

REAL ESTATE BOARD
MINUTES OF MEETING

March 26, 2009

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

Carol F. Clarke, Chair
Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown (arrived at 9:04 a.m.)
Judith L. Childress
Marjorie Clark
Sharon P. Johnson
Scott Gaeser
Florence Daniels

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Liz Hayes, Fair Housing Administrator
Angela Keefe-Thomas, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Thomas Nesbitt and Tom Payne from the Office of the Attorney General were present.

Carol Clarke called the meeting to order at 9:00 A.M.

Call to Order

Lem Marshall, Special Counsel for the Virginia Association of Realtors, informed the Board of a "Real Estate Board Licensee/Sign Post Installation Company" meeting he attended on March 12, 2009, at the State Corporation Commission office. The meeting was called by the Division of Underground Utility and Railroad Safety (Miss Utility), and it addressed the concern that excavation for real estate "For Sale" signs may be occurring in violation of the process required by the Code of Virginia. Mr. Marshall informed the Board that he will bring this matter to the attention of Virginia brokers and salespersons through meetings and

Public Comment

educational efforts, and he encouraged the Board to also get this message out to its licensees. No action was taken by the Board.

Nathaniel Brown arrived at 9:04 A.M.

A motion was made by Mr. Oglesby and seconded by Ms. Clark to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Childress to adopt the following minutes: January 14, 2009, Informal Fact-Finding Conference; January 14, 2009, (Licensing) Informal Fact-Finding Conference; January 15, 2009, Real Estate Board Meeting; January 15, 2009, Informal Fact-Finding Conference; January 21, 2009, Informal Fact-Finding Conference; January 27, 2009, Informal Fact-Finding Conference; January 28, 2009, Informal Fact-Finding Conference; February 11, 2009, Informal Fact-Finding Conference; February 12, 2009, Informal Fact-Finding Conference; and February 18, 2009, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

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

In the matter of **Karen Webb v. Susan P. Kephart, Charles Chappell and Chappell Real Estate, Inc., REB File Number 2008-03599**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **Cheryl Wilson-Green v. Heather Abril, Perrel Management Company, Inc. and Allen Perrel, REB File Number 2009-01474**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Arrival of Board Member

Agenda

Minutes

Fair Housing Administrators Report

Karen Webb v. Susan P. Kephart, Charles Chappell and Chappell Real Estate, Inc., REB File Number 2008-03599

Cheryl Wilson-Green v. Heather Abril, Perrel Management Company, Inc. and Allen Perrel, REB File Number 2009-01474

In the matter of **Sandra Harry v. Karen Reid, Debra Kearney, and S. L. Nusbaum Realty Company, REB File Number 2009-01097**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Sandra Harry v. Karen Reid, Debra Kearney, and S. L. Nusbaum Realty Company, REB File Number 2009-01097

In the matter of **Carolyn Valentine v. Carolyn Mott, Community Housing Partners Corporation, and Kamilia Lawson, REB File Number 2009-02156**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Carolyn Valentine v. Carolyn Mott, Community Housing Partners Corporation, and Kamilia Lawson, REB File Number 2009-02156

In the matter of **Chimica Thomas v. Marsha Farris, REB File Number 2009-00080**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Daniels to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Chimica Thomas v. Marsha Farris, REB File Number 2009-00080

In the matter of **Bessie Scott v. Morton G. Thalheimer, Inc., Sabrina Stolz and Paul Silver, REB File Number 2009-01661**, A motion was made by Ms. Johnson and seconded by Ms. Clark to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Conciliation Agreement

A motion was made by Ms. Clark and seconded by Mr. Gaeser to approve the Fair Housing Sub-Committee minutes of January 15, 2009. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2009-02415, David Michael White**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. White, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after

File Number 2009-02415, David Michael White

consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, deny Mr. White's application for a real estate salesperson's license. After reviewing the facts and nature of the crimes, the Board determined it could not protect the health, safety and welfare of the public and agreed that it would be negligent to grant a license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-02414, Joseph Reger**, 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. Mr. Reger, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser, and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Reger's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Johnson. Member voting "No" was Taylor.

File Number 2009-02414,
Joseph Reger

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

Ms. Clarke turned the position of Chair over to Ms. Childress and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2009-00779, Sandra DeLapp**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Sandra DeLapp, respondent, Jerry Ragland, attorney for the respondent, Elizabeth Schuyler and Chuck Person, witnesses, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Johnson 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 Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

File Number 2009-00779,
Sandra DeLapp

A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose license revocation. The motion failed. Members voting "Yes" were Gaeser and Clark. Members voting "No" were Childress, Daniels, Johnson and Oglesby. Mr. Brown abstained from voting.

A motion was made by Mr. Gaeser and seconded by Ms. Johnson to withdraw the previous motions. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to remand the case to an Informal Fact-Finding Conference to obtain additional information including evidence of continued sobriety, and information from Ms. DeLapp's probation officer regarding terms of probation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2009-02413, Doryan Winkleman**, 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. Mr. Winkleman, the applicant, and Jack Wilson, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Winkleman's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2008-01669, Laura Jane Sampson**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Lawrence Marshall, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels,

Transfer of Chair

**File Number 2009-02413,
Doryan Winkleman**

**File Number 2008-01669,
Laura Jane Sampson**

Gaeser, Johnson and Oglesby. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 (Count 2), of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 1. The Board also imposes the following sanctions: As to Count 1, Sampson’s license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to Contracts and/or other equivalent course approved by the Board. Such course(s) shall be completed in classroom (no on-line courses). Sampson must provide proof of course completion within 180 days of the execution of the order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Daniels and seconded by Mr. Gaeser to reject 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 2, for a total of \$1,250.00 for Count 1 and 2. In addition, for the violation of Count 2, the Board also imposes the following sanctions: Sampson’s license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board. Such course(s) shall be completed in classroom (no on-line courses). Sampson must provide proof of course completion within 180 days of the execution of the order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Oglesby.

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

In the matter of **File Number 2009-02187, Emery Skolfield**, the Board reviewed the record which consisted of the application file, transcript and

File Number 2009-02187,
Emery Skolfield

exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Skolfield, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels 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. Skolfield's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2009-01928, Alexander Rich, Sr.**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Rich, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Taylor 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. Rich's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-01928,
Alexander Rich, Sr.

In the matter of **File Number 2009-02549, Jeremy Caleb Johnson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Johnson, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-2105.02 of the *Code of Virginia*, approve Mr. Johnson's application for a Real Estate Pre-License Education Instructor Certification. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-02549,
Jeremy Caleb Johnson

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

In the matter of **File Number 2009-02519, Joanne M. Katis**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Katis, the applicant, was present and addressed the Board. A motion was made by Ms. Taylor and seconded by Ms. Childress to accept, in part, the recommendation contained in the

File Number 2009-02519,
Joanne M. Katis

Summary of the Informal Fact-Finding Conference to deny Ms. Katis application for a broker's license, and instead issue a salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2008-01779, Cynthia Ann Joskowiak**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Joskowiak, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

**File Number 2008-01779,
Cynthia Ann Joskowiak**

A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$400.00 for the violation contained in Count 1, for a total of \$400.00. The Board also imposes the following sanctions: Joskowiak's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed three (3) hours of continuing education pertaining to Real Estate Contracts and/or other equivalent course approved by the Board. Such course(s) shall be completed in classroom (no on-line courses). Joskowiak must provide proof of course completion within 180 days of the execution of the order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Taylor.

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

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

Ms. Clarke returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2009-01929, Richard Giannascoli**, 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. Mr. Giannascoli, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Giannascoli's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-01929,
Richard Giannascoli

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

In the matter of **File Number 2009-00197, Gabriel Mauricio Villarreal**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Villarreal, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of §54.1-2134.A.4 (Count 1), of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion was made by Ms. Clark and seconded by Ms. Taylor 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 Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-00197,
Gabriel Mauricio
Villarreal

A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 and license revocation, for the violation contained in Count 1. The motion failed. Members voting "Yes" were Brown and Taylor. Members voting "No" were Childress, Clark, Clarke, Daniels, Gaeser and Johnson.

A motion was made by Mr. Gaeser and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$1,000.00 for the violation contained in Count 2. The Board also imposes the following sanctions: Revocation of Villarreal's Broker's

license for the violation contained in Count 2, with the issuance of a salesperson's license. The motion passed by majority vote. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser and Johnson. Members voting "No" were Brown and Taylor.

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

Ms. Clarke turned the position of Chair over to Ms. Childress and recused herself from the meeting.

In the matter of **File Number 2008-04646, Suresh Pendem**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Pendem, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels 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 Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose license revocation, for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby. A motion was made by Ms. Clark and seconded by Ms. Daniels to impose a monetary penalty of \$500.00 for the violation contained in Count 2, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2009-00659, Gregory J. Josephs**, the

Transfer of Chair

**File Number 2008-04646,
Suresh Pendem**

Transfer of Chair

File Number 2009-00659,

Board reviewed the Consent Order as seen and agreed to by Mr. Josephs. Mr. Josephs was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the proposed Consent Order offer wherein Mr. Josephs admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$500.00 in Board costs for a total of \$1,000.00. In addition, Josephs agrees to provide evidence acceptable to the Board that he has completed at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board within six (6) months of the effective date of the Order. The courses shall not be completed on-line. The above-referenced continuing education requirements, if applicable, will not count towards any continuing education requirement for renewal or reinstatement of license. In addition, Josephs agrees to be on probation for two (2) years. During probation, Josephs agrees to comply with the following terms: 1) Pay the monetary penalties and Board costs stated above; 2) Complete the continuing education hours as stated above; 3) Comply with the rules and regulations of the Board; 4) Not be involved in any lawsuits that arise from conduct related to licensure with the Board; 5) Not be in violation of any local, state or federal laws or regulations; and 6) Provide to the Board, on a quarterly basis, a written statement signed by Josephs and his supervising/managing broker that Josephs is in compliance with terms listed above. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

Gregory J. Josephs

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

In the matter of **File Number 2007-01584, David Andrew Lindsey**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Lindsey was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 135-20-185.C.3 (Count 1), of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser and Taylor. Member voting "No" was Oglesby. A motion was made by Ms. Daniels and seconded by Ms. Taylor 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.4 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown,

File Number 2007-01584,
David Andrew Lindsey

Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Taylor 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 2, for a total of \$1,000.00. The Board also imposes the following sanction: Lindsey's license shall be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed four (4) hours of continuing education pertaining to real estate contract and/or other equivalent course approved by the Board and three (3) hours of continuing education pertaining to real estate agency. Such courses shall be completed in a classroom setting (no on-line courses). Lindsey must provide proof of course completion within ninety (90) days of the execution of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor

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

The Board recessed from 11:35 A.M. to 11:45 A.M.

In the matter of **File Number 2009-02416, Craig Wright**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wright's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2008-02723, Vuong Q. Nguyen**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Johnson 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor. A motion

Break

File Number 2009-02416,
Craig Wright

File Number 2008-02723,
Vuong Q. Nguyen

was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, and \$1,500.00 for the violation contained in Count 2, for a total of \$4,000.00. In addition, the Board also imposed revocation of license for Counts 1 and 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2008-04004, Jose Mauricio Zepeda**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Daniels 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-04004,
Jose Mauricio Zepeda

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,600.00 for the violation contained in Count 1, for a total of \$1,600.00. In addition, for the violation contained in Count 1, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2009-01403, Ralph Bradford Cooley**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cooley. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Cooley admits to a

File Number 2009-01403,
Ralph Bradford Cooley

violation of 18 VAC 135-20-300.4 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for violation of Count 1, Cooley agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the execution of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2008-02725, Patrick Timothy Hogan**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hogan. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Hogan admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-300.9 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.1 (Count 3) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-185.C.3 (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-190.B (Count 5) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 6) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violations contained in Counts 1-6, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1-6, Hogan agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2008-02725,
Patrick Timothy Hogan

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

In the matter of **File Number 2008-03504, Damaris Gonzalez**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gonzalez. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Gonzalez admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.10

File Number 2008-03504
Damaris Gonzalez

(Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,650.00. In addition, for violation of Counts 1 and 2, Gonzalez agrees to complete at least two (2) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and at least two (2) classroom hours of continuing education pertaining to Legal Updates and/or other equivalent course approved by the Board. Gonzales agrees to provide proof of attendance and successful completion within six (6) months of the execution of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2009-00742, Benjamin Steward**, the Board reviewed the Consent Order as seen and agreed to by Mr. Steward. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Steward admits to a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and \$1,000.00 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 Count 2, Steward agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the execution of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

File Number 2009-00742,
Benjamin Steward

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

In the matter of **File Number 2009-01204, Ronald D. White**, the Board reviewed the Consent Order as seen and agreed to by Mr. White. A

File Number 2009-01204,
Ronald D. White

motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. White admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and no monetary penalty for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1 and 2, White agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2009-00959, Shirley Richardson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Richardson. A motion was made by Ms. Johnson and seconded by Ms. Gaeser to accept the proposed Consent Order offer wherein Ms. Richardson admits to a violation of §54.1-2139.A (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.3 (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.a (Count 4) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, \$450.00 for the violation contained in Count 2, \$350.00 for the violation contained in Count 3, and \$700.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$2,000.00. In addition, Richardson agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct, at least four (4) classroom hours of continuing education pertaining to Escrow, and at least four (4) classroom hours of continuing education pertaining to Real Estate Contracts and/or other equivalent courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the execution of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Further, Richardson agrees to submit a letter to the Board within thirty (30) days of the effective date of the Order state she will ensure that all earnest money deposits are placed into the correct escrow account in all future transactions. The motion passed

**File Number 2009-00959,
Shirley Richardson**

unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

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

Ms. Taylor turned the position of Chair over to Ms. Childress and recused herself from the meeting.

In the matter of **File Number 2008-04770, Tina Condon**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1), of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-250 (Count 2), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, and \$800.00 for the violation contained in Count 2, for a total of \$2,300.00. In addition, for the violation contained in Count 1 and Count 2, the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Johnson and Oglesby.

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

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2009-00618, Joanne McElroy-Hall**, the Board reviewed the Consent Order as seen and agreed to by Ms. McElroy-Hall. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Ms. McElroy-Hall 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

Transfer of Chair

File Number 2008-04770,
Tina Condon

Transfer of Chair

File Number 2009-00618,
Joanne McElroy-Hall

\$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. In addition, for violation of Count 1, McElroy-Hall agrees to complete at least three (3) classroom hours of continuing education pertaining to escrow management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the execution of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **File Number 2009-00617, Earline Owens**, the Board reviewed the Consent Order as seen and agreed to by Ms. Owens. A motion was made by Ms. Daniels and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Ms. Owens 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 \$750.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$900.00. In addition, for violation of Count 1, Owens agrees to complete at least three (3) classroom hours of continuing education pertaining to escrow management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the execution of the Order. The course shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2009-00617,
Earline Owens

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

In the matter of **File Number 2008-03271, Steven Krever**, the Board reviewed the Consent Order as seen and agreed to by Mr. Krever. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Krever admits to a violation of 18 VAC 135-20-180.C.2 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count

File Number 2008-03271,
Steven Krever

3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-185.C.2 (Count 5) of the Board's 2008 Regulations, and agrees to no monetary penalty for the violations contained in Count 1 - Count 5, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1 - 4, Krever agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **File Number 2008-4746, Emily Cobb Russell**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.6 (Count 1), of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 2), of the Board's 2008 Regulations, a violation of §54.1-2135.A.1 (Count 3), of the *Code of Virginia*, a violation of 18 VAC 135-20-185.C.3 (Count 4), of the Board's 2003 Regulations, no violation of 18 VAC 135-20-170 (Count 5) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-170.A.3 (Count 6) of the Board's 2003 Regulations. Also, noting a correction on page 4 of the Summary of the Informal Fact-Finding Conference in the sixth paragraph, the *Code of Virginia* cite is listed as Section 54.1-2132.A.1, the correct cite is Section 54.1-2135.A.1, of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2008-04746,
Emily Cobb Russell

A motion was made by Ms. Daniels and seconded by Mr. Gaeser 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, no monetary penalty 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, and \$500.00 for the violation contained in Count 6, for a total of \$3,000.00. The Board also imposes the following sanctions: Revocation of license for the violation contained in Count 2. In addition, for the violation contained in Count 1, the Board voted that Russell's license be placed on Probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to real estate contracts and/or other equivalent

course approved by the Board. Such courses shall be completed in classroom hours (no on-line courses). Russell must provide proof of the course completion within 180 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count toward any continuing education requirements for renewal of license. Further, as to Count 3, the Board voted that Russell's license be placed on Probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed three (3) hours of continuing education pertaining to real estate contracts and/or other equivalent course approved by the Board. Such courses shall be completed in classroom hours (no on-line courses). Russell must provide proof of the course completion within 180 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count toward any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **File Number 2008-04460, Emily Cobb Russell**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference 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 135-20-180.A.1 (Count 3), of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 4), of the Board's 2008 Regulations, a violation of 18 VAC 135-20-185.B (Count 5) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B.1.a (Count 6) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.6 (Count 7) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2008-04460,
Emily Cobb Russell

A motion was made by Mr. Gaeser and seconded by Ms. Daniels 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, no monetary penalty for the violation contained in Count 2, no monetary penalty for the violation contained in Count 3, no monetary penalty for the violation contained in Count 4, \$1,000.00 for the violation contained in Count 5, \$1,000.00 for the

violation contained in Count 6, and \$1,000.00 for the violation contained in Count 7, for a total of \$4,000.00. The Board also imposes the following sanctions: Revocation of license for the violation contained in Count 1 and Count 6. In addition, for the violation contained in Count 7, the Board voted that Russell's license be placed on Probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed four (4) hours of continuing education pertaining to real estate contracts and/or other equivalent course approved by the Board. Such courses shall be completed in classroom hours (no on-line courses). Russell must provide proof of the course completion within 180 days of the execution of the Order. Satisfactory completion of the above-referenced courses will not count toward any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **File Number 2008-02322, Julie Ann Tremblay**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210.B (Count 1), of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2), of the Board's 2003 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 3), of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.A.1 (Count 4), of the Board's 2003 Regulations, a violation of 18 VAC 135-20-310.2 (Count 5) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 6) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

File Number 2008-02322,
Julie Ann Tremblay

A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, \$1,000.00 for the violation contained in Count 5, \$1,500.00 for the violation contained in Count 6, for a total of \$6,500.00. The Board also imposes the following sanctions: Revocation of license for the violation contained in Count 2, Count 3,

Count 5 and Count 6. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby and Taylor.

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

In the matter of **File Number 2009-00369, Adnan Tufail Mirza**, the Board reviewed the Consent Order as seen and agreed to by Mr. Mirza. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the proposed Consent Order offer wherein Mr. Mirza admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, Mirza agrees to revocation of his license. Further, Mirza agrees to complete at least eight (8) classroom hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board provide proof of attendance and successful completion within six (6) months of the execution of the Order. The courses shall not be completed on-line. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2009-00369,
Adnan Tufail Mirza

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

In the matter of **File Number 2008-04085, Young Ha Han**, the Board reviewed the Consent Order as seen and agreed to by Mr. Han. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Han admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, Han agrees to revocation of his license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-04085,
Young Ha Han

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

In the matter of **File Number 2008-04248, Mohamed Labor Koroma**, the Board reviewed the Consent Order as seen and agreed to by Mr.

File Number 2008-04248,
Mohamed Labor

Koroma. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Koroma admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

Koroma

In the matter of **File Number 2009-01281, Alex Jancy Quiroz**, the Board reviewed the Consent Order as seen and agreed to by Mr. Quiroz. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Quiroz admits to a violation of 18 VAC 135-20-250 (Count 1) of the Board's 2003 Regulations, and agrees no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Quiroz agrees to voluntary revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2009-01281,
Alex Jancy Quiroz**

In the matter of **File Number 2009-02469, Roy L. Davis, t/a Real Property Solutions, LLC**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Mr. Davis may be acting as a real estate salesperson/broker when he is not licensed by the Board. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to issue a Cease and Desist Order to Mr. Davis to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson and Taylor.

**File Number 2009-02469,
Roy L. Davis, t/a Real
Property Solutions, LLC**

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

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Gaeser to accept the March 25, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby and Taylor.

**Education Committee
Report**

The Board recessed from 12:15 P.M. -12:40 P.M.

Break

Mr. DeBoer opened the floor for nominations for the position of Chair of the Real Estate Board. Marjorie Clark nominated Carol Clarke for the

Election of Officers

position of Chair. With no other nominations, Ms. Clarke remains Chair by acclamation.

Judy Childress nominated Byrl Taylor for the position of Vice-Chair. With no other nominations, Ms. Taylor remains Vice Chair by acclamation.

Christine Martine updated the Board on 2008 Legislation. No action was taken by the Board.

Old Business

The Board opened the floor for volunteers for a Regulation Review Committee. After discussion, Sharon Johnson agreed to Chair, and Carol Clarke and Marjorie Clark will serve as members of the Regulation Review Committee.

New Business

The Board considered the request of Mildred Ibarando, representative of Camelot International Residential Services, Inc., to appoint her to carry on the business of the deceased broker for 180 days in order to close out the real estate business of Camelot International Residential Services, Inc. in accordance with § 54.1-2109 of the Code of Virginia. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to allow Mildred Ibarando, to close out the real estate business of Camelot International Residential Services, Inc. in accordance with § 54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Johnson, Oglesby, and Taylor.

Death of Broker

There being no further business, the Board adjourned at 1:28 P.M.

Adjourn

Carol F. Clarke, Chair

Jay DeBoer, Secretary