

REAL ESTATE BOARD
MINUTES OF MEETING

January 18, 2024

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

The following Board members were present:

Joseph 'Kemper' Funkhouser, III, Chair
Margaret Davis, Vice-Chair
Kermit 'Kit' Hale
Nan Piland
Douglas Roth
Anna Thronson

Board members absent from the meeting:

Catina Jones
Cavelle Mollineaux
David Perry

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

Kishore S. Thota, DPOR Director
Brian Wolford, Chief Deputy Director
Tom Payne, CID Deputy Director
Stephen Kirschner, LRPD Deputy Director
Anika Coleman, Executive Director
Lizbeth Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Loraine Schroeder, Fair Housing Investigator
Donnitria Mosby, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Gezelle Glasgow, Administrative Coordinator

Elizabeth Peay, Todd Shockley, and Joel Taubman, from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 10:07 A.M.

Call to Order

Ms. Coleman reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

The Board in consensus moved to approve the agenda.

Approval of Agenda

The Board in consensus moved to approve the minutes from the November 16, 2023, Board meeting, the November 16, 2023, Fair Housing Sub-Committee meeting, and the December 7, 2023, Regulatory Review Committee meeting.

Approval of Minutes

There was no public comment.

Public Comment

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

Fair Housing Report

Todd Shockley and Joel Taubman, Assistant Attorney Generals, provided a litigation update.

Litigation Report

In the matter of **Sharone Butler v. Greenbrier Property Management, Hunt Club LLC and Sonja Shepherd** REB File Number: 2022-01923, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Kaitlin Baxter, Attorney for the Respondents, was present and addressed the Board. Ms. Davis moved to find no reasonable cause to believe the respondents discriminated against the Complainant by refusing to rent, offering discriminatory terms and conditions, or steering based on her race, disability, or source of funds. Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

**Sharone Butler v.
Greenbrier Property
Management, Hunt
Club LLC and Sonja
Shepherd**
**REB File Number:
2022-01923**
**HUD File Number: 03-
22-0801-8**

In the matter of **Sarah Barish v. Acquire Real Estate LLC, William E. Halloran, dba Bill Halloran, NRT Mid Atlantic LLC, dba Coldwell Banker Realty, Marie Ellen La Morena, dba Elena La Morena and Brent A. and Sonjia Penny** REB File Number: 2021-01887, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis, and Official Consultation Memorandum from the Office of Attorney General. Jeffrey Vogelmann Attorney for Respondents Brent and Sonja Penny were present and addressed the Board in person. M. Barbara Kubicz, Attorney for Coldwell Banker Realty and Elena La Morena addressed the Board via teleconference.

**Sarah Barish v. Acquire
Real Estate LLC,
William E. Halloran,
dba Bill Halloran, NRT
Mid Atlantic LLC, dba
Coldwell Banker
Realty, Marie Ellen La
Morena, dba Elena La
Morena and Brent A.
and Sonjia Penny**
**REB File Number:
2021-01887**
**HUD File Number: 03-
21-8025-8**

Board moved to discussion.

At 10:25 A.M., Ms. Davis moved that the Board meeting be recessed and that the Real Estate Board immediately reconvene in

CLOSED SESSION

closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Elizabeth Peay, Todd Shockley, Joel Taubman, Kishore Thota, Brian Wolford, Stephen Kirschner, Anika Coleman, Lizbeth Hayes, and Deanda Shelton. Ms. Piland seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

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

Sarah Barish v. Acquire Real Estate LLC, William E. Halloran, dba Bill Halloran, NRT Mid Atlantic LLC, dba Coldwell Banker Realty, Marie Ellen La Morena, dba Elena La Morena and Brent A. and Sonjia Penny REB File Number: 2021-01887 HUD File Number: 03-21-8025-8

At 10:57 A.M., The Board members agreed to reconvene in an open meeting by consensus, which was approved by a roll call vote:

Davis - y
Funkhouser - y
Hale - y
Piland- y
Roth - y
Thronson - y

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

**CERTIFICATION OF
CLOSED MEETING**

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

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

and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 6-0

AYES: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Catina Jones, Cavelle Mollineaux, and David Perry.

Upon reconvening in open session at 10:57 AM, in the matter of **Sarah Barish v. Acquire Real Estate LLC, William E. Halloran, dba Bill Halloran, NRT Mid Atlantic LLC, dba Coldwell Banker Realty, Marie Ellen La Morena, dba Elena La Morena and Brent A. and Sonjia Penny REB File Number: 2021-0188**, Ms. Davis moved that there is reasonable cause to believe respondents Acquire Real Estate LLC, William Halloran dba Bill Halloran, Brent A. Penny and Sonjia Penny discriminated against the complainant by failing to permit a reasonable accommodation, by refusing to rent, and by making or publishing a discriminatory statement based on the complainant's disability. Ms. Piland seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

Ms. Davis moved that there is no reasonable cause to believe respondents Marie Ellen La Morena, dba Elena La Morena, and NRT Mid Atlantic LLC, dba Coldwell Banker Realty, discriminated against the complainant by failing to permit a reasonable accommodation, by refusing to rent, and by making or publishing a discriminatory statement based on the complainant's disability. Ms. Piland seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

In the matter of **Justin A. Ambrose and Regina Ambrose v. Gina Southlee Allen, Kroll Residential Inc. and William E. Woods & Associates, inc. REB File Number: 2022-01005**, the Board reviewed the record which consisted of the Final

OPEN SESSION

Sarah Barish v. Acquire Real Estate LLC, William E. Halloran, dba Bill Halloran, NRT Mid Atlantic LLC, dba Coldwell Banker Realty, Marie Ellen La Morena, dba Elena La Morena and Brent A. and Sonjia Penny REB File Number: 2021-01887 HUD File Number: 03-21-8025-8

Justin A. Ambrose and Regina Ambrose v. Gina Southlee Allen, Kroll Residential Inc.

Investigative Report and Case Analysis, and Official Consultation Memorandum from the Office of Attorney General. Joe Blackburn, Attorney for Gina Southlee Allen, was present and addressed the Board.

At 11:06 A.M., Ms. Davis moved that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Elizabeth Peay, Todd Shockley, Joel Taubman, Kishore Thota, Brian Wolford, Stephen Kirschner, Anika Coleman, Lizbeth Hayes, and Deanda Shelton. Ms. Piland seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

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

Justin A. Ambrose and Regina Ambrose v. Gina Southlee Allen, Kroll Residential Inc. and William E. Woods & Associates, inc.
REB File Number: 2022-01005
HUD File Number: N/A

At 11:26 A.M., The Board members agreed to reconvene in an open meeting by consensus, which was approved by a roll call vote:

Davis - y
Funkhouser - y
Hale - y
Piland- y
Roth - y
Thronson – y

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

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

and William E. Woods & Associates, inc.
REB File Number: 2022-01005
HUD File Number: N/A
CLOSED SESSION

CERTIFICATION OF CLOSED MEETING

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

VOTE: 6-0

AYES: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.
NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Catina Jones, Cavelle Mollineaux, and David Perry.

Upon reconvening in open session, in the matter of, **Justin A. Ambrose and Regina Ambrose v. Gina Southlee Allen, Kroll Residential Inc. and William E. Woods & Associates, inc. REB File Number: 2022-01005**, Ms. Davis moved that there is no reasonable cause to believe the respondents discriminated against the complainants by refusing to sell and in the terms, conditions, and privileges related to the sale based on their source of funds.

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

In the matter of **File Number 2024-00686 – Creig Edward Northrop, III**, 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. Northrop was present and addressed the Board. Ms. Davis moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Mr. Northrop's application for a real estate salesperson's license subject to a period of two-year probation wherein Northrop and his supervising broker will provide quarterly reports to the Board. Ms. Thronson seconded the motion which was unanimously

OPEN SESSION

Justin A. Ambrose and Regina Ambrose v. Gina Southlee Allen, Kroll Residential Inc. and William E. Woods & Associates, inc. REB File Number: 2022-01005

File Number 2024-00686 – Creig Edward Northrop, III

approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

In the matter of **File Number 2023-00731 – Edward Lamar Gerardo-Ferrer, dba Eddie Gerardo-Ferrer**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Davis moved to find a violation of 18 VAC 135-20-260.6 (Count 1) and a violation of 18 VAC 135-20-260.7 (Count 2). Ms. Piland seconded the motion which was approved by members: Davis, Hale, Piland, Roth, and Thronson.

File Number 2023-00731 – Edward Lamar Gerardo-Ferrer, dba Eddie Gerardo-Ferrer

Mr. Funkhouser abstained from the vote.

A motion was made by Ms. Davis to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: A monetary penalty of \$750.00 for the violation in Count 2. For violation of Count 1, Gerardo-Ferrer's license was revoked. Further, for violation of Count 1, Gerardo-Ferrer is required to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and for violation of Count 2, six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations. The course(s) must be completed in the classroom. In addition, Gerardo-Ferrer shall provide evidence acceptable to the Board that Gerardo-Ferrer has successfully completed the course(s) within six (6) months of the effective date of the 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. Ms. Piland seconded the motion which was approved by members: Davis, Hale, Piland, Roth, and Thronson.

Mr. Funkhouser abstained from the vote.

Mr. Funkhouser recused himself for the following case, **File Number 2023-02394 – Elizabeth Blevins McCombs, t/a Beth McCombs**. The position of Chair transferring to Ms. Davis

Recusal of Board Member and Transfer of Chair

In the matter of **File Number 2023-02394 – Elizabeth Blevins McCombs, t/a Beth McCombs**, the Board reviewed the Consent Order as seen and agreed to by Ms. McCombs. Ms. Piland moved

File Number 2023-02394 – Elizabeth Blevins McCombs, t/a

to accept the proposed Consent Order offer wherein McCombs admits to a violation of 18 VAC 135-20-190.B (Count 1) of the Board's Regulations 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 \$750.00. In addition, for violation of Count 1, Ms. McCombs 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.

Beth McCombs

Ms. Thronson seconded the motion which was unanimously approved by members: Davis, Hale, Piland, Roth, and Thronson.

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

Mr. Funkhouser returned to the meeting. Mr. Funkhouser resumed position of Chair.

**Return of Board
Member and Transfer
of Chair**

In the matter of **File Number 2023-02999 – Michael McIntosh**, the Board reviewed the Consent Order as seen and agreed to by Mr. McIntosh. Ms. Davis moved to accept the proposed Consent Order offer wherein McIntosh admits to the violations of 18 VAC 135-20-260.6 (Count 1) and 18 VAC 135-20-260.7 of the Board's Regulations.

**File Number 2023-
02999 – Michael
McIntosh**

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

Ms. Davis moved to accept the proposed Consent Order offer wherein Mr. McIntosh agrees to a monetary penalty of \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$900.00. Further, for violation of Count 1, Mr. McIntosh agrees to a two year period of probation of his license and to provide the Board, on a quarterly basis for a period of two (2) years and in a form acceptable to the Board, a written statement from McIntosh and his principal broker that he is in compliance with the regulations of the Real Estate Board. If Mr.

McIntosh violates any terms of this probation his license will be revoked, pending review by the Board. In addition, Mr. McIntosh will complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and three (3) classroom hours 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: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

In the matter of **File Number 2023-00482 – Chanel Christine Harper**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Davis moved to find violations of 18 VAC 135-20-300.6 (Count 1), §54.1-2132.A.4 of the *Code of Virginia* (Count 2), 18 VAC 135-20-3102 (Count 3) and §54.2132.A.4 of the *Code of Virginia* (Count 4). Ms. Piland seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

File Number 2023-00482 – Chanel Christine Harper

A motion was made by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: A monetary penalty of \$600.00 for the violation in Count 1, a monetary penalty of \$550.00 for the violation in Count 2, a monetary penalty of \$600.00 for the violation in Count 3, and a monetary penalty of \$ 750.00 for the violation in Count 4 for a total of \$2,500.00. In addition, Harper's license was placed on probation for a period of two (2) years. The terms of the probation shall be as follows:

- For violations of Count 1 and 3, Harper is required to complete six (6) classroom hours of Board-approved Post-License education in Contract Writing;
- For violation of Count 2, Harper shall be required to complete three (3) classroom hours of Board-approved Post-License education in Escrow Requirements;
- For violation of Count 4, Harper shall be required to complete six (6) classroom hours of Board-approved Post-license education in Real Estate Law and Regulations.

Further, Harper shall provide evidence acceptable to the Board that Harper has successfully completed the course(s) within six (6) months of the effective date of the 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.

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

In the matter of **File Number 2023-002410 – Rhan Khaim Pittman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pittman. Ms. Davis moved to accept the proposed Consent Order offer wherein Mr. Pittman admits to violations of §54.1-2137.A (Count 1) of the *Code of Virginia*, §54.1-2135.A.1 (Count 2) of the *Code of Virginia*, and 18 VAC 135-20-240 (Count 3) of the Board's Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, a monetary penalty of \$750.00 for the violation contained in Count 2, and a monetary penalty of \$1,400.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$2700.00. In addition, Mr. Pittman 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. 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 2023-002410 – Rhan Khaim Pittman

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

A motion was made by Ms. Davis to take cases 7-11, as a block vote.

CONSENT ORDERS

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

In the matter of **File Number 2023-02843 – Lauryn Elizabeth**

File Number 2023-

Haynie, t/a Lauryn Haynie, the Board reviewed the Consent Order as seen and agreed to by Ms. Haynie. Ms. Davis moved to accept the proposed Consent Order offer wherein Ms. Haynie admits to a violation of 18 VAC 135-20-260.11.m (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$950.00 for the violation contained in Count 1 for a total of \$950.00. In addition, Ms. Haynie 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. 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.

**02843 – Lauryn
Elizabeth Haynie, t/a
Lauryn Haynie**

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson

In the matter of **File Number 2023-02901 -- Frances Germanos**, the Board reviewed the Consent Order as seen and agreed to by Ms. Germanos. Ms. Davis moved to accept the proposed Consent Order offer wherein Ms. Germanos admits to violations of 18 VAC 135-20-260.11.I (Count 1) and 18 VAC 135-20-260.11.m of the Board's Regulations, and agrees to a monetary penalty of \$1,200.00 for the violation contained in Count 1 and a monetary penalty of \$950.00, as well as \$150.00 in Board costs, for a total of \$2,300.00.

**File Number 2023-
02901 -- Frances
Germanos**

Further, Ms. Germanos agrees to one (1) year probation of her license as of the effective date of the Order. During this one (1) year probation, Germanos agrees to comply with the regulations of the Real Estate Board; and to provide the Board, on a semi-annual basis and in a form acceptable to the Board, a written statement from Germanos and her principal broker that she is in compliance with the regulations of the Real Estate Board. If Germanos violates and terms of this probation, her license will may be revoked, pending review by the Board.

In addition, Germanos 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 Counts 1 and 2, six (6) hours pertaining to Real Estate Law and Regulations; and
- Three (3) hours pertaining to Ethics and Standards of Conduct.

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.

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson

In the matter of **File Number 2023-02995 – Tiffany Price**, the Board reviewed the Consent Order as seen and agreed to by Ms. Price. Ms. Davis moved to accept the proposed Consent Order offer wherein Ms. Price admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and 18 VAC 135-20-310.2 (Count 2) of the Board's Regulations, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1 and a monetary penalty of \$600.00 well as \$150.00 in Board costs, for a total of \$1,300.00.

File Number 2023-02995 – Tiffany Price

In addition, Price 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.

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson

In the matter of **File Number 2023-03100 – William Loftis**, the Board reviewed the Consent Order as seen and agreed to by Mr. Loftis. Ms. Davis moved to accept the proposed Consent Order offer wherein Mr. Loftis admits to a violation of 18 VAC 135-20-260.11.a (Count 1) of the Board's Regulations, and agrees to a

File Number 2023-03100 – William Loftis

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.

In addition, for violation of Count 1, Loftis 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.

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.

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson

In the matter of **File Number 2023-03145 – Ashley Carter Leigh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Leigh. Ms. Davis moved to accept the proposed Consent Order offer wherein Mr. Leigh admits to violations of 18 VAC 135-20-260.11.a (Count 1), 18 VAC 135-20-260.11.a (Count 2), and 18 VAC 135-20-260.11.a (2 violations of Count 3) and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, a monetary penalty of \$350.00 for the violation contained in Count 2, and a monetary penalty of \$ 700.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$1550.00.

File Number 2023-03145 – Ashley Carter Leigh

In addition, Leigh 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.

- Six (6) hours pertaining to Real Estate Law and Regulation; and
- Six (6) hours pertaining to Contract Writing.

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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.

It is further acknowledged that Leigh was required to complete at least six (6) classroom hours pertaining to Real Estate Law and Regulations pursuant to the terms of File Number 2023-00705, which was ratified by the Board on September 28, 2023.

It is noted that Leigh has amended policies, procedures, and templates used by Real Property Management Pros in furtherance of its regulatory compliance.

Mr. Hale seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson

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

Administrative Issues

Ms. Coleman reminded the Board that their Statement of Economic Interests needs to be completed.

Ms. Piland provided a report from the January 17, 2024, Real Estate Education Committee meeting. Ms. Davis moved to adopt the January 17, 2024, Real Estate Education Committee Meeting report. Ms. Thronson seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Piland, Roth, and Thronson.

Education

Mr. Kirschner addressed the Board with a proposal for a new approach for Real Estate Education applications to be reviewed. Schools would submit curriculum to Board staff, Board staff would review curriculum for completion, applications would be assigned for deficiency review, the reviewer would make Board staff aware of any deficiencies, once resolved the course can be approved. Applications with continuous deficiencies will go to the full Board for a decision.

Mr. Kirschner also addressed the Board regarding allegations of conflict of interests amongst the Real Estate Education Committee. He informed the Board to remain cognizant of conflict of interests when reviewing cases.

Ms. Peay, a representative from the Office of the Attorney General informed the Board to make sure everything is included in the Conflict of Interest (COI) form including anything that could appear to be a COI; best practice for Board members is to remove themselves from cases and case discussion.

Ms. Coleman addressed the Board and informed that there were no members of the public present to comment at the public hearing on January 3, 2024, for the fee adjustment. The transcript will be provided to Board once received.

New Business

Fee Adjustment Public Hearing

Ms. Coleman informed the Board that referrals to Post adjudication and licensing are continuous; however, the current time for an applicant to receive an Informal Fact-Finding (IFF) Hearing is six to eight months or longer. IFF cases are being scheduled in the order that they are received.

IFF Timeframe

Chief Deputy Director Wolford informed the Board that staffing in general has been an issue across the DPOR agency, however, the IFF process is firm and DPOR will work to move the process along quicker.

Mr. Funkhouser addressed the Board about developing an expedited process when a broker applicants need to step into the position of broker, or a broker wrongfully withholds signature on the experience verification form.

Expedite Broker Experience Verification Form

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

Adjourn



Joseph 'Kemper' Funkhouser, III, Chair



Kishore S. Thota, Secretary