

REAL ESTATE BOARD
MINUTES OF MEETING

May 16, 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 "Maggie" Davis, Vice-Chair
Kermit 'Kit' Hale
Catina Jones (departed at 1:38 PM)
Cavelle Mollineaux
Nancy 'Nan' Piland
Doug Roth
Anna Thronson (departed at 1:38 PM)

Board members absent from the meeting:

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
Breanne Lindsey, Regulatory Operations Administrator
Liz Hayes, Fair Housing Administrator
Donnitria Mosby, Fair Housing Investigator
Greg Emerson, Director of Examinations
Gezelle Glasgow, Administrative Coordinator
Joseph Haughwout, Regulatory Affairs Manager

Josh Laws and Todd Shockley 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 Egress

Mr. Funkhouser determined that a quorum was a present.

Determination
of Quorum

Mr. Funkhouser informed the Board that **File Number: 2024-01677** and **File Number: 2023-01501** will be heard at the July meeting. Ms. Davis moved to approve the amended agenda. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Approval of Agenda

Ms. Davis moved to approve the minutes from the March 21, 2024, Real Estate Board, the March 21, 2024, Real Estate Board Regulatory Review Committee meeting, the March 21, 2024, Real Estate Fair Housing Sub-Committee meeting, the April 15, 2024, Real Estate Board Regulatory Review Committee meeting, and the amended changes to the January 18, 2024, Real Estate Board Approved meeting minutes. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Approval of Minutes
as a block

Mr. Funkhouser presented the following resolutions to the former Real Estate Board staff:

Resolutions

**Department of Professional and Occupational Regulation
Real Estate Board
Resolution To
Christine Martine**

WHEREAS, Christine Martine, has faithfully and diligently served the Real Estate Board, and the Department of Professional and Occupational Regulation from 2001 to 2023;

WHEREAS, Christine Martine, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Christine Martine, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this sixteenth day of May 2024 that Christine Martine be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

**Department of Professional and Occupational Regulation
Real Estate Board
Resolution To
Emily Trent**

WHEREAS, Emily Trent, has faithfully and diligently served the Real Estate Board, and the Department of Professional and Occupational Regulation from 2007 to 2023;

WHEREAS, Emily Trent, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Emily Trent, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this sixteenth day of May 2024 that Emily Trent be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

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.

Fair Housing Report

FAIR HOUSING
CASES

In the matter of **ERIC MASON AND KIMBERLY BROWN-MASON V. MONICA M. COOK, CHRISTINA SELF AND LONG & FOSTER REAL ESTATE, INC. REB FILE NUMBER: 2023-02862**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Jennifer McGovern, attorney for Respondent, was present and addressed the Board.

Ms. Davis moved to find no reasonable cause to believe the respondents discriminated against the complainants by refusing to sell based on the complainants' race. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

ERIC MASON AND
KIMBERLY
BROWN-MASON V.
MONICA M. COOK,
CHRISTINA SELF
AND LONG &
FOSTER REAL
ESTATE, INC.
REB FILE
NUMBER: 2023-
02862
HUD FILE
NUMBER: 03-23-
3488-8

In the matter of **VANETTA HARRIS V. HURST APARTMENTS LLC., ROCKTOWN REALTY LLC., and CASANDRA SHAW REB FILE NUMBER: 2022-00840**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Bradley D. McGraw, attorney for Respondent, was present and addressed the Board.

Ms. Davis moved to find no reasonable cause to believe the respondents refused to make a reasonable accommodation, discriminated in terms and conditions, or engaged in harassment, intimidation, or coercion because the complainant engaged in a protected activity or because of her disability. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

VANETTA HARRIS
V. HURST
APARTMENTS
LLC., ROCKTOWN
REALTY
LLC., and
CASANDRA SHAW
REB FILE
NUMBER: 2022-
00840
HUD FILE
NUMBER: 03-22-
9738-8

In the matter of **SARAH BARISH V. WILLIAM E. HALLORAN D/B/A BILL HALLORAN, ACQUIRE REAL ESTATE LLC, BRENT A. PENNY, AND SONJIA PENNY REB FILE NUMBER: 2021-01887**, a motion was made by Ms. Davis to approve the conciliation agreement as agreed to by the parties. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

SARAH BARISH V.
WILLIAM E.
HALLORAN D/B/A
BILL HALLORAN,
ACQUIRE
REAL ESTATE
LLC, BRENT A,
PENNY, AND
SONJIA PENNY
REB FILE
NUMBER: 2021-
01887
HUD FILE
NUMBER: 03-21-
8025

Mr. Shockley gave the Board a litigation update.

Litigation Update

At 10:28 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*.

CLOSED SESSION

The following non-members will be in attendance to reasonably aid the consideration of the topic:

Josh Laws
Todd Shockley
Kishore Thota
Brian Wolford
Stephen Kirschner
Anika Coleman
Lizbeth Hayes

Tom Sanford
Erin McNeill

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

This motion is made with respect to the matter(s) identified as agenda item(s):
Hadassah H. Carter v. Virginia Real Estate Board.
Case No. CL19-4150

At 10:35 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

Certification of
Closed Meeting

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;

NOW, THEREFORE, BE IT RESOLVED that 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: 8-0

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

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: David Perry

Upon reconvening in an open session, a motion was made by Ms. Davis to accept the terms of the agreement discussed during closed session in the matter of ***Hadassah H. Carter v. Virginia Real Estate Board. Case No. CL19-4150.*** Mr. Mollineaux, seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Reconvene in Open
Session

REAL ESTATE
CASES

Ms. Piland recused herself for the following case files:

File Number 2023-01236, Alia Khan-Ali (Claimant) v. Resurrection Necole Graves Smith (Regulant) and File Number 2023-02876, Cynthia Diane Ward.

Recusal of Board
Member

In the matter of Recovery Fund File Number 2023-01236, Alia Khan-Ali (Claimant) v. Resurrection Necole Graves Smith (Regulant), the Board adopts the Claim Review, which contains the facts regarding the recovery fund claim in this matter, and adopts the Summary. The Claim Review and Summary are incorporated as part of this Order.

Recovery Fund Case
File

Resurrection Graves Smith addressed the Board by telephone.

Chris Chipman, Attorney for the Claimant addressed the Board by telephone.

Ms. Davis moved to accept the recommendation to deny the claim. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Mollineaux, Roth and Thronson.

Disciplinary Case
Files

In the matter of **File Number 2023-02876 – Cynthia Diane Ward**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Mariscal appeared at the Board meeting by telephone. Ward did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-
02876 – Cynthia
Diane Ward

Ms. Davis moved to find violations of § 54.1-2137.B of the *Code of Virginia* (Count 1). Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Mollineaux, Roth and Thronson.

Priors

On May 18, 2023, Cynthia Diane Ward was found in violation of § 54.1-2135.A.2 of the *Code of Virginia*. Consent Order 2022-02444 resulted in a fine of \$700.00 including Board costs of \$150.00 and completion on 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 the Consent Order. Ward's license is currently suspended for non-compliance.

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:

For violation of Count 1, Ward shall pay a monetary penalty of \$500.00.

In addition, for the violation of Count 1, the Board voted to place Ward on probation for a period of six (6) months and require her to complete six (6) 2 classroom hours of Board-approved post-license education in Contract Writing. Further, Ward shall provide evidence acceptable to the Board that Ward 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. Hale seconded the motion which was approved by members: Funkhouser, Davis, Hale, Jones, Mollineaux, Roth and Thronson.

Ms. Piland returned to the meeting.

Return of Board
Member

In the matter of **File Number 2023-02858 – David Douglas Luckenbaugh**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. David Douglas Luckenbaugh and by counsel.

File Number 2023-
02858 – David
Douglas
Luckenbaugh

Ms. Piland moved to find no violation of § 54.1-2135.A.1 of the *Code of Virginia* (Count 1). Ms. Jones seconded the motion which was approved by members: Funkhouser, Piland, Hale, Jones, and Mollineaux. Members opposed were Davis, Thronson, and Roth.

Ms. Davis moved to find no violation of 18 VAC 135-20-185.B. of the Real Estate Board Regulation (Count 2). Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Mr. Mollineaux moved to find no violation of § 54.1-2135.A.1 of the *Code of Virginia* (Count 3, violation one). Mr. Hale seconded the motion which was approved by members: Funkhouser, Piland, Hale, Jones, and Mollineaux. Members opposed were Davis, Thronson, and Roth.

Mr. Mollineaux moved to find no violation of § 54.1-2135.A.1 of the *Code of Virginia* (Count 3, violation two). Ms. Davis seconded the motion which was approved by members: Funkhouser, Piland, Hale, Jones, and Mollineaux. Members opposed were Davis, Thronson, and Roth.

Mr. Mollineaux and Mr. Funkhouser recused themselves for the following case files:
File Number 2023-00731, Edward Lamar Gerardo-Ferrer dba Eddie Gerardo-Ferrer.

Recusal of Board
Members and
Transfer of Chair

The position of Chair transferred to Ms. Davis.

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. Gerardo-Ferrer appeared at the Board meeting in person and by counsel.

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

Ms. Piland moved to find a violation of **18 VAC 135-20-260.6** (Count 1). Mr. Hale seconded the motion which was approved by members: Davis, Hale, Jones, Piland, Roth and Thronson.

Mr. Hale moved to find a violation of **18 VAC 135-20-260.7** (Count 2). Ms. Jones seconded the motion which was approved by members: Davis, Hale, Jones, Piland, Roth and Thronson.

Priors

On June 13, 2018, Edward Lamar Gerardo-Ferrer was found in violation of **18 VAC 135-20-260.6** and **18 VAC 135-20-260.7** of the Real Estate Board Regulations. Consent Order 2018-01658 resulted in a fine of \$1,000.00 including Board costs of \$150.00 and a two-year probationary period with quarterly reporting.

A motion was made by Ms. Jones to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

For violation of Count 1, no monetary penalty. For violation of Count 2, Gerardo-Ferrer shall pay a monetary penalty of \$750.00.

In addition, for the violation of Count 1, the Board voted to place Gerardo-Ferrer on probation for a period of two (2) years subject to the following terms:

- During the probationary period, Gerardo-Ferrer and his broker will provide quarterly reports to the Board that he is in compliance with the Board's rules and regulations;
- Gerardo-Ferrer shall be required to complete three (3) classroom hours of Board-approved post-license education in Ethics and Standards of Conduct;
- Gerardo-Ferrer shall provide evidence acceptable to the Board that Gerardo-Ferrer has completed the course(s) within six (6) months of the effective date of this 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; and
- If at any time during the probationary period the Board finds that Gerardo-Ferrer has violated the Board's regulations regarding criminal convictions post-licensure, then the Board shall revoke Gerardo-Ferrer's license.

In addition, for the violation of Count 2, the Board voted to place Gerardo-Ferrer on probation for a period of six (6) months and require him to complete six (6) classroom hours of Board-approved post-license education in Real Estate Law and Regulations. Further, 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 this 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. Roth seconded the motion which was approved by members: Davis, Hale, Jones, Piland, Roth and Thronson.

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

Return of Board
Members and
Transfer of Chair

LICENSING CASE
FILES

Ms. Jones recused herself for the following case files: **File Number 2024-00983 – Jodi Danielle Robinson.**

In the matter of **File Number 2024-00983 – Jodi Danielle Robinson**, 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. Robinson and counsel were present and addressed the Board.

File Number 2024-00983 – Jodi Danielle Robinson

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Robinson's application for an inactive Real Estate salesperson's license be approved contingent upon two years of probation with quarterly reporting to begin upon activation of her license and obtaining a broker.

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

Ms. Jones abstained from the vote.

In the matter of **File Number 2024-01055 – Aron Lee Weisgerber**, 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. Weisgerber and counsel were present and addressed the Board.

File Number 2024-01055 – Aron Lee Weisgerber

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Weisgerber's application for a Real Estate Broker license be approved.

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

In the matter of **File Number 2023-03085 – Tre-Mon Lemario Payne**, 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. Payne was present and addressed the Board.

File Number 2023-03085 – Tre-Mon Lemario Payne

Mr. Mollineaux moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Payne's application for a Real Estate Salesperson's license be approved contingent upon Payne application for a Real Estate Salesperson's license contingent upon two years of probation with quarterly reporting by Payne and his Supervising Broker.

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

In the matter of **File Number 2024-00865 – Suk Bin Im**, 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. Im did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00865 – Suk Bin Im

Mr. Mollineaux moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Im's application for a Real Estate Salesperson license be approved.

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

In the matter of **File Number 2024-01352 – Jordan Dean Lynch**, 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. Lynch was present and addressed the Board.

File Number 2024-01352 – Jordan Dean Lynch

Ms. Davis moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Lynch's application for an inactive Real Estate Salesperson license be approved contingent upon two years of probation with quarterly reporting to begin upon activation of his license and obtaining a broker.

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

In the matter of **File Number 2024-01381 – Alex Matthew Williams**, 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. Williams did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-01381 – Alex Matthew Williams

Ms. Davis moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Williams's application for an inactive Real Estate Salesperson license be approved.

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

In the matter of **File Number 2024-01383 – Jamal Saeed Hawkins**, 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. Hawkins was present and addressed the Board.

File Number 2024-01383 – Jamal Saeed Hawkins

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Hawkins's application for an inactive Real Estate Salesperson license be approved.

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

In the matter of **File Number 2024-01384 – Adrian Blunt**, 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. Blunt was present and addressed the Board.

File Number 2024-01384 – Adrian Blunt

Ms. Davis moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Blunt's application for a Real Estate Salesperson by Examination license be approved contingent upon two years of probation with quarterly reporting by Blunt and his supervising broker.

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

In the matter of **File Number 2024-01645 – Allana Therese Drexler**, 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. Drexler was present and addressed the Board.

File Number 2024-01645 – Allana Therese Drexler

Ms. Davis moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Drexler's application for a Real Estate Salesperson license be approved.

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

In the matter of **File Number 2024-01682 -- Kaley Martin**, 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. Strader did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-01682 -- Kaley Martin

Ms. Jones moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) that Martin's application for a Real Estate Salesperson be approved.

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

A motion was made by Ms. Davis to take Consent Orders as a block vote.

CONSENT ORDERS

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

In the matter of **File Number 2023-02943 – Young-aw Lee Bauer, t/a Vikki Lee Bauer**, the Board reviewed the Consent Order as seen and agreed to by Bauer. Bauer did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-02943 – Young-aw Lee Bauer, t/a Vikki Lee Bauer

Ms. Davis moved to accept the proposed Consent Order offer wherein Bauer admits to a violation of **18 VAC 135-20-260.12 (Count 1)** of the Board's Regulations, and agrees to a monetary penalty of \$1,450.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$1,600.00.

In addition, Bauer 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.

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

In the matter of **File Number 2024-00230 – Ando I. Suvani, Jr. t/a AJ Suvani**, the Board reviewed the Consent Order as seen and agreed to by Suvani. Suvani did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00230 – Ando I. Suvani, Jr. t/a AJ Suvani

Ms. Davis moved to accept the proposed Consent Order offer wherein Suvani admits to a violation **18 VAC 135-20-260.11.g (Count 1)** of the Board's Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$650.00.

In addition, Suvani 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-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, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

In the matter of **File Number 2024-00305 – Zachary Mark Fauver, t/a Zach Fauver**, the Board reviewed the Consent Order as seen and agreed to by Fauver. Fauver did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00305 – Zachary Mark Fauver, t/a Zach Fauver

Ms. Davis moved to accept the proposed Consent Order offer wherein Fauver admits to violations of **18 VAC 135-20-300.2 (Count 1)** of the Board's Regulations, **§ 54.1-2138.2** of the *Code of Virginia* (Count 2), **§ 54.1-2131.A.2.d** of the *Code of Virginia* (Count 3) and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1; a monetary penalty of \$1,500.00 for the violation contained in Count 2; a monetary penalty of \$1,000.00 for the violation contained in Count 3; a monetary penalty of \$1,200.00 for the violation contained in Count 4; and \$150.00 for Board costs for a total of \$3,400.00.

In addition, for violation of Count 2, Fauver 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.

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

In the matter of **File Number 2024-00385 – Jeany Garrido** the Board reviewed the Consent Order as seen and agreed to by Garrido. Garrido did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00385 – Jeany Garrido

Ms. Davis moved to accept the proposed Consent Order offer wherein Garrido admits to violations of **§54.1-2139.A** of the *Code of Virginia* (Count 1) and a violation of **§54.1-2139.B** of the *Code of Virginia* (Count 2), and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, a monetary penalty of \$500.00 for the violation contained in Count 2, and \$150.00 for Board costs for a total of \$1,400.00.

In addition, Garrido 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.

- Three (3) hours pertaining to Agency Law; and
- Six (6) hours pertaining to Contract Writing.

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, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

In the matter of **File Number 2024-00505 – Ellen Korkor Smith-Johnson, t/a Ellen K. Johnson** the Board reviewed the Consent Order as seen and agreed to by Smith-Johnson. Smith-Johnson did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00505 – Ellen Korkor Smith-Johnson, t/a Ellen K. Johnson

Ms. Davis moved to accept the proposed Consent Order offer wherein Smith-Johnson admits to a violation of **§54.1-2138.2** of the *Code of Virginia* (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$750.00.

In addition, for violation of Count 1, Smith-Johnson 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.

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

In the matter of **File Number 2024-00589 – Jason Barnes Zepernick**, the Board reviewed the Consent Order as seen and agreed to by Zepernick. Zepernick did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00589 – Jason Barnes Zepernick

Ms. Davis moved to accept the proposed Consent Order offer wherein Zepernick admits to a violation of **§ 54.1-2106.1.A** of the *Code of Virginia* (Count 1) and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1; and \$150.00 for Board costs for a total of \$650.00.

In addition, Jason Barnes Zepernick agrees to revocation of his license.

Further, the Board shall waive imposition of the \$500.00 monetary penalty.

Jason Barnes Zepernick 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.

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

In the matter of **File Number 2024-01206– Brenda Nunn Feria**, the Board reviewed the Consent Order as seen and agreed to by Feria. Feria did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-01206– Brenda Nunn Feria

Ms. Davis moved to accept the proposed Consent Order offer wherein Feria admits to a violation of **18 VAC 135-20-260.11.g** (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$650.00.

It is acknowledged that Feria notified the Board of this violation within 30 days of its occurrence.

In addition, Feria 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 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, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

In the matter of **File Number 2024-01210 – Kil Cha Lee, t/a Kim Lee**, the Board reviewed the Consent Order as seen and agreed to by Lee. Lee did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-01210 – Kil Cha Lee, t/a Kim Lee

Ms. Davis moved to accept the proposed Consent Order offer wherein Lee admits to a violation of **18 VAC 135-20-290.1** (Count 1) of the Board's Regulations and **§ 54.1-2137.A** of the *Code of Virginia* (Count 2), and agrees to a monetary penalty of \$850.00 for the violation contained in Count 1; a monetary penalty of \$400.00 for the violation contained in Count 2; and \$150.00 for Board costs for a total of \$1,400.00.

In addition, Lee 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.

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

The Board took a recess from 12:25 PM to 12:38 PM.

Recess

NEW BUSINESS

Ms. Lindsey and Mr. Haughwout provided the Board with the legislative update.

Legislative Update

HB 383 and SB 330 Amendment – Continuing Education
HB 917 and SB 358 – Real Estate Broker Definition
HB1237 and SB 437 – Place of Business
SB 554 – ULR

HB 383 & SB 330

HB 917 & SB 358

HB1237 & SB 437

Ms. Davis moved to approve the exempt regulatory changes. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

SB 554

The exempt action is relative to the legislative changes effective July 1, 2024.

Ms. Coleman informed the Board that Board staff encountered a scenario where a principal broker was incarcerated, causing a disruption to the firm's real estate operations. After internal discussions and advice of counsel, it was determined that an incarcerated broker would fall under the provisions of § 54.1-2109. Additionally, the statute requires Board approval to replace the incarcerated broker. To ensure timely decision-making, Ms. Coleman requested the Board's approval for the Executive Director to approve the replacement of the broker.

Incarceration of a Broker

Mr. Hale moved to grant the authority to the Executive Director to approve the replacement of the broker due to death or disability. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Ms. Coleman informed the Board that Board staff have received an influx of inquiries pertaining to expediting broker applications. Currently, the expedited application process only applies to military service members and or their spouses. The Board's input is requested to determine if this provision should be extended to any applicant. The Board noted that the business must be in jeopardy to consider expediting the Broker application.

Expedited Broker Form for anyone outside of military service/military spouse

Ms. Coleman informed the Board that Board staff recently conducted a thorough review of its Application Review Matrix, which serves as a guideline for staff when evaluating initial broker or salesperson applications concerning criminal or disciplinary actions. Staff have proposed updates to the matrix, which require review and approval by the Board. A selection of the proposed changes was presented for the Board's consideration. Upon approval, the edits will be incorporated into the Guidance Document.

Criminal History Matrix Edits

Ms. Piland moved to approve the edits to the Application Review Matrix with corrections made by staff. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Davis, Hale, Jones, Piland, Mollineaux, Roth and Thronson.

Ms. Coleman informed the Board that on April 16, 2024, the final stage of the fee adjustment process was withdrawn following an extensive internal financial analysis. This analysis revealed a critical error in our expenditure tracking system, as well as new information that significantly impacts the proposed fee amounts. In light of these findings, Board staff conducted a comprehensive reassessment and presented revised fee amounts for the Board's consideration. The new proposed fees accurately reflect program expenses and ensure the financial solvency of the Board without necessitating frequent fee adjustments.

Proposed Financials and Fees

Ms. Coleman kindly requested the Board to review the revenue comparison provided and make a motion to approve the new fee amounts.

Ms. Davis moved to approve the proposed fee increase to restart the final stage of the regulatory process.

Ms. Piland provided a report from the May 15, 2024, Real Estate Education Committee meeting. The Board in consensus adopted the May 15, 2024, Real Estate Education Committee Meeting report.

EDUCATION

OTHER BOARD BUSINESS

Mr. Greg Emerson, Director of Examinations, provided the Board a statistics report for passed exams and an update on remote examination with PSI to begin in June.

Exam Statistics

The Board requested that Mr. Emerson provide to the Board at the next meeting trends reflecting where Virginia ranks nationally for applicants passing the national and state portion of the exam.

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

Board Financial Statement and

Recovery Fund

Mr. Funkhouser informed the Board that the Board Member Training Conference will take place October 10-11, 2024, at Great Wolf Lodge.

Board Member
Training Conference

There being no further business, the Board adjourned at 1:54 PM.

Adjourn



Joseph 'Kemper' Funkhouser, III, Chair


Brian P. Wolford, Interim Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Catina Jones
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting/conference.
 Yes - If yes, please answer the following questions.
- A. Jodi Robinson
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
Friend
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member/Presiding Officer:

Signature
- May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Kermit 'Kit' Hale
(Name of Board Member/Presiding Officer)

2. Title: Board Member

3. Agency: DPOR/Real Estate Board
(Name of Board)

4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting/conference.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

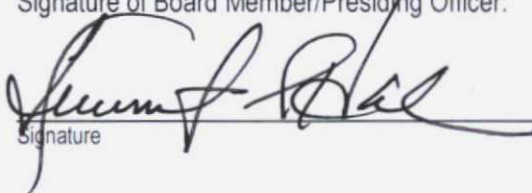
B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member/Presiding Officer:


Signature

May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Margaret 'Maggie' Davis
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting/conference.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member/Presiding Officer:

 May 16, 2024
Signature Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Anna Thronson
(Name of Board Member/Presiding Officer)

2. Title: Board Member

3. Agency: DPOR/Real Estate Board
(Name of Board)

4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting/conference.

Yes - If yes, please answer the following questions.

A. _____
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member/Presiding Officer:


Signature

May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Cavelle Mollineaux
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024

5. Do you have a personal interest in the following transaction?

No; I **do not** have a personal interest in any transactions taken at this meeting/conference.

Yes - If yes, please answer the following questions.

A. File Number 2023-00731
(Agenda Item)

B. Nature of Personal Interest Affected by Transaction:

Personal friend and unable to participate in an unbiased way.

C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

D. I am able to participate in this transaction fairly, objectively, and in the public interest. or

I did not participate in the transaction.

6. Signature of Board Member/Presiding Officer:

C. Heese
Signature

May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**


1. Name Nancy 'Nan' Piland
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting/conference.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member/Presiding Officer:
Nan Piland
Signature
- May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Doug Roth
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting/conference.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member/Presiding Officer:

Signature
- May 16, 2024
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name Joseph 'Kemper' Funkhouser
(Name of Board Member/Presiding Officer)
2. Title: Board Member
3. Agency: DPOR/Real Estate Board
(Name of Board)
4. Transaction: Meeting/ Informal Fact-Finding Conferences held on: May 16, 2024
5. Do you have a personal interest in the following transaction?
 No; I **do not** have a personal interest in any transactions taken at this meeting/conference.
 Yes - If yes, please answer the following questions.
- A. _____
(Agenda Item)
- B. Nature of Personal Interest Affected by Transaction:
- C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- D. I am able to participate in this transaction fairly, objectively, and in the public interest. or
 I did not participate in the transaction.
6. Signature of Board Member/Presiding Officer:


Signature

May 16, 2024
Date