

REAL ESTATE BOARD

TENTATIVE AGENDA

November 16, 2023 - 10:00 a.m.

2nd Floor – Board Room 2

Department of Professional and Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

(804) 367-8526

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Emergency Evacuation Procedures
2. Determination of Quorum
3. Approval of Agenda
4. Approval of Minutes:
 - A. September 28, 2023, Real Estate Board Meeting
 - B. September 28, 2023, Real Estate Regulatory Review Committee Meeting
5. Welcome and Introductions
6. RESOLUTIONS
 - A. Ibrahim A. Moiz
 - B. Sharon P. Johnson

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORTS

1. Fair Housing Administrator's Report
2. Litigation update

V. FAIR HOUSING CASES

1. RENEÉ ROLLE V. TURNER PROPERTIES, LLC, GREATER GOOD PROPERTY MANAGEMENT, INC. AND NANNETTE TURNER
FHB FILE NUMBER: 2021-02914
HUD FILE NUMBER: 03-21-9210-8
2. ANNETTE GIBSON v. ADRIENNE E. THOMAS, DEANNA CROOK, WADE CARR, and KEFFER REALTY INC.
REB FILE NUMBER: 2023-00260
HUD FILE NUMBER: 03-22-1883-8
Appointment-Adrienne Cosby, respondent

3. JESSICA WEST V. GRAND BAY ASSOCIATION, UNITED PROPERTY ASSOCIATES, INC., PROPERTY MANAGEMENT ASSOCIATES, LLC AND DENISE LENTINI
REB File Number: 2023-02838
HUD File Number: 03-20-4197-8
{referred to OAG for official consultation}

4. DEVINA SINGH-DICK AND MICHAEL DICK V. KINGSTOWNE MILROSE, LLC, DRUCKER AND FAULK, LLC AND LYNETTA RAINEY
REB FILE NUMBER: 2022-00433
HUD FILE NUMBER: 03-21-9289-8
{CONCILIATION}

VI. REAL ESTATE CASES

LICENSING

1. File Number 2023-03085- Tre-mon LaMario Payne
IFF by Jackson-Bailey-Licensing
Appointment-Tre-mon Payne
2. File Number 2024-00136- Chathan R. Harvin
IFF by Jackson-Bailey-Licensing
3. File Number 2024-00687 Garrett W. Howell
IFF by Jackson-Bailey-Licensing

DISCIPLINARY CASES & CONSENT ORDER

4. File Number 2023-00731 – Edward Lamar Gerardo-Ferrer, dba Eddie Gerardo-Ferrer
IFF by Perry- Disciplinary
5. File Number 2023-01266 – Real Estate Board vs. Richard G. Natee (Respondent) Prima Facie – Disciplinary
6. File Number 2023-01763 – Ben Stevens Creasy, t/a Ben Creasy Pre-IFF Consent Order-Disciplinary
7. File Number 2023-01806- Michelle Marie Walden, t/a Missy Walden Pre-IFF Consent Order-Disciplinary
8. File Number 2023-01819- Anthony Fraley
Pre-IFF Consent Order-Disciplinary
9. File Number -2023-01873– Daniel Lee McDonald
Pre-IFF Consent Order-Disciplinary
10. File Number 2023-01948-Nathanial Allen Lyons
Pre-IFF Consent Order-Disciplinary
11. File Number 2023-01965 – Randall L. Harman
Pre-IFF Consent Order-Disciplinary
12. File Number 2023-02919 – Thuthuy Huynh
Pre-IFF Consent Order-Disciplinary
13. File Number 2023-003059 – Jennifer Jean Barrington
Pre-IFF Consent Order-Disciplinary

VII. ADMINISTRATIVE ISSUES

1. Real Estate Board Recovery Fund Financial Statement

2. Board Financial Statement

VIII. EDUCATION

- November 6, 2023, Education Committee Report

IX. OLD BUSINESS

X. NEW BUSINESS

1. 2024 Meeting Dates
2. Regulatory Action-Fee Adjustment
3. Remote Exams

XI. CONFLICT OF INTEREST AND TRAVEL VOUCHERS

XII. CONFLICT OF INTEREST ACT TRAINING

XIII. ADJOURNMENT

NEXT MEETING SCHEDULED FOR JANUARY 23, 2024

** 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

REAL ESTATE BOARD
MINUTES OF MEETING

September 28, 2023

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

Kemper Funkhouser
Kit Hale
Cavelle Mollineaux
David Perry
Nan Piland
Anna Thronson

Board members absent from the meeting: Margaret Davis
Catina Jones
Douglas Roth

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

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, Deputy Director
Stephen Kirschner, Deputy Director
Anika Coleman, Executive Director
Liz Hayes, Fair Housing Administrator
Joseph Haughwout, Regulatory Affairs Manager
Amy Goobic, Executive Assistant

Elizabeth Peay and Nathan Moberly, from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 10:04 A.M.

Call to Order

Ms. Coleman reviewed the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Perry moved to approve the agenda. Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Agenda

Ms. Piland moved to approve the minutes from the July 13, 2023, Board meeting, and the July 13, 2023, Regulatory Review Committee meeting. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Minutes

There was no public comment.

Public Comment

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load. No action was taken by the Board. Ms. Hayes informed the Board that there will be Fair Housing training for Board members following the December 6, 2023, Fair Housing Board meeting.

Fair Housing Report

Nathan Moberly, Assistant Attorney General, provided a litigation update.

Litigation Report

In the matter of **Yonica Patrick v. Rose Hall Associates Two, LLP, Perrel Management Company, Inc., Shanna Taylor and Latrice Oglesby File 2023-02546**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Latrice Oglesby, Perrel Management Company, Inc., respondent, was present and addressed the Board. Ms. Thronson moved to find no reasonable cause to believe the respondents discriminated against the complainant by otherwise making housing unavailable or by imposing discriminatory terms and conditions based on the complainant's race (Black). Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

File Number: 2023-02546
HUD File Number: 03-23-3344-8
Yonica Patrick v. Rose Hall Associates Two, LLP, Perrel Management Company, Inc., Shanna Taylor and Latrice Oglesby

In the matter of **File Number 2023-02544, Elizabeth N. Torres**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and deny Ms. Torres's application for a real estate salesperson's license. Mr. Hale seconded the motion which was unanimously approved by

File Number 2023-02544, Elizabeth N. Torres

members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-02545, Karriem E. Marshall**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Marshall was present and addressed the Board. Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and deny Mr. Marshall's application for a real estate salesperson's license. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

File Number 2023-02545, Karriem E. Marshall

In the matter of **File Number 2023-03094, Samuel T. Wright**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Wright was present and addressed the Board. Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Mr. Wright's application for a real estate salesperson's license by reciprocity. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

File Number 2023-03094, Samuel T. Wright

In the matter of **File Number 2023-02782, Jonathan M. Reck**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and deny Mr. Reck's application for a broker by upgrade license. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Piland, and Thronson.

File Number 2023-xxxx, Jonathan M. Reck

As the presiding Board member, Mr. Perry was not present for the discussion or vote.

In the matter of **File Number 2023-00672, Leigh Habecker**, the Board reviewed the Consent Order as seen and agreed to by Ms.

File Number 2023-00672, Leigh M.

Habecker. Ms. Piland moved to accept the proposed Consent Order offer wherein Habecker admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Count 1, Ms. Habecker agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Contract Writing and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Habecker

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-00964, Kristen, M. Pearce.**, the Board reviewed the Consent Order as seen and agreed to by Ms. Pearce. Ms. Piland moved to accept the proposed Consent Order offer wherein Ms. Pearce admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, Ms. Pearce agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Escrow Requirements and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

File Number 2023-00964, ,Kristen M. Pearce

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01007, Stacy L. Futterer.**, the Board reviewed the Consent Order as seen and agreed to by Ms. Futterer. Ms. Piland moved to accept the proposed Consent Order offer wherein Ms. Futterer admits to a violation of 18 VAC

File Number 2023-01007, Stacy L. Futterer

135-20-300.9 (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$1,050.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,200.00. In addition, Ms. Futterer agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01208, Krystal Ulmer**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ulmer. Ms. Piland moved to accept the proposed Consent Order offer wherein Ms. Ulmer admits to a violation of 18 VAC 135-20-260.12.c (Count 1), and 18 VAC 135-310.2 of the Board's Regulations, and agrees to a monetary penalty of \$1,850.00 for the violation contained in Count 1, and \$600.00, as well as \$150.00 in Board costs, for a total of \$2,600.00. In addition, for violation of Counts 1 and 2, Ms. Ulmer agrees to revocation of her license. In lieu of imposition of penalties for Counts 1 and 2, the Board shall waive such sanctions pursuant to Ms. Ulmer's agreement to license revocation. In addition, Ms. Ulmer agrees to complete at least the number of classroom hours, as specified below, of Board-approved Post-License education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of this Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, three (3) hours pertaining to Ethics and Standards of Conduct;
- For violation of Count 2, six (6) hours pertaining to Real Estate Law and Regulations.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Ms. Thronson seconded the motion which was unanimously

File Number 2023-01208, Krystal Ulmer

approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01372, Jamaal Dickerson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Dickerson. Ms. Piland moved to accept the proposed Consent Order offer wherein Mr. Dickerson admits to a violation of 18 VAC 135-20-260.11.I (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$1,200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, for violation of Count 1, Mr. Dickerson agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom. Further, payment of the monetary sanction is due within one hundred eighty (180) days of the effective date of this Consent Order. It is acknowledged that satisfactory completion of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

File Number 2023-01372, Jamaal Dickerson

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01722, Erik S. LaRoach**, the Board reviewed the Consent Order as seen and agreed to by Mr. LaRoach. Ms. Piland moved to accept the proposed Consent Order offer wherein Mr. LaRoach admits to a violation of §54.1-2138.2 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$600.00. In addition, Mr. LaRoach agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

File Number 2023-01722, Erik S. LaRoach

It is acknowledged that on October 13, 2022, Erik Steven LaRoach successfully completed six (6) hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations.

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Ms. Thronson recused herself from the meeting.

**Recusal of Board
Member**

In the matter of **File Number 2023-00705, Ashley C. Leigh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Leigh. Lem Marshall, attorney for the respondent, was present to address the Board. Ms. Piland moved to accept the proposed Consent Order offer wherein Mr. Leigh admits to a violation of 18 VAC 135-20-160.C (Count 1- 9 violations); 18 VAC 135-20-260.11.c (Count 2); 18 VAC 135-20-260.a (Count 3 - 5 violations); 18 VAC1235-20.260.11.a (Count 4); and 18 VAC 135-20-260.11.a (Count 5), of the Board's Regulations, and agrees to a monetary penalty of \$900.00 (\$100 for each violation) for the violations contained in Count 1; \$2,500.00 for the violation contained in Count 2; \$1,750.00 (\$350.00 for each violation) for the violations contained in Count 3; \$750.00 for the violation contained in Count 4; and \$2,500.00 for the violation contained in Count 5, as well as \$150.00 in Board costs, for a total of \$8,550.00. In addition, for violation of Count 5, Mr. Leigh agrees to a six (6) month suspension of his license. When Mr. Leigh's license is once again active following the suspension, Leigh agrees to a one (1) year probation of his license. During this probation, Leigh agrees to comply with the regulations of the Real Estate Board and to provide to the Board, on a biannual basis and in a form acceptable to the Board, a written statement from that he is in compliance with the regulations of the Real Estate Board.

**File Number 2023-
00705, Ashley C.
Leigh**

If Mr. Leigh violates any terms of this probation, his license may be revoked, pending review by the Board. In addition, Mr. Leigh agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course must be completed in the classroom.

It is acknowledged that satisfactory completion of the above referenced Post Licensee education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, and Piland.

Ms. Thronson returned to the meeting Mr. Perry recused himself from the meeting.

In the matter of **File Number 2023-02730, Bryan T. Duncan**, the Board reviewed the Consent Order as seen and agreed to by Mr. Duncan. Mr. Hale moved to accept the proposed Consent Order. Mr. Mollineaux seconded the motion. Discussion was held and the motion was withdrawn. Ms. Piland moved to reject the Consent Order and remand the file to the Adjudication Section for an Informal Fact-Finding Conference. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Piland, and Thronson.

Mr. Perry returned to the meeting.

In the matter of **File Number 2023-01819, Anthony Fraley**, the Board reviewed the Consent Order as seen and agreed to by Mr. Fraley. Ms. Piland moved to reject the Consent Order and refer the case back for further proceedings. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01948, Nathaniel A. Lyons**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lyons. Ms. Piland moved to reject the Consent Order and refer the case back for further proceedings. Ms. Thronson seconded the motion which was approved by members: Funkhouser, Mollineaux, Piland, and Thronson. Mr. Hale and Mr. Perry were opposed.

Ms. Piland recused herself from the meeting.

In the matter of **File Number 2023-00670, Maureen Gasink**, 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. Ms. Thronson moved to find the following violations: §54.1-2137.B

**Return and Recusal
of Board Member**

**File Number 2023-
02730, Bryan T.
Duncan**

**Return of Board
Member**

**File Number 2023-
01819, Anthony
Fraley**

**File Number 2023-
01948, Nathaniel A.
Lyons**

**Recusal of Board
Member**

**File Number 2023-
00670, Maureen
Gasink**

of the *Code of Virginia* (Count 1); §54.1-2132.A.4 of the *Code of Virginia* (Count2); and §54.1-2132.B of the *Code of Virginia* (Count 3). Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, and Thronson.

Ms. Thronson moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$300.00 for the violation in Count 1; no monetary penalty for the violation in Count 2; and \$1,000.00 for the violation in Count 3, for a total of \$1,300.00. In addition, for violation of Count 2, the Board voted to revoke Gasink's license. In addition, for violation of Counts 1 and 3, the Board voted to place Gasink's license on probation for a period of six (6) months. The terms of the probation shall be:

- For violation of Count 1, Gasink shall complete three (3) hours of Board-approved post-license education pertaining to Agency Law. Such course(s) shall be completed in a classroom.
- For violation of Count 3, Gasink shall complete three (3) hours of Board-approved post-license education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Gasink shall provide evidence acceptable to the Board that Gasink has successfully completed the course(s) within six (6) months of the effective date of the Board's order. The above-referenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license.

Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, and Thronson.

In the matter of **File Number 2023-00861, Mumtaz Bhatti**, 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. Hale moved to find the following violation: 18 VAC 135-20-180.C.3 (Count 1) of the Board's Regulations. Mr. Perry seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, and Thronson.

File Number 2023-00861, Mumtaz Bhatti

Mr. Mollineaux moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference for no monetary penalty for the violation in Count 1.

Mr. Perry seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, and Thronson.

Ms. Piland returned to the meeting.

Board members reviewed a receiver bill/invoice from John Farnum, attorney acting as court appointed receiver for case involving Central Partners Now LLC dba Re/Max Central Realty. Discussion was held on whether the receiver bill must be court approved, or could payment be made to court appointed receiver without being court approved. Mr. Kirschner stated that it would be appropriate for the Board to approve the invoice, however going forward the invoice should be court approved.

Ms. Piland moved to approve the invoice. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Mr. Kirschner provided a regulatory report. Mr. Kirschner reported the Board has one pending action regarding licensing fee adjustments. The action is currently under Executive Branch review and will come back to the Board if approved. The fee adjustment will need one more approval by the Board. He also reported that there are two actions to be filed soon, the exempt action regarding Universal License Recognition, and a fast track change to education providers, requiring course material be updated when laws change. Ms. Piland stated the Education Committee recommended change to the language of the education providers course material regarding the expiration date for training approvals. These would expire three years from the last day of the month in which the approval was issued. Mr. Hale moved to make the recommended change to the language. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Mr. Haughwout reported to the Board that the periodic review of the Board's regulations was filed, there were no public comments. Mr. Kirschner explained that the current review of

**Return of Board
Member**

Administrative Issues

the regulations by the Regulatory Review Committee, in accordance with Executive Order 1, is a line by line process. The review may be completed by early next year and that the Fair Housing Regulations also need to be reviewed.

Mr. Haughwout explained the regulations, with regard to the periodic review, must be voted on to either repeal, amend or retain as is. Mr. Haughwout recommends to retain as is, since the regulations are now under review for the regulatory reduction initiative. Mr. Hale moved to retain the regulations as is. Mr. Perry seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Mr. Haughwout asked the Board to consider authorizing a Notice of Intended Regulatory Action (NOIRA) for general review of the Real Estate and Fair Housing Regulations in accordance with Executive Order 1. Mr. Hale moved to authorize the NOIRA for Real Estate and Fair Housing Regulations. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Mr. Haughwout inquired as to whether the Real Estate Regulatory Review Committee would be reviewing the Fair Housing Regulations. Mr. Kempfouser stated that it would be discussed at the Regulatory Review Committee meeting following the Board meeting.

The Board recessed from 11:15 am until 12:20 pm.

Recess

Ms. Piland provided a report from the September 27, 2023, Real Estate Education Committee meeting. Mr. Hale moved to adopt the September 27, 2023, Real Estate Education Committee Meeting report. Mr. Perry seconded the motion which was unanimously approved by members: Funkhouser, Hale, Mollineaux, Perry, Piland, and Thronson.

Education

Mr. Funkhouser stated the Conflict of Interest Act Training on the agenda would be postponed until the November 16, 2023, Board meeting.

New Business

Mr. Funkhouser noted that he and Mr. Hale would not be in attendance at the November 16 Board meeting, due to a conference they would both be attending. He reiterated the importance of members attendance to insure a quorum.

There being no further business, the Board adjourned at 12:30

Adjourn

pm.

Kemper Funkhouser, Chair

Kishore S. Thota, Secretary

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DRAFT AGENDA

REAL ESTATE BOARD
REGULATORY REVIEW COMMITTEE
MINUTES OF MEETING

The Real Estate Board Regulatory Review Committee met on Thursday, September 28, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Joseph 'Kemper' Funkhouser, III, Chair
Nancy 'Nan' Piland
Cavelle Mollineaux
David Perry
Kermit 'Kit' Hale
Joseph 'Joe' Funkhouser, II
Boyd Smith
Sharon Johnson
Lynn Grimsley
Erin Kormann

The following committee members were not present:

Lawrence 'Lem' Marshall
Douglas 'Doug' Roth
Margaret 'Maggie' Davis, Vice Chair

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

Anika Coleman, Executive Director
Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs
Joseph Haughwout, Regulatory Affairs Manager

A representative from the Office of the Attorney General was not present for the meeting.

Mr. Funkhouser, Chair, called the Real Estate Board, Regulatory Review Committee meeting to order at 12:20 p.m.

Call to Order

The Committee reviewed the Real Estate Regulations to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

Discussion and Review of Regulations

There was no other business.

Other Business

There were no public comments.

Public Comment

The next scheduled Regulatory Review Committee meeting will be held at a date to be determined.

Schedule Next Regulatory Review Committee Meeting

There being no further business, the meeting adjourned at 3:23 p.m.

Adjourn

Joseph 'Kemper' Funkhouser, III, Chair

Kishore Thota, Board Secretary

RESOLUTIONS

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PUBLIC COMMENT PERIOD

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DRAFT AGENDA

LITIGATION REPORT

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DRAFT AGENDA

**2024
Real Estate Board Meeting Dates
10:00 A.M.**

Board Room 2

Thursday, January 18

Thursday, March 21

Thursday, May 16

Thursday, July 18

Thursday, September 5

Thursday, December 19

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DEPARTMENT OF PROFESSIONAL
& OCCUPATIONAL REGULATION

**VIRGINIA REAL ESTATE
TRANSACTION
RECOVERY ACT FUND**

FINANCIAL STATEMENTS

Cash Basis

For the Month Ended
September 30, 2023

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
DRAFT AGENDA

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA REAL ESTATE TRANSACTION RECOVERY FUND
BALANCE SHEET
GOVERNMENTAL FUNDS
9/30/2023

	Special Revenue Funds		
	Principal	Interest	Totals
ASSETS			
Cash and Cash Equivalents	\$ 2,378,553	\$ 183,551	\$ 2,562,104
Total Assets	<u>\$ 2,378,553</u>	<u>\$ 183,551</u>	<u>\$ 2,562,104</u>
FUND BALANCES			
Reserved for Payment of Future Claims	\$ 2,378,553	\$ -	\$ 2,378,553
Reserved for Administration of Recovery Act	-	183,551	183,551
Total Fund Balances	<u>\$ 2,378,553</u>	<u>\$ 183,551</u>	<u>\$ 2,562,104</u>

The accompanying notes are an integral part of this statement.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA REAL ESTATE TRANSACTION RECOVERY FUND
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE MONTH ENDED 09/30/2023

	CURRENT MONTH			YEAR TO DATE		
	Principal Fund	Interest Fund	Totals	Principal Fund	Interest Fund	Totals
REVENUES:						
Assessments	\$ 9,540	\$ -	\$ 9,540	\$ 27,820	\$ -	\$ 27,820
Investment Income		11,072	11,072		35,047	35,047
Recoveries on Paid Claims	-	-	-	\$ -	-	-
Total Revenues:	<u>9,540</u>	<u>11,072</u>	<u>20,612</u>	<u>27,820</u>	<u>35,046.94</u>	<u>62,867</u>
EXPENDITURES:						
VA Housing Trust Fund Transfer	-	-	-		375,474	375,474
Claims Expense	19,669	-	19,669	24,741	-	24,741
Salary Expense	1,632	1,632	3,265		1,632	1,632
Other Operating Expense	-	-	-		-	-
Postage Expense	30	30	59		30	30
Receivership Expense	-	-	-		-	-
Total Expenses:	<u>21,331</u>	<u>1,632</u>	<u>22,993</u>	<u>24,741</u>	<u>377,136</u>	<u>401,877</u>
Net Change in Fund Balances	<u>(11,791)</u>	<u>9,439</u>	<u>(2,381)</u>	<u>3,079</u>	<u>(342,089)</u>	<u>(339,010)</u>
Beginning Fund Balance	<u>2,388,682</u>	<u>174,141</u>	<u>2,562,823</u>	<u>2,375,474</u>	<u>525,640</u>	<u>2,901,114</u>
Ending Fund Balance	<u>\$ 2,376,891</u>	<u>\$ 183,580</u>	<u>\$ 2,560,441</u>	<u>\$ 2,378,553</u>	<u>\$ 560,687</u>	<u>\$ 2,562,104</u>

The accompanying notes are an integral part of this statement.

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA REAL ESTATE TRANSACTION RECOVERY ACT FUND**

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA REAL ESTATE TRANSACTION RECOVERY ACT FUND
SUPPLEMENTAL SCHEDULE OF CLAIMS PAID**

September 30, 2023

CLAIMS PAID:	Number of Payments	Dollar Amount of Claims Paid	Related Recoveries	Net Payments
July 1, 2023 - June 30, 2024	1	\$24,741.00	\$0.00	\$24,741.00
July 1, 2022 - June 30, 2023	1	\$20,000.00	\$250.00	\$19,750.00
July 1, 2021 - June 30, 2022	2	\$19,551.00	\$0.00	\$19,551.00
July 1, 2020 - June 30, 2021	0	\$0.00	\$0.00	\$0.00
July 1, 2019 - June 30, 2020	1	\$20,000.00	\$0.00	\$20,000.00
July 1, 2018 - June 30, 2019	3	\$34,820.63	\$1,790.00	\$33,030.63
July 1, 2017 - June 30, 2018	1	\$4,279.00	\$0.00	\$4,279.00
July 1, 2016 - June 30, 2017	1	\$20,000.00	\$0.00	\$20,000.00
July 1, 2015- June 30, 2016	2	\$32,310.00	\$75.00	\$32,235.00
July 1, 2014- June 30, 2015	3	\$27,122.00	\$225.00	\$26,897.00
July 1, 2013- June 30, 2014	4	\$35,385.30	\$0.00	\$35,385.30
July 1, 2012- June 30, 2013	2	\$104,000.00	\$0.00	\$104,000.00
July 1, 2011- June 30, 2012	42	\$180,631.00	\$0.00	\$180,631.00
July 1, 2010 - June 30, 2011	6	\$55,751.00	\$5,863.00	\$49,888.00
July 1, 2009 - June 30, 2010	0	\$0.00	\$0.00	\$0.00
July 1, 2008 - June 30, 2009	2	\$21,248.00	\$0.00	\$21,248.00
July 1, 2006 - June 30, 2008	2	\$23,895.00	\$288.00	\$23,607.00
July 1, 2004 - June 30, 2006	6	\$111,468.00	\$2,294.00	\$109,174.00
July 1, 2002 - June 30, 2004	4	\$33,588.00	\$10,702.00	\$22,886.00
July 1, 2000 - June 30, 2002	23	\$74,044.00	\$7,700.00	\$66,344.00
July 1, 1992 - June 30, 2000	81	\$727,857.00	\$113.00	\$727,744.00
July 1, 1980 - June 30, 1992	133	\$673,706.00	\$48,844.00	\$624,862.00

RECEIVERSHIPS PAID:	Number of Payments	Dollar Amount of Receiverships Paid	Recoveries of Receivership Funds	Net Payments
July 1, 2023 - June 30, 2024	0	\$0.00	\$0.00	\$0.00
July 1, 2022 - June 30, 2023	2	\$55,507.76	0	\$55,507.76
July 1, 2021 - June 30, 2022	0	\$0.00	\$0.00	\$0.00
July 1, 2020 - June 30, 2021	0	\$0.00	\$0.00	\$0.00
July 1, 2019 - June 30, 2020	0	\$0.00	\$0.00	\$0.00
July 1, 2018 - June 30, 2019	4	\$34,698.01	\$0.00	\$34,698.01
July 1, 2017 - June 30, 2018	2	\$71,286.05	\$0.00	\$71,286.05
July 1, 2016 - June 30, 2017	0	\$0.00	\$0.00	\$0.00
July 1, 2015- June 30, 2016	0	\$0.00	\$0.00	\$0.00
July 1, 2014- June 30, 2015	1	\$992.00	\$0.00	\$992.00
July 1, 2013- June 30, 2014	1	\$82,295.00	\$51,832.73	\$30,462.27
July 1, 2012- June 30, 2013	0	\$0.00	\$0.00	\$0.00
July 1, 2011 - June 30, 2012	1	\$51,720.00	\$0.00	\$51,720.00
July 1, 2010 - June 30, 2011	1	\$201,346.00	\$0.00	\$201,346.00
July 1, 2009 - June 30, 2010	0	\$0.00	\$0.00	\$0.00
July 1, 2008 - June 30, 2009	0	\$0.00	\$0.00	\$0.00
July 1, 2006 - June 30, 2008	0	\$0.00	\$0.00	\$0.00
July 1, 2004 - June 30, 2006	0	\$0.00	\$0.00	\$0.00
July 1, 2002 - June 30, 2004	0	\$0.00	\$0.00	\$0.00
July 1, 2000 - June 30, 2002	2	\$18,335.00	\$23,382.00	-\$5,047.00
July 1, 1992 - June 30, 2000	13	\$987,167.00	\$46,463.00	\$940,704.00

FS4 - NOTES

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
VIRGINIA REAL ESTATE TRANSACTION RECOVERY ACT FUNDS
NOTES TO FINANCIAL STATEMENTS
9/30/2023**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The following is a summary of certain significant accounting policies employed by the Department of Professional and Occupational Regulation in administering the Virginia Real Estate Transaction Recovery Act Funds.

A. Basis of Presentation

The accompanying financial statements have been prepared using governmental fund accounting as prescribed by the Governmental Accounting Standards Board (GASB). The financial statements are prepared on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles.

B. Reporting Entity

These financial statements report the financial activity of the Virginia Real Estate Transaction Recovery Act Fund, which is administered by the Department of Professional and Occupational Regulation. The Department exercises oversight authority over other funds which are not included in these financial statements.

C. Financial Statement Presentation

Special Revenues Funds account for transactions related to resources received and used for restricted or specific purposes. The Virginia Real Estate Transaction Recovery Act Fund, which is reported as a special revenue fund, is established under Section 54.1-2112 of the Code of Virginia to reimburse claimants for losses incurred through improper or dishonest conduct by real estate licensees.

D. Measurement Focus and Basis of Accounting

The governmental fund financial statements are reported using the current financial resources measurement focus and the cash basis of accounting. Revenues are recognized when cash is received and expenditures are recorded when paid. The Department uses the cash basis of accounting during the year and prepares financial statements in accordance with generally accepted accounting principles at year end.

E. Cash and Cash Equivalents

Cash and cash equivalents consist of cash on hand, demand deposits, and investments in the Local Government Investment Pool (LGIP). Investments in the Local Government Investment Pool are reported as cash equivalents since they are readily convertible to cash.

2. RESTRICTED FUND BALANCES

Assets held in the Virginia Transaction Recovery Act Funds are restricted to the payment of claims in accordance with Section 54.1-2113A of the *Code of Virginia*. Interest earned on the deposits is restricted to paying administrative expenses and certain educational programs specified in Sections 54.1-2113H of the *Code of Virginia*.

3. ASSESSMENTS

The Principal Fund is financed through assessments. Each new real estate applicant pays a \$20 assessment into the Recovery Fund at the time of application. The Code of Virginia requires the Board to increase fees whenever the balance in the Principal Fund is less than \$400,000. However, no licensee can be assessed more than \$20 during the biennium. If the balance in the Principal Fund exceeds \$2,000,000 on June 30 of any year, the Board must transfer the excess to the Virginia Housing Trust Fund.

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These financial statements are prepared by Doris Economou, Accounting Specialist. Please call 804-367-2530 if you have questions.

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Real Estate Board
954640**

2022-2024 Biennium

October 2023

	October 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - October 2021	July 2022 - October 2023
Cash/Revenue Balance Brought Forward			0
Revenues	0	5,968,842	4,771,712
Cumulative Revenues			4,771,712
Cost Categories:			
Board Expenditures	0	382,497	314,055
Board Administration	0	1,463,321	1,217,558
Administration of Exams	0	68,665	80,411
Enforcement	0	1,474,941	1,174,128
Legal Services	0	49,552	40,086
Information Systems	0	1,053,047	776,297
Facilities and Support Services	0	540,737	426,356
Agency Administration	0	670,264	820,016
Other / Transfers	0	719,452	678,087
Total Expenses	0	6,422,476	5,526,993
Transfer To/(From) Cash Reserves	0	0	(759,600)
Ending Cash/Revenue Balance			4,319

Cash Reserve Beginning Balance	1,196,711	0	1,956,311
Change in Cash Reserve	0	0	(759,600)
Cash Reserve Ending Balance	1,196,711	0	1,196,711

Number of Regulators

Current Month	0
Previous Biennium-to-Date	74,133