

REAL ESTATE BOARD  
MINUTES OF MEETING

November 19, 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  
Santee Ferebee, Vice-Chair  
Anh Tu Do  
Lynn G. Grimsley  
Catherine M. Noonan  
Steve Hoover  
Lee Odems

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  
Kristin Becker, Legal Analyst  
Samantha Vrscak, Legal Analyst  
Kevin Hoefl, Education Administrator  
Jeff Williams, Board Administrator  
Emily Trent, Administrative Assistant

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

Mr. Funkhouser called the meeting to Order at 9:02 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to adopt the following minutes: July 19, 2013, Informal Fact-Finding Conference; August 13, 2013, Informal Fact-Finding Conference; August 15, 2013, Informal Fact-Finding

**Minutes**

Conference; September 19, 2013, Real Estate Board Meeting; September 19, 2013, Fair Housing Sub-Committee Meeting and October 22, 2013, Regulatory Real Estate Committee Meeting. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

There was no public comment.

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

In the matter of **Michael and Barbara Miller v. Eagle Construction of VA, LLC, Eagle Realty of VA, LLC, Wells Fargo & Company, and Wells Fargo Home Mortgage Loans, REB File Number 2013-03112**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Barbara Miller, complainant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

Due to a possible conflict of interest, Ms. Noonan recused herself from the discussion and vote in this matter.

In the matter of **Melody Hall v. Ronald Byrd and Exit First Referral Realty, LLC, REB File Number 2014-00151**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **Charles and Donna Millwater v. Cathcart Management Company and Lakeside Associates III Limited Partnership, REB File Number 2013-03153**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Grimes Creasy, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to find no reasonable cause. The motion passed

## **Public Comment**

### **Fair Housing Administrator’s Report**

### **Michael and Barbara Miller v. Eagle Construction of VA, LLC, Eagle Realty of VA, LLC, Wells Fargo & Company, and Wells Fargo Home Mortgage Loans, REB File Number 2013-03112**

### **Melody Hall v. Ronald Byrd and Exit First Referral Realty, LLC, REB File Number 2014- 00151**

### **Charles and Donna Millwater v. Cathcart Management Company and Lakeside Associates III Limited Partnership, REB**

unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **Niya Bates and Daisa Granger v. Patrick Rannigan, Associated Brokers Realty, Merritt Becker and Kemel Vaz, REB File Number 2013-02861**, 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, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00530, Steven Strickler**, 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. Steven Strickler, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Strickler’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00529, Noel Diaz-Reyes**, 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. Noel Diaz-Reyes, 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 Ms. Diaz-Reyes’ application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00375, Natalie Salinas**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal

**File Number 2013-03153**

**Niya Bates and Daisa Granger v. Patrick Rannigan, Associated Brokers Realty, Merritt Becker and Kemel Vaz, REB File Number 2013-02861**

**File Number 2014-00530, Steven Strickler**

**File Number 2014-00529, Noel Diaz-Reyes**

**File Number 2014-00375, Natalie Salinas**

Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Natalie Salinas, applicant, was present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Salinas' application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Salinas and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-01269, Timothy Wright**, 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. Timothy Wright, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wright's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-01269, Timothy Wright**

In the matter of **File Number 2014-00316, Katie Wilking**, 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 Ms. Noonan 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. Wilking's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Salinas and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00316, Katie Wilking**

In the matter of **File Number 2014-00373, Andrew Taylor**, 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. Andrew Taylor, applicant, and Alice Smith, witness, were present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Taylor's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Taylor and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00373, Andrew Taylor**

In the matter of **File Number 2014-00374, Crystal Jeuck**, 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. Odems 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. Jeuck's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00374, Crystal Jeuck**

In the matter of **File Number 2014-00330, Kenneth Rogers, Jr.**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Kenneth Rogers, Jr., applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Rogers' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser,

**File Number 2014-00330, Kenneth Rogers, Jr.**

Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00328, André Palmer**, 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. André Palmer, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Noonan 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 Mr. Palmer's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Palmer and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00328, André Palmer**

In the matter of **File Number 2014-00295, Corbin Prydwen**, 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. Corbin Prydwen, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Prydwen's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00295, Corbin Prydwen**

In the matter of **File Number 2014-00314, Darlene Farrow**, 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. Darlene Farrow, applicant, and Deborah Rhodes, witness, were present and addressed the Board. A motion was made by Ms. Ferebee 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 Ms. Farrow's

**File Number 2014-00314, Darlene Farrow**

application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00315, Gordon Potter, III**, 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. Gordon Potter, III, applicant, and Gordon Potter, Jr., witness, were present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Rogers' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00315, Gordon Potter, III**

Due to a possible conflict of interest, Ms. Ferebee recused herself from the discussion and vote in the matter.

In the matter of **File Number 2014-00167, Melvin Robey**, 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. Melvin Robey, applicant, was present and addressed the Board. A motion was made by Mr. Odems and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Robey's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2014-00167, Melvin Robey**

In the matter of **File Number 2013-02812, Melanie Thomas**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the

**File Number 2013-02812, Melanie Thomas**

Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Thomas' application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Ms. Thomas and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00550, Talliscia Irby**, 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. Talliscia Irby, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Irby's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-00550, Talliscia Irby**

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

In the matter of **File Number 2014-00384, Eileen Lewandowski**, 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. Eileen Lewandowski, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Lewandowski's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-00384, Eileen Lewandowski**

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

In the matter of **File Number 2014-00387, Peggy Yee**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding

**File Number 2014-00387, Peggy Yee**

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 Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Yee's application for a real estate broker's license as she has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-00386, Charles Badu**, 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. Charles Badu, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Badu's application for a real estate salesperson's license as the Board determined Badu does not meet the qualifications for licensure as he provided insufficient evidence that he possesses sufficient character and integrity required to be a licensee following his prior disciplinary action, and denies licensure at this time. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-00386, Charles Badu**

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

In the matter of **File Number 2014-00381, Julie Ann Tremblay**, 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. Julie Ann Tremblay, applicant, and Derek Tremblay, witness, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Tremblay's application for a real estate salesperson's license as the Board determined

**File Number 2014-00381, Julie Ann Tremblay**

Tremblay does not meet the qualifications for licensure as she provided insufficient evidence that he possesses sufficient character and integrity required to be a licensee following his prior disciplinary action, and denies licensure at this time. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-00905, Arlene J. Somers**, the Board reviewed the Consent Order as seen and agreed to by Ms. Somers. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Somers admits to two violations of 18 VAC 135-20-220.B.1 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for each violation of Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Somers agrees to complete at least three (3) 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 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, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-00905, Arlene J. Somers**

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 2012-03531, Jerry L. Sheeley**, 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. Jerry L. Sheeley, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee 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 135-20-180.C.3 (Count 1) of the Board's

**File Number 2012-03531, Jerry L. Sheeley**

2008 Regulations, a violation of 18 VAC 135-20-185.B (Count 2) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-185.C.3 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

A motion was made by Ms. Ferebee 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 \$1,200.00 for the violation contained in Count 1, \$4,000.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, for a total of \$6,700.00. The Board also imposes sanctions: For the violation of Count 1, Sheeley shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and three (3) classroom hours of Board-approved continuing education pertaining to Property Management. Sheeley shall provide evidence acceptable to the Board that he has completed the above-referenced courses within three (3) months of the effective date of the order. These courses will not count towards any continuing education requirements for renewal, reinstatement, or activation of a license. Further, the Board imposes revocation of license for the violations of Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-00210, George Washington Meiggs**, 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 §54.1-2135.A.1 (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-185.C.2 (Count 2) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-185.C.2 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members

**File Number 2013-00210, George Washington Meiggs**

voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

A motion was made by Ms. Ferebee 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 1, \$800.00 for the violation contained in Count 2, \$800.00 for the violation contained in Count 3, for a total of \$1,950.00. The Board also imposes sanctions: For the violation of Count 1, Meiggs shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Property Management. Such course(s) shall be completed in a classroom. Further, Meiggs shall provide evidence acceptable to the Board that he has completed the above-referenced course(s) within three (3) months of the effective date of the order. These course(s) will not count towards any continuing education requirements for renewal, reinstatement, or activation of a license. In addition, for the violation of Counts 1, 2 and Count 3, Meigg’s license shall be placed on probation for two (2) years. While on probation, Mieiggs and his broker will provide quarterly reports to the Board that he is compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-02780, Julie Ann Milne Cawley**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cawley. A motion was made by Ms. Noonan and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Cawley 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 \$350.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. In addition, for violation of Count 1, Milne Cawley agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and provide proof of attendance and successful completion within three (3) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory

**File Number 2013-02780, Julie Ann Milne Cawley**

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, Funkhouser, Hoover, Noonan and Odems.

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 2013-03072, Robert Winsten Gunnels, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gunnels. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Gunnels admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$750.00 for the violation of Count 2 as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Counts 1 and 2, Gunnels agrees to a two (2) year probation of his license as of the effective date of the order. During the two (2) year probation, Gunnels agree to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Gunnels and his principal broker that he is in compliance with the regulations of the Real Estate Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-03072, Robert Winsten Gunnels, Jr.**

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 2013-03053, Wallace S. Gibson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gibson. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Gibson admits to a violation of 18 VAC 18 VAC 135-20-240 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$950.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,100.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-03053, Wallace S. Gibson**

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 2013-01891, Lesley Kristin Hock**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hock. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Hock admits to a violation of 18 VAC 135-20-220.A.2 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-01891, Lesley Kristin Hock**

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 2013-02308, Veronica Crump Taylor**, the Board reviewed the Consent Order as seen and agreed to by Ms. Taylor. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Taylor 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 the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Taylor agrees to complete at least two (2) 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(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, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2013-02308, Veronica Crump Taylor**

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 2013-02482, Jeffrey Scott Adams**, the Board reviewed the Consent Order as seen and agreed to by Mr. Adams. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Adams admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$450.00 for the violation of Count 2 as well as \$150.00 in Board costs, for a total of \$600.00. Further, for violation of Count 1, Adams agrees to a one (1) year probation of his license as of the effective date of the order. During the one (1) year probation, Adams agrees to provide to supply to the Board with all reports prepared by his probation officer on his behalf; comply with the terms of his probation as assigned by the court; comply with the regulations of the Real Estate Board; and provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Adams and his principal broker that he is in compliance with the regulations of the Real Estate Board. Failure to comply with the probation terms will result in revocation of Adams' license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

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 2013-02008, Jennifer Marie Garrett**, the Board reviewed the Consent Order as seen and agreed to by Ms. Garrett. A motion was made by Ms. Grimsley and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Garrett admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) and agrees to \$150.00 in Board costs, for a total of \$150.00. Further, for violation of Count 1, Garrett agrees to a six (6) month suspension of license. Further, for violation of Count 1, Garrett agrees to a two (2) year probation of her license to begin on the date her license suspension ends. During the two (2) year probation, Garrett agrees to comply with the regulations of the Real Estate Board. If Garrett violates any terms of the probation, her

**File Number 2013-02482, Jeffrey Scott Adams**

**File Number 2013-02008, Jennifer Marie Garrett**

license may be revoked, pending review of the Board. Also, for violation of Count 1, Garrett agrees to complete at least three (3) classroom hours of Board approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion to the Board within six (6) month of the effective date of the order. For violation of Count 2, Garrett 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 to the Board within six (6) month of the effective date of the order. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count toward any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover and Odems. Member voting "No" was Ferebee.

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 2013-01367, Jaclyn Elizabeth Heatherman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Heatherman. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Heatherman admits to a violation of 18 VAC 135-20-190.D.4 (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, Heatherman agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2013-01367, Jaclyn Elizabeth Heatherman**

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 2013-02058, Wilmer Santiago Vasquez-Martinez**, the Board reviewed the Consent Order as seen and agreed to by Mr. Vasquez-Martinez. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Vasquez-Martinez admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, 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. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02058, Wilmer Santiago Vasquez-Martinez**

In the matter of **File Number 2012-03062, Jina O’Brien**, the Board reviewed the Consent Order as seen and agreed to by Ms. O’Brien. Jason Messersmith, attorney, for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Odems to reject the proposed Consent Order offer and instead amend the terms to revoke Ms. O’Brien’s broker’s license and not issue a salesperson’s license. The motion failed. Members voting “Yes” were Grimsley, Noonan and Odems. Members voting “No” were Do, Ferebee, Funkhouser and Hoover.

**File Number 2012-03062, Jina O’Brien**

A motion was made Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. O’Brien admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-220.A (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, and agrees to a monetary penalty \$1,000.00 for the violation of Count 1, \$700.00 for the violation of Count 2, \$1,000.00 for the violation of Count 3, in addition to \$150.00 in Board costs, for a total of \$3,050.00. In addition, for violation of Counts 1, 2 and 3, O’Brien agrees to revocation of her broker license, with the simultaneous issuance of a salesperson license, effective on the date of execution of the Order by the Board. Further, for violation of Counts 1, 2, and 3, O’Brien agrees to a three (3) year probation of the salesperson license during which time O’Brien agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from O’Brien and her principal broker that O’Brien 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 O'Brien's salesperson license until such reporting requirements are met. Also during the three (3) year probation, O'Brien agrees not to apply for a broker's license. Also, for violation of Counts, 1, 2, and 3, O'Brien agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and 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(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 by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Hoover. Members voting "No" were Noonan and Odems.

In the matter of **File Number 2013-02344, Susan Lorine Elbertson**, 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. Susan Lorine Elbertson, respondent, and Michael Lafayette, attorney for the respondent, were 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 and find a violation of a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

**File Number 2013-02344, Susan Lorine Elbertson**

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 to impose a monetary penalty of \$300.00 for the violation contained in Count 1, \$700.00 for the violation contained in Count 2, for a total of \$1,000.00. The Board also imposes sanctions: For the violation of Count 2, Elbertson shall be placed on probation for one (1) year under the following conditions: (1) Elbertson shall complete three classroom hours of Board approved continuing

education pertaining to Legal Updates. Such course(s) shall be completed in a classroom. Further, Elbertson shall provide evidence acceptable to the Board that she has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of license. The Board agreed to extend the terms of probation due to a pattern of apparent behavior unacceptable to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

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 2013-03154, Michael H. Shaw**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shaw. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Shaw 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, Shaw agrees to complete at least four (4) 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(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, Funkhouser, Grimsley, Noonan and Odems.

**File Number 2013-03154, Michael H. Shaw**

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 2013-02646, Robert M. Hughes**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hughes. A motion was made by Ms. Ferebee

**File Number 2013-02646, Robert M. Hughes**

and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Hughes admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

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 2013-03015, Ronald Lee 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 Mr. Odems to accept the proposed Consent Order offer wherein Mr. 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 of Count 2, as well as \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

**File Number 2013-03015, Ronald Lee Smith**

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 2013-00340, Samantha Dobkins**, the Board reviewed the record which consisted of the case file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Daniel Harvell, attorney for the respondent, Samantha Dobkins, respondent, and Migdalia Ortiz, witness, were present and addressed the Board. 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 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,

**File Number 2013-00340, Samantha Dobkins**

Noonan and Odems.

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 impose a monetary penalty of \$500.00 for the violation contained in Count 2, for a total of \$500.00. The Board also imposes sanctions: For the violation of Count 1, revocation of license. In addition, for violation of Count 2, the Board places Dobkins license on probation and requires her to complete three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates. Dobkins shall provide evidence acceptable to the Board of completing the course within three (3) months of the effective date of the order. Such continuing education shall not count towards any continuing education requirements for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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 2013-02076, Karen DiMarco Hargrove**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hargrove. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Hargrove admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$250.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02076, Karen DiMarco Hargrove**

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 2013-02602, Don R. Samson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Samson. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Samson admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003

**File Number 2013-02602, Don R. Samson**

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. Further, for violation of Count 1, Samson agrees to a two (2) year probation of his license as of the effective date of the order. During the two (2) year probation, Samson agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Samson that he is in compliance with the regulations of the Real Estate Board. In addition, for violation of Count 1, Samson agrees to complete at least eight (8) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and to provide proof of attendance and successful completion within three (3) 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 Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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 2013-02619, Tony O. Yeh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yeh. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Yeh admits to three violations of 18 VAC 135-20-180.C.5 (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$550.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for violation of Count 1, Yeh agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and 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, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02619, Tony O. Yeh**

In the matter of **File Number 2013-02197, Master Institute**, the Board reviewed the Consent Order as seen and agreed to by Master Institute. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Master Institute admits to a violation of 18 VAC 135-20-390.1 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-390.2 (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-390.3 (Count 3) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-390.5 (Count 4) of the Board's 1999 Regulations. Further, for violation of Counts 1 through 4:

- Master Institute agrees to the revocation of its certification as a real estate proprietary school (No. 0211000345).
- Master Institute agrees to the revocation of its certification as a fair housing proprietary school (No. 0234000083).
- Master Institute agrees to the revocation of every course approval for pre-license, post-license, continuing education, or any other course approval awarded by the Board.
- Master Institute agrees to the revocation of all licenses, certifications, registrations, and approvals issued to it by the Board.
- Master Institute agrees to abide by the terms of any Consent Order entered into with any Board within the Department of Professional and Occupational Regulation, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of this Consent Order.

The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-02199, Joseph O. Lee**, the Board reviewed the Consent Order as seen and agreed to by Joseph O. Lee. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Joseph O. Lee admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2)

**File Number 2013-02197, Master Institute**

**File Number 2013-02199, Joseph O. Lee**

of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.5 (Count 3) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.6 (Count 4) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.1 (Count 5) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 6) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation of Count 2, \$2,500.00 for the violation of Count 4, \$2,500.00 for the violation of Count 5, and \$2,500.00 for the violation of Count 6, for a total of \$12,500.00. For any and all violations of Counts 1 through 6, Lee agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$12,500.00 monetary penalty so long as Lee abides by each and every term below:

- Lee agrees to the revocation of his real estate broker license (No. 0225087510).
- Pursuant to Board Regulation 18 VAC 135-20-170.B.2, Lee shall surrender and return to the Board the sole proprietor firm license for Master Realty (No. 0226021589) within three (3) business days of the effective date of this Order. Lee agrees not to appoint a new principal broker to Master Realty and agrees this firm will cease conducting real estate activities. Lee further agrees to return all subordinate licenses to the Board pursuant to Board Regulation 18 VAC 135-20-340 within 3 business days of the effective date of this Order.
- Lee agrees to the revocation of all licenses, certifications, registrations, and approvals issued to him by the Board.
- Lee further agrees not to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department of Professional and Occupational Regulation ("Department") for twenty-five (25) years from the effective date of this Order.
- Lee agrees not to assist in any manner any person or entity to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this

Order.

- Lee also agrees not to assist in any manner any person or entity in obtaining any pre-license, post-license, continuing education or any other qualification, including the passing of any examination, needed to obtain, maintain, renew, or reinstate any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this Order.
- Lee agrees not to be affiliated in any manner with any educational institution approved by any of the Boards within the Department or provide any type of instruction requiring approval of any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Lee agrees that he will not be an employee, subcontractor, consultant, partner, member, or owner of any entity or associate in any manner with any person or entity to which a license has been issued by any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Lee agrees to cooperate with the Department in all investigations: (1) associated with his real estate school or real estate firms, (2) associated with all individuals who are or were students or affiliated with his real estate school or real estate firms, and (3) associated with any other licenses, certifications, registrations, and approvals identified by the Department as being affiliated with Lee, his real estate school, and/or his real estate firms in any manner where the Department maintains jurisdiction to investigate.
- Lee agrees to abide by the terms of any Consent Order entered into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of this Consent Order.

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

In the matter of **File Number 2013-02200, Joseph O. Lee**, a motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein

**File Number 2013-02200, Joseph O. Lee**

Joseph O. Lee admits to a violation of 18 VAC 135-20-390.1 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-390.2 (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-390.3 (Count 3) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-390.5 (Count 4) of the Board's 1999 Regulations. Further, for violation of Counts 1 through 4:

- Lee agrees to the revocation of his certification as a pre-licensing education instructor (No. 0230000529).
- Lee agrees to the revocation of all licenses, certifications, registrations, and approvals issued to him by the Board.
- Lee agrees to abide by the terms of any Consent Order entered into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department of Professional and Occupational Regulation shall additionally constitute a violation of the terms of this Consent Order.

The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-02202, Joseph O. Lee**, the Board reviewed the Consent Order as seen and agreed to by Joseph O. Lee. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Joseph O. Lee admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1 and \$2,500.00 for the violation of Count 2, for a total of \$5,000.00. For any and all violations of Counts 1 and 2 agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$5,000.00 monetary penalty so long as Lee abides by each and every term below:

**File Number 2013-02202, Joseph O. Lee**

- Lee agrees to the revocation of his real estate broker license (No. 0225200028).
- Lee agrees to the revocation of all licenses, certifications, registrations, and approvals issued to him by the Board.

- Lee further agrees not to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department of Professional and Occupational Regulation (“Department”) for twenty-five (25) years from the effective date of this Order.
- Lee agrees not to assist in any manner any person or entity to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this Order.
- Lee also agrees not to assist in any manner any person or entity in obtaining any pre-license, post-license, continuing education or any other qualification, including the passing of any examination, needed to obtain, maintain, renew, or reinstate any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this Order.
- Lee agrees not to be affiliated in any manner with any educational institution approved by any of the Boards within the Department or provide any type of instruction requiring approval of any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Lee agrees that he will not be an employee, subcontractor, consultant, partner, member, or owner of any entity or associate in any manner with any person or entity to which a license has been issued by any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Lee agrees to cooperate with the Department in all investigations: (1) associated with his real estate school or real estate firms, (2) associated with all individuals who are or were students or affiliated with his real estate school or real estate firms, and (3) associated with any other licenses, certifications, registrations, and approvals identified by the Department as being affiliated with Lee, his real estate school, and/or his real estate firms in any manner where the Department maintains jurisdiction to investigate.
- Lee agrees to abide by the terms of any Consent Order

entered into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of this Consent Order.

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

In the matter of **File Number 2013-02203, Master MJ, LLC**, the Board reviewed the Consent Order as seen and agreed to by Master MJ, LLC. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Master MJ, LLC 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 \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. For any and all violations of Count 1, Master MJ agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$2,500.00 monetary penalty so long as Master MJ abides by each and every term below:

**File Number 2013-02203, Master MJ, LLC**

- Master MJ agrees to the revocation of its real estate firm license (No. 0226023125).
- Pursuant to Board Regulation 18 VAC 135-20-170.B.2, Master MJ shall surrender and return to the Board its real estate firm license within three (3) business days of the effective date of this Order. Master MJ agrees not to appoint a new principal broker and further agrees this firm will cease conducting real estate activities. Master MJ agrees to return all subordinate licenses to the Board pursuant to Board Regulation 18 VAC 135-20-340 within 3 business days of the effective date of this Order.
- Master MJ agrees to the revocation of all licenses, certifications, registrations, and approvals issued to it by the Board.
- Master MJ further agrees not to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department of Professional and Occupational Regulation (“Department”) for twenty-five (25) years from the

effective date of this Order.

- Master MJ agrees not to assist in any manner any person or entity to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this Order.
- Master MJ also agrees not to assist in any manner any person or entity in obtaining any pre-license, post-license, continuing education or any other qualification, including the passing of any examination, needed to obtain, maintain, renew, or reinstate any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of this Order.
- Master MJ agrees not to be affiliated in any manner with any educational institution approved by any of the Boards within the Department or provide any type of instruction requiring approval of any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Master MJ agrees that it will not be an employee, subcontractor, consultant, partner, member, or owner of any entity or associate in any manner with any person or entity to which a license has been issued by any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Master MJ agrees to cooperate with the Department in all investigations: (1) associated with the Real Estate firm, (2) associated with all individuals who are or were affiliated with the Real Estate firm, and (3) associated with any other licenses, certifications, registrations, and approvals identified by the Department as being affiliated with Master MJ in any manner where the Department maintains jurisdiction to investigate.
- Master MJ agrees to abide by the terms of any Consent Order entered into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of this Consent Order.

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

In the matter of **File Number 2013-02204, Young S. Lee**, a motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Young S. Lee admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of the Board’s 1999 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, and \$2,500.00 for the violation of Count 2, for a total of \$5,000.00. For any and all violations of Counts 1 and 2, Lee agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$5,000.00 monetary penalty so long as Lee abides by each and every term below:

**File Number 2013-02204, Young S. Lee**

- Lee agrees to the revocation of his real estate salesperson license (No. 0225069596) issued in the name of Young S. Lee, d/b/a Joe Lee.
- Lee agrees to the revocation of all licenses, certifications, registrations, and approvals issued to him as Young Soo Lee, Young S. Lee, or Young Lee by the Board.

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

In the matter of **File Number 2013-02299, Zinta Kitika Rodgers-Rickert**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rodgers-Rickert. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Rodgers-Rickert admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board’s 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board’s 1999 Regulations and agrees to a monetary penalty of \$500.00 for the violation of Count 1, \$600.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,250.00. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02299, Zinta Kitika Rodgers-Rickert**

In the matter of **File Number 2013-01934, James Overton Hillsman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hillsman. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Hillsman 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, Hillsman agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Short Sales and 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, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-01934, James Overton Hillsman**

In the matter of **File Number 2013-02355, Sara Anne Steele**, the Board reviewed the Consent Order as seen and agreed to by Ms. Steele. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Steele 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 \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for violation of Count 1, Steele agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and 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, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02355, Sara Anne Steele**

The Board recessed from 10:35 A.M. to 10:45 A.M.

**Break**

Ms. Martine updated the Board on the proposed real estate

**Administrative**

regulations. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to approve the agency responses to the public comments, as amended. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

## **Issues**

A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to adopt the proposed regulations as amended as final. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

The Board reviewed the Final Order from the Circuit Court for the City of Newport News and the invoice for legal services in the case of Virginia Real Estate Board v. Charlotte Berdenseny Smith & H. K. Berdenseny Real Estate, LLC. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to approve payment in the amount of \$82,295.14 to the special receiver, Philip L. Hatchett, for legal services and costs, in the Virginia Real Estate Board v. Charlotte Berdenseny Smith & H. K. Berdenseny, LLC matter. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the recommendation of the Education Committee to remove the Association of Real Estate License Law Officials (ARELLO) Distance Education Certification requirement, or a substantially equivalent distance education certification requirement, for approval of distance learning courses in 18 VAC 135-20-360.D and 18 VAC 135-20-360.E of the proposed final regulations as this certification is not required to protect the public interest. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

## **Education**

A motion was made by Mr. Hoover and seconded by Ms. Grimsley to approve the recommendation of the Education Committee to work with the Virginia Association of Realtors, other regulated education providers, and other interested parties to review and provide recommendations for improving the Board’s education program. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the recommendation of the Education Committee to withdraw its current guidance document requiring Association of Real Estate License Law Officials (ARELLO) Distance Education Certification, or a substantially equivalent distance education certification requirement, for approval of distance learning courses. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

The Board reviewed the information from the November 18, 2013, Real Estate Education Committee meetings. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to approve the 10:00 a.m. Education Committee meeting minutes and the 3:00 p.m. Education Committee report. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

At 11:06 A.M., Ms. Ferebee offered a motion which was seconded by Ms. Noonan, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Nick Christner, Tom Payne, Johnathan Darden, Gary Jenkins, Amy Chappell, Jonathan Roth, Doug Schroder, Christine Martine and Gordon Dixon.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**-New Business-Discussion of pending special investigations.**

At 11:59 A.M., a motion was made by Ms. Ferebee and seconded by Ms. Grimsley that the Board reconvene in open session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a

certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 7-0

AYES: Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None.

There being no further business, the Board adjourned at 12:06 P.M.

**Adjourn**

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Joseph Funkhouser, II, Chair

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Gordon Dixon, Secretary