

REAL ESTATE BOARD
MINUTES OF MEETING

November 29, 2012

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

Clifford L. Wells, Chairman
Joseph Funkhouser, II, Vice-Chair
Santee Ferebee
Anh Tu Do
Lynn G. Grimsley
Catherine M. Noonan
Steve Hoover

The following Board member was absent: Rene Fonseca

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

Gordon Dixon, Director
Mark Courtney, Senior Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Kristin Clay, Legal Analyst
Candace Howard, Legal Analyst
Kevin Hoeft, Education Administrator
Jeff Williams, Board Administrator
Emily Trent, Administrative Assistant

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

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

Call to Order

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

Agenda

A motion was made by Mr. Hoover and seconded by Ms. Ferebee to adopt the following minutes: September 4, 2012, Informal Fact-Finding Conference; September 5, 2012, Informal Fact-Finding Conference; September 6, 2012, Informal Fact-Finding Conference; September 6, 2012, Real

Minutes

Estate Board Meeting; September 11, 2012, Informal Fact-Finding Conference; September 18, 2012, Informal Fact-Finding Conference; September 20, 2012, Informal Fact-Finding Conference; September 27, 2012, Informal Fact-Finding Conference; October 9, 2012, Informal Fact-Finding Conference; October 10, 2012, Informal Fact-Finding Conference; October 11, 2012, Informal Fact-Finding Conference; October 12, 2012, Informal Fact-Finding Conference; October 16, 2012, Informal Fact-Finding Conference and November 6, 2012, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

There was no public comment.

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

In the matter of **Corina Elgharouch and Hicham Elgharouch v. Stephanie Anderson and Management Services Corporation of Charlottesville, REB File Number 2012-03237**, 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 Wells.

Valerie Matney and Johnathan Darden, Directors of Investigation, gave the Board an update on Real Estate inspections. No action was taken by the Board.

In the matter of **File Number 2013-00401, Daniel Ayers**, 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 Mr. Ayers' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do,

Public Comment

**Fair Housing
Administrator's
Report**

**Corina Elgharouch
and Hicham
Elgharouch v.
Stephanie Anderson
and Management
Services Corporation
of Charlottesville,
REB File Number
2012-03237**

Board Presentation

**File Number 2013-
00401, Daniel Ayers**

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

In the matter of **File Number 2013-00330, Douglas Rubsam**, 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. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Rubsam's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Wells. Member voting "No" was Grimsely.

File Number 2013-00330, Douglas Rubsam

In the matter of **File Number 2013-00121, Donna M. Moreno**, 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. Donna M. Moreno, 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 Ms. Moreno's application based upon the record. After hearing from Moreno at the Board meeting, the Board thoroughly considered the record, the Summary of the Informal Fact-Finding and the Recommendation. The Board is of the opinion that due to the seriousness and nature of Moreno's crimes and because a relationship exists between her crime and her fitness to perform the duties and discharge the responsibilities of the profession, allowing Moreno licensure would not be in the best interest of the public's health, safety and/or welfare and denies licensure at this time. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00121, Donna M. Moreno

In the matter of **File Number 2013-00292, Brendan McHugh**, 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. Brendan McHugh, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept

File Number 2013-00292, Brendan McHugh

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. McHugh's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Noonan and Wells. Members voting "No" were Grimsley and Hoover.

In the matter of **File Number 2013-00247, Donald Youmans**, 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. Donald Youmans, applicant, was present and addressed the Board. 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 Mr. Youmans' application for a real estate salesperson's license with a correction of the Informal Fact-Finding date to September 18, 2012 not September 20, 2012. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00247, Donald Youmans

In the matter of **File Number 2013-00140, Alexander Makris**, 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. Alexander Makris, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Makris' application for a real estate salesperson's license with corrections to the Summary of the Informal Fact-Finding Conference as follows: under Section 3, 6 years have elapsed since his felony conviction, not 7 years; under Section 7, approximately 3 years have elapsed since his last involvement in a crime, not 2 years; under the recommendation, 2nd paragraph should state 3 years have elapsed since Makris' last crime, not 2 years. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Noonan and Wells. Members voting "No" were Ferebee, Grimsley and Hoover.

File Number 2013-00140, Alexander Makris

In the matter of **File Number 2013-00118, Layla Rogoff**, 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. Layla Rogoff, 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. Rogoff's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Logoff and her broker will provide quarterly reports to the Board due the due to the seriousness and nature Logoff's crimes. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00118, Layla Rogoff

In the matter of **File Number 2013-00120, Melanie Balci**, 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. Melanie Balci, 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. Balci's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00120, Melanie Balci

In the matter of **File Number 2013-00249, David Stone**, 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. David Stone, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Stone's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do,

File Number 2013-00249, David Stone

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

In the matter of **File Number 2013-00116, Basil Asbury**, 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. Basil Asbury, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Asbury's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00116, Basil Asbury

In the matter of **File Number 2013-00117, Terrell Calloway**, 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. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Mr. Asbury's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00117, Terrell Calloway

In the matter of **File Number 2013-00407, Joyce O'Neill**, 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 Ms. O'Neill's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-00407, Joyce O'Neill

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 2013-00406, David Rosen**, the

File Number 2013-

Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Rosen's application for a real estate broker's license. The Board determined Rosen does not meet the current education requirement for a broker's license and has not actively engaged as a salesperson/broker for 36 of the 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

00406, David Rosen

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

In the matter of **File Number 2012-01099, Tamrat G. Medhin**, 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. Tamrat G. Medhin, respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan to not grant a continuance. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-01099, Tamrat G. Medhin

A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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 \$2,000.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition for Count 2, Medhin's license shall be placed on probation and Medhin shall be required to complete three (3) classroom hours of Board approved continuing education pertaining to Ethics and Standards of Conduct and three (3) classroom hours of Board

approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom, and Medhin shall provide evidence acceptable to the Board that the course(s) have been successfully completed 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 a license. Also, for Count 2, Medhin's license shall be placed on probation for two (2) years. While on probation, Medhin and his broker must provide quarterly reports to the Board showing Medhin is in compliance with the regulations of the Board. The Board voted to increase the monetary penalty for Count 2, due to the seriousness of Medhin's actions. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-02215, Isaac Ghebrat Tesfaye**, the Board reviewed the Consent Order as seen and agreed to by Mr. Tesfaye. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Tesfaye 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 135-20-260.5 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$250.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$400.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02215, Isaac Ghebrat Tesfaye

In the matter of **File Number 2012-00698, Bryan Keith Greene**, 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. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.2 (Count 3) of the Board's 2003

File Number 2012-00698, Bryan Keith Greene

Regulations, a violation of 18 VAC 135-20-240 (Count 4) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-260.5 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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 \$1,800.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, for a total of \$5,800.00. In addition, the Board imposes the following sanction(s): Revocation of license for Count 1, Count 2, Count 3, Count 4, and Count 5. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2011-04704, Maribel M. Alvarez**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and Post-IFF Consent Order as seen and agreed to by Ms. Alvarez. Thomas Repszynski, attorney for the respondent, and Maribel M. Alvarez, respondent, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Alvarez admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-280.2 (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, as well as \$500.00 in Board costs, for a total of \$6,500.00. In addition, for the violation of Count 4, Alvarez agrees to have her license placed on probation and to have her license be suspended for a period of six (6) months from the effective date of the Order. Further, during the six (6) month

File Number 2011-04704, Maribel M. Alvarez

suspension period, Alvarez shall be required to complete six (6) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such 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, reinstatement, or activation of a license. Alvarez shall provide evidence acceptable to the Board that Alvarez has successfully completed the course(s) within the six (6) month period of suspension. If Alvarez fails to provide such evidence, Alvarez's license shall remain suspended until she complies with the terms of the Order. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-01193, Charles E. Blankenship, Jr.**, 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. Charles E. Blankenship, Jr., respondent, was present and addressed the Board. A motion was made by Mr. Funkhouser 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 135-20-180.C.3 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.C. (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-01193, Charles E. Blankenship, Jr.

A motion was made by Ms. Grimsley and seconded by Ms. Noonan to approve the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$200.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, \$150.00 for the violation contained in Count 3, for a total of \$600.00. The Board also imposes the following sanctions: Blankenship's license will be placed on probation, during which time Blankenship must complete three (3)

classroom hours of Board-approved continuing education pertaining to Escrow and Broker Management. Such course(s) shall be completed in the classroom. Evidence of completion of such course(s) shall be submitted to the Board within three (3) months of the effective date of the Order. The above-referenced continuing education hours will not count towards continuing education requirements, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-03286, Dionetta Boone**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Ms. Boone's application based upon the record. After reviewing the facts, the Board thoroughly considered the record, the Summary of the Informal Fact-Finding and the Recommendation. The Board is of the opinion that Boone lacks a good reputation for honesty, truthfulness and fair dealings, which makes her less that competent to transact the business of a real estate broker or real estate salesperson in such manner to safeguard the interest of the public. The Board bases its determination upon a review of Boone's past disciplinary actions, her false statement made during the July IFF Conference, and her actions of providing false information to the Georgia Real Estate Commission. The Board is of the opinion that granting Boone a license at this time would not be in the best interest of protecting the public. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03286, Dionetta Boone

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

In the matter of **File Number 2012-02447, Isolda McCurdy**, the Board reviewed the Consent Order as seen and agreed to by Ms. McCurdy. A motion was made by Mr. Hoover and

File Number 2012-02447, Isolda McCurdy

seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. McCurdy 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 \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$2,650.00. Further, for violation of Count 1, McCurdy agrees to a two (2) year probation of her license as of the effective date of this Order. During this two (2) year probation, McCurdy agrees to: (1) Not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of this Order; and (2) Provide the Board with the results of an annual audit, to be completed by a CPA, each year of the probation, of any and all escrow accounts for which McCurdy is a signatory. If McCurdy violates any terms of this probation, her license shall be automatically suspended until such time as there is complete satisfactory compliance. McCurdy understands the right to have this suspension considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. In addition, for violation of Count 1, McCurdy agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision, as well as 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 this Order. The courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-02986, Arlene Brooks Wright**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wright. A motion was made by Mr. Funkhouser and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Wright admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the

File Number 2012-02986, Arlene Brooks Wright

Board's 2008 Regulations and agrees to a monetary penalty of \$150.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-03240, Vincent G. Robinson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Robinson. A motion was made by Mr. Hoover and seconded by Ms. Do to accept the proposed Consent Order offer wherein Mr. Robinson admits to a violation of 18 VAC 135-20-220.A.3 (Count 1) of the Board's 2008 Regulations, and a violation of §54.1-2132 of the *Code of Virginia* and agrees to a monetary penalty of \$100.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03240, Vincent G. Robinson

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

In the matter of **File Number 2012-03602, Sheila Marcelle Gregory**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gregory. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Gregory admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs for the violation of Count 1, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-03602, Sheila Marcelle Gregory

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

In the matter of **File Number 2012-03036, Tracy A. Foster**, the Board reviewed the Consent Order as seen and agreed to by Ms. Foster. A motion was made by Ms. Noonan and

File Number 2012-03036, Tracy A. Foster

seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Foster admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Foster agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course 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 Wells.

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

In the matter of **File Number 2012-02879, Janice Yvonne Alarhabi**, 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 Mr. Funkhouser 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 135-20-160.B (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.A.2 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 3) of the Board's 2003 Regulations, and violation of 18 VAC 135-20-185.C.2 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Wells.

File Number 2012-02879, Janice Yvonne Alarhabi

A motion was made by Ms. Grimsley and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00 for the violation contained in Count 1, \$900.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, \$800.00 for the violation contained in Count 4, for a total of \$3,450.00. In

addition for Count 2, Count 3, and Count 4, Alarhabi's broker license shall be revoked with the simultaneous issuance of a salesperson license, effective on the date of the execution of the Order. Such salesperson license shall be suspended and placed on probation subject to Alarhabi presenting evidence acceptable to the Board showing she has successfully retaken and completed the current education requirements by achieving a passing grade on all required courses of §54.1-2105 of the *Code of Virginia* and successfully retaking and passing the licensing examination. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Wells.

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

In the matter of **File Number 2012-01879, Brian Conrad Bagans**, 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. Grimsley and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find 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, Ferebee, Funkhouser, Grimsley, Noonan and Wells.

File Number 2012-01879, Brian Conrad Bagans

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 \$250.00 for the violation contained in Count 1, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Wells.

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

In the matter of **File Number 2012-00458, Robert E. Dawson**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal

File Number 2012-00458, Robert E. Dawson

Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Robert Dawson, respondent, and Michael Lafayette, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead find no violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Hoover, Noonan and Wells.

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

In the matter of **File Number 2012-02909, David Matthew Perry**, the Board reviewed the Consent Order as seen and agreed to by Mr. Perry. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Perry admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board’s 1999 Regulations, and agrees to a monetary penalty of \$350.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. In addition, for violation of Count 1, Perry agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course 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 Wells.

File Number 2012-02909. David Matthew Perry

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 2012-02909, David Matthew Perry**, the Board reviewed the Consent Order as seen and agreed to by Mr. Perry. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Perry admits to a violation of 18 VAC

File Number 2012-02909. David Matthew Perry

135-20-310.1 (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$350.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. In addition, for violation of Count 1, Perry agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course 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 Wells.

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

In the matter of **File Number 2012-02423, Nathan Daniel Johnson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Johnson. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Johnson admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, a violation of §54.1-2131.A.4 (Count 2) of the *Code of Virginia*, and a violation of §54.1-2131.A.4 (Count 3) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for violation of Counts 1, 2 and 3, Johnson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct, agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and agrees to complete at least three (3) classroom hours of Board-approved education pertaining to Escrow Management. Johnson agrees to provide proof of attendance and successful completion of the above-referenced courses within six (6) months of the effective date of the Order. These courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for

File Number 2012-02423, Nathan Daniel Johnson

renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-01732, Sharonda Wadiya Ware**, 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. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-01732, Sharonda Wadiya Ware

A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-00405, Kimberly Michelle Caricofe**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-280.2 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

File Number 2012-00405, Kimberly Michelle Caricofe

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 \$1,250.00 for the violation contained in Count 1, for a total of \$1,250.00. The motion passed

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

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

In the matter of **File Number 2012-03677, Derrick Tyrone Bradford**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bradford. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Bradford 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 Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Bradford agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

File Number 2012-03677, Derrick Tyrone Bradford

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

In the matter of **File Number 2012-03721, John Michael Gifford**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gifford. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Gifford 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 §54.1-2132.A.4 (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for violation of Counts 1 and 2, Gifford agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of

File Number 2012-03721, John Michael Gifford

attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

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

In the matter of **File Number 2012-02141, Michael George Payne**, 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 Mr. Hoover and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no 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 Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

File Number 2012-02141, Michael George Payne

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

In the matter of **File Number 2012-01333, Michelle Elizabeth Buchanan**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

File Number 2012-01333, Michelle Elizabeth Buchanan

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 \$500.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 3, for a total of \$1,500.00. In addition, for the violation of Count 1, Buchanan's license shall be placed on probation and Buchanan shall complete three (3) classroom hours of Board approved continuing education pertaining to Short Sales. Such course(s) shall be completed in a classroom. Buchanan shall provide evidence acceptable to the Board that the evidence acceptable to the Board that the course(s) was successfully completes within three (3) months of the effective date of the Order. The above referenced continuing education hours will not count toward any continuing education requirements, if applicable, for renewal reinstatement or activation of a license. As for Count 2, Buchanan's license will be on probation for one (1) year. While on probation, Buchanan's license will be on probation for one (1) year. While on probation, Buchanan and her broker will provide quarterly reports to the Board that she is in compliance with the Board regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

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

In the matter of **File Number 2012-02665, Ghulam Nabi Sarwari**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sarwari. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Sarwari admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Sarwari agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

File Number 2012-02665, Ghulam Nabi Sarwari

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

In the matter of **File Number 2012-02619, Ruth A. Herring**, the Board reviewed the Consent Order as seen and agreed to by Ms. Herring. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Herring admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.2 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-180.B.2b (Count 4) of the Board's 2008 Regulations, and agrees to \$2,500.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, \$1,050.00 for the violation contained in Count 3, and \$500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs, for a total of \$5,000.00. In addition, for violation of Counts 1, 2, 3, and 4, Herring agrees to revocation of her license. On August 31, 2012, Mildred Anderson ("Anderson") dismissed a civil suit against Herring pursuant to a settlement agreement whereby Herring refunded \$3,000.00 to Anderson. As a result, the Board agrees to waive the following monetary penalties: 1) \$2,000.00 of the \$2,500.00 monetary penalty for Count 1; 2) \$600.00 of the \$800.00 monetary penalty for Count 2; 3) \$950.00 of the \$1,050.00 monetary penalty for Count 3; and 4) \$500.00 of the \$500.00 monetary penalty for Count 4. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

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

In the matter of **File Number 2012-01236, Natallia Vladimirovna Green**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

File Number 2012-02619, Ruth A. Herring

File Number 2012-01236, Natallia Vladimirovna Green

A motion was made by Ms. Noonan and seconded by Ms. Do to accept and amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to remove the one (1) year license suspension. Green's license shall be placed on probation and Green shall be required to complete four (4) classroom hours of Board-approved continuing education pertaining to Ethics. Such courses shall be completed in a classroom. Further, Green shall provide evidence acceptable to the Board that Green has successfully completed the courses within one year of the effective date of the Order. If evidence is not submitted within the specified timeframe, Green's license shall be suspended until she complies with this term. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. Additionally, Green and her broker will provide quarterly reports to the Board showing she is in compliance with the Board's regulations. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Wells.

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

In the matter of **File Number 2012-01229, Mikel Lee James, Jr.**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find 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, Ferebee, Funkhouser, Grimsley, Hoover and Noonan.

File Number 2012-01229, Mikel Lee James, Jr.

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 to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. Also, for Count 1, James' license shall be placed on probation and he shall complete two (2) classroom hours of Board approved continuing education pertaining to Escrow Management. Such course(s) shall be

completed in a classroom. James shall provide evidence acceptable to the Board that the course(s) have been completed evidence to the Board that the course(s) have been completed within three (3) months of the effective date of the Order. The above-referenced continuing education hours will not count toward 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 Noonan.

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

Mr. Wells returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2012-01681, Andrea Moltke**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moltke. A motion was made by Mr. Hoover and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Moltke admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Moltke agrees to a six (6) month suspension of her license as of the effective date of this Order. Further, for violation of Count 1, Moltke agrees to a one (1) year probation of her license as of the effective date of this Order. During this one (1) year probation, Moltke agrees to not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of the Order. If Moltke violates any terms of this probation, her license shall be automatically revoked. Moltke understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the *Code of Virginia*, and knowingly and voluntarily waives any rights to these proceedings. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-01681, Andrea Moltke

In the matter of **File Number 2012-03366, Matthew K. Shumate**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shumate. Mr. Shumate, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order wherein Mr. Shumate admits to a violation of

File Number 2012-03366, Matthew K. Shumate

§54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$400.00 for Count 1, \$400.00 for the violation contained as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Shumate agrees to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Shumate agrees to not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of the Order. If Shumate violates any terms of the probation, as it relates to File No. 2012-03366, the matter will be reviewed by the Board or its agents and any sanction appropriate, will be considered. During such review, Shumate will be given the opportunity to respond to any subsequent allegations of regulatory violations, and to contest any allegation in a manner consistent with governing Virginia law. Shumate acknowledges that upon a finding of a violation, the Board may impose any sanction or penalty appropriate to the offense and Mr. Shumate's record. Further, for violation of Count 1, Shumate agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-01353, David Hoessly**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hoessly. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Hoessly admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$800.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Count 1, Hoessly agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6)

File Number 2012-01353, David Hoessly

months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Also, it is acknowledged that the Rose and Womble lease has been revised and that Hoessly has provided evidence that restitution, in the amount of \$862.50, will be made to Andrew Swartzler. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2012-02692, Amir Ebrahimi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Ebrahimi. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Ebrahimi admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.A.1 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$2,500.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$2,650.00. In addition, for violation of Count 1, Ebrahimi agrees to complete at least three (3) classroom hours of Board-approved education pertaining to Real Estate Contracts and at least three (3) classroom hours of Board-approved education pertaining to Short Sales. Ebrahimi further agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. Further, for violation of Count 2, Ebrahimi agrees to complete at least four (4) classroom hours of Board-approved 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 courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. It is noted that Ebrahimi has opened an Escrow Account in accordance with the Board's regulations and provided the Board with proof thereof. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-02692, Amir Ebrahimi

In the matter of **File Number 2012-01421, An Phuoc Nguyen**, the Board reviewed the Consent Order as seen and

File Number 2012-01421, An Phuoc

agreed to by Mr. Nguyen. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Nguyen 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 \$300.00 for 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, Grimsley, Hoover, Noonan and Wells.

Nguyen

In the matter of **File Number 2012-01295, Kenneth Bernard McNeal**, the Board reviewed the Consent Order as seen and agreed to by Mr. McNeal. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. McNeal admits to a violation of 18 VAC 135-20-300.10 (Count 1) of the Board's 2008 Regulations, a violation of §54.1-2132.A.4 (Count 2) of the *Code of Virginia*, a violation of 18 VAC 135-20-180.B.1.a (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-300.9 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 5) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$400.00 for the violation contained in Count 4, \$300.00 for the violation contained in Count 5, as well as \$150.00 in Board costs, for a total of \$2,500.00. In addition, for violation of Counts 1, 2, 4, and 5, McNeal agrees to revocation of his license. In addition, for violation of Count 3, McNeal agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2012-01295, Kenneth Bernard McNeal

In the matter of **File Number 2012-03144, William P. Norman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Norman. A motion was made by Ms. Grimsley and seconded by Mr. Funkhouser to accept the

File Number 2012-03144, William P. Norman

proposed Consent Order offer wherein Mr. Norman admits to a violation of §54.1-2133.A.1 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

In the matter of **File Number 2013-01076, Virginia Real Estate Transaction Recovery Act Claim of Philip L. Hatchett (Claimant) and H. K. Berdensey Real Estate LLC (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to adopt the recommendation to approve payment in the amount of \$100,000.00. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

File Number 2013-01076, Virginia Real Estate Transaction Recovery Act Claim of Philip L. Hatchett (Claimant) and H. K. Berdensey Real Estate LLC

The Board recessed from 10:54 A.M. to 11:06 A.M.

Break

Julie Hamann, and Donna McCormick, appeared before the Board to request an amendment to the semi-annual audits sanctioned in Final Opinion and Order, File Number 2011-04443, to annual audits. A motion was made by Ms. Ferebee and seconded by Mr. Hoover to approve the request to allow annual audits for the remaining two years of the Final Order. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Administrative Issues

Steve Arthur gave the Board an update on EAGLES. No action was taken by the Board.

A motion was made by Mr. Funkhouser and seconded by Mr. Hoover to approve the November 28, 2012, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Wells.

Education

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

There being no further business, the Board adjourned at 12:45
P.M.

Adjourn

Clifford Wells, Chair

Gordon Dixon, Secretary

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