

REAL ESTATE BOARD
MINUTES OF MEETING

July 10, 2014

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:

Christine Martine, Executive Director
Mark Courtney, Senior Manager
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Johnathan Darden, Director of Investigations – Central Operations
Valerie Matney, Director of Investigations – Field Operations
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Jim Flaherty and Tom Payne from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 9:00 A.M.

Call to Order

A motion was made by Ms. Ferebee and seconded by Ms. Noonan 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. Ferebee and seconded by Ms. Noonan to adopt the following minutes: May 22, 2014, Real Estate Board Meeting; and May 22, 2014, Fair Housing Sub-Committee Meeting. The motion passed unanimously.

Minutes

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 **Robert Daniels v. Rick Spearman, Don Duft and Royal Oaks Section 3 Homeowner’s Association, REB File Number 2012-03156**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Christian Franklin, attorney for the respondents, was present and addressed the Board.

At 9:20 A.M., Ms. Ferebee offered a motion which was seconded by Mr. Hoover, 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 and briefings by staff members pertaining to actual or probable litigation 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: Tom Payne, Deanda Shelton, Liz Hayes, Trudy Miller and Jim Flaherty.

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

4. FHB File Number 2012-03156 – Robert Daniels v. Rick Spearman, Don Duft and Royal Oaks Section 3 Homeowner’s Association

At 9:43 A.M., a motion was made by Ms. Ferebee and seconded by Mr. Hoover 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

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

Public Comment

**Fair Housing
Administrator’s
Report**

**Robert Daniels v.
Rick Spearman, Don
Duft and Royal Oaks
Section 3
Homeowner’s
Association, REB
File Number 2012-
03156**

Closed Session

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.

In the matter of **Robert Daniels v. Rick Spearman, Don Duft and Royal Oaks Section 3 Homeowner's Association, REB File Number 2012-03156**, a motion was made by Ms. Ferebee and seconded by Mr. Hoover to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**Robert Daniels v.
Rick Spearman, Don
Duft and Royal Oaks
Section 3
Homeowner's
Association, REB
File Number 2012-
03156**

In the matter of **File Number 2014-02783, Peter Lee**, 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. Peter Lee, 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 (IFF) to deny Mr. Lee's application based upon the record. After review of the facts and nature of the crimes, the Board is of the opinion they could not protect the health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed by

**File Number 2014-
02783, Peter Lee**

majority vote. Members voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems. Member voting “No” was Grimsley.

In the matter of **File Number 2014-02471, Rebecca Harris**, 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 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. Harris’ 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 2014-02471, Rebecca Harris

In the matter of **File Number 2014-02469, LaToya Douglas**, 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. Hoover and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Douglas’ 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 2014-02469, LaToya Douglas

In the matter of **File Number 2014-02649, Fitzhugh Godwin, 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. 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 Mr. Godwin’s application for a real estate salesperson’s license, subject to an agreement for licensure for a period of two years wherein Mr. Godwin and his broker will provide quarterly reports to the Board. The motion passed

File Number 2014-02649, Fitzhugh Godwin, III

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

In the matter of **File Number 2014-02660, Seth Good**, 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. Seth Good, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Good’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 2014-02660, Seth Good

In the matter of **File Number 2014-02648, Derek Chaudhuri**, 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. Derek Chaudhuri, 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 (IFF) to deny Mr. Chaudhuri’s application based upon the record. After review of the facts and the nature of the crimes, the Board determined it could not protect the health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02648, Derek Chaudhuri

In the matter of **File Number 2014-02324, Jason Nieto**, 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 (IFF) to deny Mr. Nieto’s application based upon the record. After review of the facts and nature of the crimes, the Board determined it could not protect the

File Number 2014-02324, Jason Nieto

health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-02646, Helen Alexander**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Alexander's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Alexander and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02646, Helen Alexander

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

In the matter of **File Number 2014-02816, Stephan Gorski**, 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 Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Gorski's 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 2014-02816, Stephan Gorski

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

In the matter of **File Number 2014-02849, Daniel Moxley**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept

File Number 2014-02849, Daniel Moxley

the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Moxley's application for a real estate salesperson's 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 vote or participate in the discussion in this matter.

In the matter of **File Number 2014-02917, Leonor Perez**, 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. Leonor Perez, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference. The motion was withdrawn. A motion was made by Ms. Grimsley and seconded by Mr. Odems to amend the recommendation contained in the Summary of the Informal Fact-Finding conference and instead approve Ms. Perez's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Perez and her broker will provide quarterly reports to the Board. Further, Perez must complete 30 classroom hours of post license education within six (6) months of the issue date of the license and agrees not to apply for a license upgrade to broker for five years. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02917, Leonor Perez

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

In the matter of **File Number 2014-02644, David Rosen**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Rosen's application for a real estate broker's license. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02644, David Rosen

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

In the matter of **File Number 2014-02647, Jarrett B. Shaffer**, 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. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Shaffer's application for a real estate broker's license. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02647, Jarrett B. Shaffer

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

In the matter of **File Number 2014-02782, Bill Park**, 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 Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Park's application for a real estate broker's license and instead issue a real estate salesperson's license. The Board denies Park's request to waive the experience requirement under 18 VAC 135-20-40.2 for the reasons outlined in the Summary of the Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02782, Bill Park

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

In the matter of **File Number 2014-00002, Fredrick R. Slatter**, the Board reviewed the Consent Order as seen and agreed to by Mr. Slatter. A motion was made by Ms. Grimsley and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Mr. Slatter 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 135-20-260.5 (Count 2) of Board's 2003 Regulations and agrees to \$150.00 in

File Number 2014-00002, Fredrick R. Slatter

Board costs, for a total of \$150.00. In addition, for violation of Count 1, Slatter agrees to revocation of license. Further, for violation of Count 1, Slatter agrees not to make application for any license issued by the Real Estate Board for a period of fifty (50) years from the date of acceptance of the Order. 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 2014-00634, Gail M. Penman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Penman. Gail M. Penman, respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Penman admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for violation of Count 1, Penman agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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 Odems.

File Number 2014-00634, Gail M. Penman

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

In the matter of **File Number 2014-01343, Virginia Real Estate Transaction Recovery Act Claim of Brian and Tammie Miller (Claimants) and Realty One Resource, Inc. (Regulant)**, the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was

File Number 2014-01343, Virginia Real Estate Transaction Recovery Act Claim of Brian and Tammie Miller (Claimants) and Realty One Resource, Inc.

made by Ms. Grimsley and seconded by Ms. Noonan to adopt the recommendation to approve payment in the amount of \$4,387.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

(Regulant)

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 2014-01510, Cynthia Kevlin Avery**, the Board reviewed the Consent Order as seen and agreed to by Ms. Avery. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Avery admits to a violation of 18 VAC 135-20-155 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$850.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,000.00. In addition, for violation of Count 1, Avery agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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.

File Number 2014-01510, Cynthia Kevlin Avery

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 2013-03311, Ebony Platania-Slattery**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ebony Platania-Slattery, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Ferebee, Funkhouser, Hoover and Odems. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to

File Number 2013-03311, Ebony Platania-Slattery

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, for a total of \$300.00. The Board also imposes the following sanctions: For the violation of Count 1, Platania-Slattery shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in a classroom. Further, Platania-Slattery shall provide evidence acceptable to the Board that she has successfully completed the course(s) within ninety (90) days 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 a license. 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 2014-00534, Ebony Platania-Slattery**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ebony Platania-Slattery, respondent, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Ferebee, Funkhouser, Hoover and Odems. 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 instead impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The Board also imposes the following sanctions: For the violation of Count 1, Platania-Slattery shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom. Further, Platania-Slattery shall provide evidence acceptable to the Board that she has successfully completed the course(s) within ninety (90) days of the effective date of the order. The above-referenced

File Number 2014-00534, Ebony Platania-Slattery

continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, 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 2014-00876, Ebony Platania-Slattry**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ebony Platania-Slattry, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept a violation of 18 VAC 135-20-180.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Noonan, Ferebee, Funkhouser, Hoover and Odems. A motion was made by Ms. Noonan and seconded by Mr. Odems to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: For the violation of Count 1, Platania-Slattry shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Short Sales. Such course(s) shall be completed in a classroom. Further, Platania-Slattry shall provide evidence acceptable to the Board that she has successfully completed the course(s) within ninety (90) days 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 a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

File Number 2014-00876, Ebony Platania-Slattry

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 2014-01929, Woo S. Oh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Oh. A motion was made by Ms. Ferebee and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Mr. Oh admits to a violation of 18 VAC 135-20-260.5

File Number 2014-01929, Woo S. Oh

(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 \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Counts 1 and 2, Oh agrees to the revocation of his 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 2014-00416, Jeffery Pyatt**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-250 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,400.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, for a total of \$3,000.00. The Board also imposes the following sanctions: License revocation for violations of Counts 1 and 2. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

File Number 2014-00416, Jeffery Pyatt

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

In the matter of **File Number 2013-02145, Valerie Sawyer Gaskins**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Ms.

File Number 2013-02145, Valerie Sawyer Gaskins

Grimsley to accept the violation of §54.1-2132.A.2.c (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems. A motion was made by Ms. Ferebee and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: For the violation of Count 1, Gaskins shall be placed on probation and required to complete six (6) classroom hours pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom. Further, Gaskins shall provide evidence acceptable to the Board that she has successfully completed the course(s) within ninety (90) days 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 a license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

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

In the matter of **File Number 2013-01085, Matthew K. Shumate**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Lawrence Marshall, II, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board’s 2003 Regulations. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. The Board also imposes the following sanctions: In addition, for violation of Count 1, Shumate shall be placed on probation and required to complete three (3) classroom hours of Board approved continuing education pertaining to Real Estate Contracts.

File Number 2013-01085, Matthew K. Shumate

Such course(s) shall be completed in a classroom. Further, Shumate shall provide evidence acceptable to the Board that he has successfully completed the course(s) within ninety (90) days 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 a license. In addition, for violation of Count 2, Shumate shall be placed on probation and required to complete an additional three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom. Further, Shumate shall provide evidence acceptable to the Board that he has successfully completed the course(s) within ninety (90) days 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 a license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

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

The Board recessed from 10:35 A.M. to 10:51 A.M.

In the matter of **File Number 2014-00898, Greene H. Lawson, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lawson. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Lawson admits to a violation of §54.1-2133.A.1 (Count 1) of the *Code of Virginia*, 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. In addition, for violation of Count 1, Lawson agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Agency 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.

Break

File Number 2014-00898, Greene H. Lawson, Jr.

Mr. Hoover did not participate in the discussion or vote pertaining to this matter due to a possible conflict of interest.

In the matter of **File Number 2014-00805, Sunny Blue Hammerly**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hammerly. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Hammerly admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the 2008 Board 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, Hammerly 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, Hoover, Noonan and Odems.

File Number 2014-00805, Sunny Blue Hammerly

A motion was made by Ms. Ferebee and seconded by Mr. Hoover to approve payment in the amount of \$991.85 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.

Administrative Issues

The Board reviewed the information from the July 9, 2014, Real Estate Education Committee meeting. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the Education Committee meeting minutes. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

Ms. Martine addressed the Board concerning Broker Immunity. Bonnie Rhea Adams, Valorie Matney and Johnathan Darden joined in the discussion concerning Broker Immunity. A motion was made by Ms. Ferebee and seconded

Old Business

by Mr. Hoover to define an audit as the information contained in the DPOR Real Estate Firm/Sole Proprietorship Audit form or if the person performing the audit doesn't use the DPOR Audit form, the audit must include all the information contained in the DPOR Audit form. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Ms. Ferebee and seconded by Mr. Hoover to instruct staff to draft a letter to brokers clarifying what constitutes an audit which allows for the broker to enter a voluntary compliance program and bring the letter back to the Board at its next meeting. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Ms. Ferebee and seconded by Mr. Hoover directing staff when a broker performs a self audit that is submitted with a plan and has been granted immunity the audit will not be reported to the DPOR website. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Ms. Ferebee and seconded by Ms. Noonan to direct staff and the Office of the Attorney General to draft language that will accomplish a clarification regarding the Recovery Fund Statute Section 54.1-2114.A, such that in the event the final judgment does not contain a specific finding of "improper or dishonest conduct", or to the extent the judgment order is silent as to the Court's finding on the conduct of the regulant, the Board may determine whether the conduct of the regulant meets the definition of improper or dishonest conduct based on the evidence in the agency record. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

New Business

There being no further business, the Board adjourned at 11:54 A.M.

Adjourn

Joseph Funkhouser, II, Chair

Jay DeBoer, Secretary