

REAL ESTATE BOARD  
MINUTES OF MEETING

July 25, 2013

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

Joseph Funkhouser, II, Chair  
Anh Tu Do  
Lynn G. Grimsley  
Catherine M. Noonan  
Steve Hoover  
Clifford Wells

Board member absent: Sandee Ferebee

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

Gordon Dixon, Director  
Nick Christner, Deputy Director  
Mark Courtney, Senior Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Bill Murray, Training Manager  
Candace Howard, Legal Analyst  
Kevin Hoefl, 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. Funkhouser called the meeting to Order at 9:03 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Mr. Wells and seconded by Ms. Noonan to adopt the following minutes: April 25, 2013, Informal Fact-Finding Conference; April 30, 2013, Informal Fact-Finding Conference; May 8, 2013, Informal Fact-Finding Conference;

**Minutes**

May 8, 2013, RF Informal Fact-Finding Conference; May 9, 2013, Real Estate Board Meeting; May 16, 2013, Informal Fact-Finding Conference; June 3, 2013, Informal Fact-Finding Conference; and July 9, 2013, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

There was no public comment.

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

In the matter of **Roslyn Faines v. Ursula Fletcher, WR South, LLC dba Winn Residential, LLC, and The Commons at Ironbridge, LP dba The Park at Ridgedale, REB File Number 2013-02097**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Roslyn Faines, complainant, and Heather Lockerman, attorney for the respondents were present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **Mary Linda Mann v. Tedd Beck, Sheila Dougherty, and NRS/ATG, LLC, t/a Neighborhood Realty Services NRS, REB File Number 2012-03547**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Mr. Wells and seconded by Ms. Noonan to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **Kristin Seay v. Augie Lange Realty and Tim Corbett, REB File Number 2013-01936**, a motion was made by Ms. Noonan and seconded by Mr. Hoover to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **Ebony Lee v. Debbie Powell and Long and Foster Real Estate, Inc., REB File Number 2013-02080**, a

## Public Comment

### Fair Housing Administrator’s Report

Roslyn Faines v.  
Ursula Fletcher, WR  
South, LLC dba  
Winn Residential,  
LLC, and The  
Commons at  
Ironbridge, LP dba  
The Park at  
Ridgedale, REB File  
Number 2013-02097

Mary Linda Mann v.  
Tedd Beck, Sheila  
Dougherty, and  
NRS/ATG, LLC, t/a  
Neighborhood Realty  
Services NRS, REB  
File Number 2012-  
03547

Kristin Seay v. Augie  
Lange Realty and  
Tim Corbett, REB  
File Number 2013-  
01936

Ebony Lee v. Debbie  
Powell and Long and

motion was made by Ms. Noonan 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, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**Foster Real Estate,  
Inc., REB File  
Number 2013-02080**

In the matter of **File Number 2013-02553, Stacy 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 officer. A motion was made by Mr. Wells 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. Johnson’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**File Number 2013-  
02553, Stacy Johnson**

In the matter of **File Number 2013-02554, Brandon Stacy**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Wells and seconded by Ms. Grimsley 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. Stacy’s application for a real estate salesperson’s license. The motion passed by majority. Members voting “Yes” were Do, Funkhouser, Grimsley, Noonan and Wells. Member voting “No” was Hoover.

**File Number 2013-  
02554, Brandon  
Stacy**

In the matter of **File Number 2013-02476, Luchia Elsbery**, 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. Noonan 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. Elsbery’s application for a real estate salesperson’s license. The motion passed unanimously.

**File Number 2013-  
02476, Luchia  
Elsbery**

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

In the matter of **File Number 2013-00829, Gregory Jones**, 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. Noonan and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Jones’ application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**File Number 2013-00829, Gregory Jones**

In the matter of **File Number 2013-00831, Gregory Jones**, 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 officer. 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 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, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**File Number 2013-00831, Gregory Jones**

A motion was made by Mr. Wells 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 \$350.00 for the violation contained in Count 2, for a total of \$350.00. The motion passed unanimously. Members voting “Yes” were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2013-02957, James Wolohan**, 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. Noonan and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of

**File Number 2013-02957, James Wolohan**

the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wolohan's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2013-02658, Ciara Maye**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Wells and seconded by Mr. Hoover to amend 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. Maye's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Maye and her broker will provide quarterly reports to the Board due to the recentness and seriousness of the convictions. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**File Number 2013-02658, Ciara Maye**

In the matter of **File Number 2013-02657, Alexander Hu**, 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. Noonan 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. Hu's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

**File Number 2013-02657, Alexander Hu**

In the matter of **File Number 2013-02334, Robert Ransom, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Robert Ransom, Jr., applicant, was present and addressed the Board. A motion was made by Ms. Grimsley, and seconded by Mr. Hoover to reject the recommendation contained in the

**File Number 2013-02334, Robert Ransom, Jr.**

Summary of the Informal Fact-Finding Conference and instead approve Mr. Ransom's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Funkhouser, Grimsley, Hoover and Noonan. Member voting "No" was Do.

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 2013-02477, Amanda Lynn Stallings**, 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 to deny Ms. Stallings's application for a real estate broker's license. The Board determined Stallings does not meet the current requirement for a broker's license as she has not been actively engaged as a salesperson/broker for 36 of the 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover and Noonan.

**File Number 2013-02477, Amanda Lynn Stallings**

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 2013-02478, Wanchai Panasethaned**, 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. Wanchai Panasethaned, applicant, and Lawrence Marshall, attorney for applicant, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Panasethaned's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Grimsley and Hoover. Member voting "No" was Noonan.

**File Number 2013-02478, Wanchai Panasethaned**

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 2013-02355, Pascal Aekeem Matthews**, 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. Noonan and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Matthews' application for a real estate broker's license. The Board determined Matthews does not meet the current requirement for a broker's license as he has not been actively engaged as a salesperson/broker for 36 of the 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover and Noonan.

**File Number 2013-02355, Pascal Aekeem Matthews**

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 2012-01837, Virginia Real Estate Transaction Recovery Act Claim of Gladys Pachacama and Edgar Apari (Claimants) and United Realty International LLC (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Daniel Choi, Attorney for the claimants was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to adopt the recommendation to approve payment in the amount of \$17,580.00 with a correction to the language in the Summary of the Informal Fact-Finding Conference to read Section §54.1-2116.F instead of §54.1-2126.F. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Grimsley and Hoover. Member voting "No" was Noonan.

**File Number 2012-01837, Virginia Real Estate Transaction Recovery Act Claim of Gladys Pachacama and Edgar Apari (Claimants) and United Realty International LLC (Regulant)**

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 2012-02815, Virginia Real Estate Transaction Recovery Act Claim of Juan Loayza (Claimant) and United Realty International LLC (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Daniel Choi, Attorney for the claimants was present

**File Number 2012-02815, Virginia Real Estate Transaction Recovery Act Claim of Juan Loayza (Claimant) and**

and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to adopt the recommendation to approve payment in the amount of \$12,842.00 with a correction to the language in the Summary of the Informal Fact-Finding Conference to read Section §54.1-2116.F instead of §54.1-2126.F. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Grimsley and Hoover. Member voting "No" was Noonan.

**United Realty  
International LLC  
(Regulant)**

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 2013-00045, Guilian Wiant**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wiant. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Wiant admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, 2 violations of 18 VAC 135-20-220.A.3 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 5) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,200.00 for the violation of Count 1, \$450.00 for each violation of Count 2, \$600.00 for the violation of Count 3, \$1,200.00 for the violation of Count 4, \$2,000.00 for the violation of Count 5, as well as \$150.00 in Board costs, for a total of \$6,050.00. For violation of Count 5, Wiant agrees to at six (6) month suspension of her license. Further, for violation of Counts 3, 4, and 5, Wiant agrees to a two (2) year probation of her license as of the effective date of the Order. For violation of Count 1, Wiant agrees to a one (1) year probation of her license, to run concurrently with the two (2) year probation for Counts 3 through 5. During the probation period(s), Wiant agrees to: (1) Not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of the Order; and (2) Provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Wiant and her principal broker that Wiant is in compliance with the regulations of the Real Estate Board. Failure to comply with the quarterly reporting requirement will result in suspension of Wiant's license until such reporting requirements are met. If Wiant violates any terms of the probation, her license may be revoked, pending

**File Number 2013-  
00045, Guilian Wiant**

review by the Board or any of its agents. In addition, Wiant agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses must be completed in the classroom. For violation of Count 1, three (3) hours pertaining to Ethics and Standards of Conduct; For violation of Count 2, three (3) hours pertaining to Real Estate Agency; For violation of Count 4, three (3) hours pertaining to Escrow Management; and For violation of Counts 1, 3, and 5, three (3) hours per Count, for a total of nine (9) hours, pertaining to Real Estate Contracts. 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, Funkhouser, Grimsley, Hoover and 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 2013-01240, Betty Jane West**, the Board reviewed the Consent Order as seen and agreed to by Ms. West. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. West admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, West agrees to a two (2) year probation of her license as of the effective date of the Order. During the two (2) year probation, West agrees to comply with the regulations of the Real Estate Board ("the Board"). If West violates any terms of the probation, her license may be revoked, pending review by the Board or any of its agents. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover and Noonan.

**File Number 2013-01240, Betty Jane West**

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 2012-01709, Lynn Albert Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Smith 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 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation of Count 1, and \$1,000.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,650.00. Further, for violation of Count 2, Smith agrees to a two (2) year probation of his license as of the effective date of the Order. During this two (2) year probation, Smith agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Smith and his principal broker that Smith is in compliance with the regulations of the Real Estate Board. Failure to comply with the quarterly reporting requirement will result in suspension of Smith's license until such reporting requirements are met. If Smith violates any terms of this probation, his license may be revoked, pending review by the Board or any of its agents. In addition, for violation of Counts 1 and 2, Smith agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision, and at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management. Smith further agrees to 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 Do, Funkhouser, Grimsley, Hoover and 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 2013-01101, Mansoor F. Malik**, the Board reviewed the Consent Order as seen and agreed to by Mr. Malik. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent

**File Number 2012-01709, Lynn Albert Smith**

**File Number 2013-01101, Mansoor F. Malik**

Order offer wherein Mr. Malik admits to a violation of 18 VAC 135-20-185.C.1 (Count 1) of the Board's 2003 Regulations, 3 violations of 18 VAC 135-20.180.B.1.a (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-160.B (Count 3) and agrees to a monetary penalty of \$750.00 for the violation of Count 1, \$500.00 for each violation of Count 2, and \$250.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$2,500.00. Further, for violation of Counts 1, 2, and 3, Malik agrees to a two (2) year probation of his license as of the effective date of the Order. During this two (2) year probation, Malik agrees to comply with the regulations of the Real Estate Board; provide satisfactory evidence to the Board, within thirty (30) days of the ratification of the Order, that he has acquired an office that is in compliance with 18 VAC 135-20-160.B; and provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Malik that he is in compliance with the regulations of the Real Estate Board. Failure to comply with the quarterly reporting requirement will result in suspension of Malik's license until such reporting requirements are met. The motion passed unanimously. Members voting "Yes" were Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2013-01388, Christy L. Kitchens**, the Board reviewed the Consent Order as seen and agreed to by Ms. Kitchens. A motion was made by Mr. Wells and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Kitchens admits to a violation of 18 VAC 135-20-290.B (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$150.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$300.00. In addition, for violation of Count 1, Kitchens agrees to probation of her license until she completes two (2) hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within three (3) 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.

**File Number 2013-01388, Christy L. Kitchens**

Further, Kitchens agrees that the above-referenced education must be completed and satisfactory proof thereof presented to the Board before her license will be changed to active status.

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

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

In the matter of **File Number 2012-03262, Jon Joseph Bourque**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bourque. A motion was made by Mr. Hoover and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Bourque admits to a violation of 18 VAC 135-20-300.2 (Count 1) of the Board’s 2008 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, Bourque to complete at least four (4) hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within six (6) months of the effective date of 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, Funkhouser, Grimsley, Hoover and Wells.

**File Number 2012-03262, Jon Joseph Bourque**

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

In the matter of **File Number 2013-00816, Josh Hope Choe**, the Board reviewed the Consent Order as seen and agreed to by Mr. Choe. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Choe admits to 2 violations 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 each violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for violation of Count 1, Bourque to complete at least four (4) hours of Board-approved continuing education pertaining to Ethics and Standards of

**File Number 2013-00816, Josh Hope Choe**

Conduct and at least four (4) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover and Wells.

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

In the matter of **File Number 2013-01585, Jennifer Anne Gracia**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gracia. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Gracia 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 of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Gracia to complete at least two (2) hours of Board-approved continuing education pertaining to Escrow Management and provides 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 Do, Funkhouser, Hoover, Noonan and Wells.

**File Number 2013-01585, Jennifer Anne Gracia**

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

In the matter of **File Number 2013-01838, Marilyn Victoria Sundy**, the Board reviewed the Consent Order as seen and agreed to by Ms. Sundy. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Sundy admits to a violation of 18

**File Number 2013-01838, Marilyn Victoria Sundy**

VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$800.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Count 1, Sundy to complete at least three (3) hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provides 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 Do, Funkhouser, Hoover, Noonan and Wells.

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

In the matter of **File Number 2013-01504, Paul Allen Pavon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pavon. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Pavon admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B1.a (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation of Count 1, \$350.00 for each violation of Count 2, \$500.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$2,250.00. In addition, for violation of Count 1, Pavon agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and for violation of Count 2, Pavon 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 this Order. The courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Hoover, Noonan and Wells.

**File Number 2013-01504, Paul Allen Pavon**

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

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

In the matter of **File Number 2013-00862, Michael Israel Putnam**, the Board reviewed the Consent Order as seen and agreed to by Mr. Putnam. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Putnam admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Bourque to complete at least three (3) hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within six (6) months of the effective date of 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, Funkhouser, Hoover, Noonan and Wells.

**File Number 2013-00862, Michael Israel Putnam**

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

In the matter of **File Number 2013-00514, Ramesh Lashkarbhai Beladia**, the Board reviewed the Consent Order as seen and agreed to by Mr. Beladia. A motion was made by Mr. Wells and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Beladia admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board’s 2008 Regulations and agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Beladia to complete at least three (3) hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s)

**File Number 2013-00514, Ramesh Lashkarbhai Beladia**

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, Funkhouser, Hoover, Grimsley and Wells.

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

In the matter of **File Number 2013-01980, Charlotte Falk Rouse**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rouse. A motion was made by Ms. Grimsley and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Ms. Rouse 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 \$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, Rouse to complete at least two (2) hours of Board-approved continuing education pertaining to Real Estate Contracts and provides proof of attendance and successful completion within six (6) months of the effective date of 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, Funkhouser, Grimsley, Noonan and Wells.

**File Number 2013-01980, Charlotte Falk Rouse**

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

In the matter of **File Number 2013-01980, Charlotte Falk Rouse**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rouse. A motion was made by Ms. Grimsley and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Ms. Rouse 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 \$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, Rouse to complete at least two (2) hours of Board-approved continuing

**File Number 2013-01980, Charlotte Falk Rouse**

education pertaining to Real Estate Contracts and provides 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 Do, Funkhouser, Grimsley, Noonan and Wells.

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

In the matter of **File Number 2013-01981, Charlotte Falk Rouse**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rouse. A motion was made by Ms. Grimsley and seconded by Mr. Wells to reject the proposed Consent Order offer and extend a counter offer wherein Ms. Rouse the proposed Consent Order offer wherein Ms. Rouse 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 \$1,000.00 for the violation of Count 1, for a total of \$1,000.00. In addition, for the violation of Count 1, Rouse agrees to a two (2) year probation of her license as of the effective date of the Order. During this two (2) year period, Rouse agrees to enter into an Agreement for Licensure which requires that she and her principal broker report to the Board quarterly, that she is in compliance with the rules and regulations of the Board, for a period of two (2) years. If Rouse does not accept the counter offer within 14 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Noonan and Wells.

**File Number 2013-01981, Charlotte Falk Rouse**

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

In the matter of **File Number 2013-00397, Ando I. Suvvari, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Suvvari. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Suvvari admits to a violation of 18 VAC 135-20-290.2 (Count 1) of the Board's 2003

**File Number 2013-00397, Ando I. Suvvari, Jr.**

Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-300.9 (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$400.00 for the violation of Count 1, \$1,200.00 for the violation of Count 2, \$800.00 for the violation of Count 3, and \$1,200.00 for the violation of Count 4, as well as \$150.00 in Board costs, for a total of \$3,750.00. In addition, for violation of Counts 1, 2, 3 and 4, Suvari agrees to a two (2) year probation of his license as of the effective date of the Order. During the two (2) year probation, Suvari agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Suvari and his principal broker that Suvari is in compliance with the regulations of the Real Estate Board. Failure to comply with the quarterly reporting requirement will result in suspension of Smith's license until such reporting requirements are met. If Suvari violates any terms of the probation, his license may be revoked, pending review by the Board or any of its agents. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Noonan and Wells.

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

Bill Murray, Training Manager, addressed the Board with an Education and Examination overview. No action was taken by the Board.

#### **Administrative Issue**

Tom Payne gave the Board a legislative update.

The Board discussed the requirement for ARELLO Distance Education Certification (DEC) as a condition of Board-approval for all non-correspondence distance education course applications. Alpha College of Real Estate Director Deana Wilson requested the Board eliminate this requirement for the following reasons: 1) It is costly and burdensome for schools; 2) The Board sometimes reduces the number of hours it approves for distance education course applications with ARELLO DEC; and 3) The Board's required timing mechanism for and periodic audits of online courses has improved the quality of its approved online courses. Ms.

#### **Education**

Wilson suggested the Board establish its own set of distance education course standards in place of requiring ARELLO DEC. The Board requested the Education Committee address this matter with input from education providers at an upcoming meeting and report its findings to the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan to coordinate with staff when to have an Education Committee meeting with education providers to discuss ARELLO approval for distance education. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Mr. Hoover updated the Board with the Education Committee Report. A motion was made by Mr. Hoover and seconded by Ms. Noonan to approve the July 24, 2013, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Christine Martine gave the Board an update on the Real Estate regulation review process. No action was taken by the Board.

**Old Business**

There being no further business, the Board adjourned at 10:53 A.M.

**Adjourn**

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Joseph Funkhouser, II, Chair

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Gordon Dixon, Secretary