation of Count 3, Bennett agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Bennett agrees to provide proof of attendance and successful completion within six (6) months of the effective date of this 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 Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02546, Ronald Scott Bennett

In the matter of **File Number 2012-03587, Virginia Real Estate Transaction Recovery Act Claim of Michael Guynn (Claimant) and Tammy Y. Finch (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. Ferebee and seconded by Mr. Hoover to adopt the recommendation to approve payment in the amount of \$4,000.00. The motion passed unanimously. Members voting

File Number 2012-03587, Virginia Real Estate Transaction Recovery Act Claim of Michael Guynn (Claimant) and Tammy Y. Finch (Regulant)

“Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

A motion was made by Ms. Noonan and seconded by Ms. Grimsley to adopt the following resolution to honor the years of dedicated service by former Board Member Nathaniel Brown to the Board:

Resolution

RESOLUTION IN HONOR OF

Nathaniel Brown

WHEREAS, **Nathaniel Brown**, has faithfully and diligently served as a member of the Real Estate Board since 2004; and

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

WHEREAS, **Nathaniel Brown**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this sixth day of September, 2012 that **Nathaniel Brown** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

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

The motion passed unanimously. Member voting “Yes” were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Christine Martine updated the Board on the Firm/Sole Proprietorship Audit Form. No action was taken by the Board.

**Administrative
Issues**

A motion was made by Mr. Funkhouser and seconded by Mr. Hoover to accept Items A-F of the September 5, 2012, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Education

A motion was made by Mr. Funkhouser and seconded by Ms. Noonan to accept Item G of the September 5, 2012, Education Committee Report, noting #1. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Fonseca, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Steven Jack gave the Board an update on the Berdensen Receivership. No action was taken by the Board.

Old Business

The Board reviewed the draft guidance document regarding interpretation of the agency law concerning the necessity for written brokerage agreements. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to adopt Board meeting revision #1 as the approved guidance document regarding interpretation of agency law. The motion failed. Members voting "Yes" were Fonseca, Funkhouser, Hoover and Wells, Members voting "No" Do, Ferebee, Grimsley and Noonan.

Administrative Issues

A motion was made by Ms. Ferebee and seconded by Ms. Noonan to adopt Board meeting revision #2 regarding interpretation of agency law. The motion passed by majority vote. Members voting "Yes" were Do, Fonseca, Ferebee, Grimsley and Noonan. Members voting "No" Funkhouser, Hoover and Wells.

There being no further business, the Board adjourned at 12:53 P.M.

Adjourn

Clifford Wells, Chair

Gordon Dixon, Secretary