

REAL ESTATE BOARD

TENTATIVE AGENDA

Thursday, July 13, 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

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Approval of Agenda
2. Approval of Minutes:
 - A. May 2, 2023, Real Estate Regulatory Review Committee Meeting
 - B. May 18, 2023, Real Estate Fair Housing Sub-Committee Meeting
 - C. May 18, 2023, Real Estate Board Meeting

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORTS

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

V. FAIR HOUSING CASES

1. Jameliah Carr v. Mona Woodruff, Jessica Hardisty, C JEHN Delta LLC, and S.L. Nusbaum Company
REB File Number: 2023-00587
HUD File Number: N/A
2. Brittney Caines-Harris v. De Carlton De, LLC, Cindy Thibeault and Bonaventure Management Services LLC
REB File Number: 2022-01186
HUD File Number: N/A
3. Tirrani Bennett v. Fairfax Realty of Falls Church, LLC, John Heejoon Koh and Rufina Hyun Sun Kim
REB File Number: 2021-02885
HUD File Number: 03-21-8811-8

VI. REAL ESTATE CASES

1. File Number 2023-02193 – Celia Maria Miranda
IFF by Jackson-Bailey – Licensing

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2. File Number 2023-01754 –Kim Lisa Gay
IFF by Jackson-Bailey – Licensing
Appointment – Kim Lisa Gay, applicant
 3. File Number 2023-02543 – Cherri Gordon
IFF by Jackson-Bailey – Licensing
Appointment – Cherri Gordon, applicant
 4. File Number 2023-01605 – Patience Kplivi
Pre-IFF Consent Order – Disciplinary
 5. File Number 2023-00128 – Emily Steele Harris-Henry
Pre-IFF Consent Order – Disciplinary
 6. File Number 2023-00725 – Melody Abella
Pre-IFF Consent Order by Thronson – Disciplinary
 7. File Number 2023-00736 – Susan Jane Craft t/a Susan Craft
Pre-IFF Consent Order by Thronson – Disciplinary
 8. File Number 2023-01061 – Ahmad Iravani
Pre-IFF Consent Order by Johnson – Disciplinary
 9. File Number 2022-02737 – Jason Wiggins
IFF by Johnson & Perry – Disciplinary
 10. File Number 2022-02486 – Rebekah Awad
Prima Facie – Disciplinary
 11. File Number 2023-02668 – William P. O’Sullivan (Claimant) v. Williamsburg Property Management, Inc. (Regulant)
Prima Facie – Recovery Fund

VII. ADMINISTRATIVE ISSUES

- Board Financial Statement
- Regulatory Report
- Legislative Report
- Election of Officers

VIII. EDUCATION

- July 12, 2023, Education Committee Report

IX. OLD BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, SEPTEMBER 28, 2023

** 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.

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VIRGINIA REAL ESTATE BOARD
COMMITTEE MEETING

May 2, 2023

The Regulatory Review Committee of the Real Estate Board held a meeting on Tuesday, May 2, 2023, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Members were present for the meeting:

Sharon Johnson, Chair
Nan Piland
Cavelle Mollineaux
Catina Jones
Joseph 'Joe' Funkhouser, II
Lawrence 'Lem' Marshall
Boyd Smith
Lynn Grimsley
Candice Bower
Erin Kormann

Members absent from the meeting: Joseph 'Kemper' Funkhouser, III
Kit Hale
Margaret 'Maggie' Davis

DPOR Staff Members present for all or part of the meeting included:

Stephen Kirschner, Deputy Director
Joseph Haughwout, Regulatory Affairs Manager
Erin Madden, Regulatory Operations Administrator
Emily Trent, Administrator Coordinator

Ms. Johnson called the meeting to order at 9:10 a.m.

Mr. Kirschner introduced Erin Madden, Regulatory Operations Administrator, and Joseph Haughwout, Regulatory Affairs Manager.

A motion was made by Ms. Piland and seconded by Mr. Mollineaux to approve the minutes from the February 15, 2023, Regulatory Review Committee meeting. The motion passed unanimously. Members voting "Yes" were: Bower, J. Funkhouser, Grimsley, Johnson, Jones, Kormann, Marshall, Mollineaux, Piland and Smith.

The Regulatory Review Committee reviewed the proposed changes compiled from the previous meetings. The Committee discussed the proposed changes to regulations 18VAC135-20-20 Necessity for license; 18VAC135-20-30

Qualifications for licensure, 18VAC135-20-50 Concurrent licenses; 18VAC135-20-60 Qualifications for licensure by reciprocity; 18VAC135-20-101 Qualification for renewal; continuing education requirements and 18VAC135-20-250 Response to inquiry of the board.

There being no further business or public comment, the meeting adjourned at 1:09 p.m.

Ibrahim Moiz, Vice-Chair

Demetrios Melis, Secretary

COPY TESTE:

Custodian of Record

18VAC135-20-10. Definitions.

The following words and terms when used in this chapter unless a different meaning is provided or is plainly required by the context shall have the following meanings:

"Active" means any broker or salesperson who is in good standing, who is under the supervision of a principal or supervising broker of a firm or sole proprietor and who is performing those activities defined in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia.

"Actively engaged" means active licensure with a licensed real estate firm or sole proprietorship in performing those activities as defined in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia for an average of at least 40 hours per week. ~~This requirement may be waived at the discretion of the board in accordance with § [54.1-2105](#) of the Code of Virginia.~~

"Actively engaged in the brokerage business" means anyone who holds an active real estate license.

"Associate broker" means any individual licensee of the board holding a broker's license other than one who has been designated as the principal broker.

"Board" means the Virginia Real Estate Board.

"Client" means a person who has entered into a brokerage relationship with a licensee as defined by § [54.1-2130](#) of the Code of Virginia.

"Firm" means any ~~sole proprietorship (nonbroker owner), partnership, association, limited liability company, or corporation,~~ business that transacts real estate business other than a sole proprietorship (principal broker owner), ~~which is required by [18VAC135-20-20 D](#) to obtain a separate brokerage firm license. The firm's licensed name may be any assumed or fictitious name properly filed with the board.~~

"Inactive status" refers to any broker or salesperson who is not under the supervision of a principal broker or supervising broker, ~~who is not active with a firm or sole proprietorship~~ and who is not performing any of the activities defined in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia.

"Independent contractor" means a licensee who acts for or represents a client other than as a standard agent and whose duties and obligations are governed by a written contract between the licensee and the client.

"Licensee" means real estate brokers and salespersons as defined in Chapter 21 (§ [54.1-2100](#) et seq.) of Title 54.1 of the Code of Virginia or real estate firms.

"Moral turpitude" means, but is not limited to, lying, cheating or stealing.

Commented [VP1]: On 5/30/2019, the Committee discussed defining "escrow account"

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"Principal broker" means the individual broker who shall be designated by each firm to assure compliance with Chapter 21 (§ [54.1-2100](#) et seq.) of Title 54.1 of the Code of Virginia, and this chapter, and to receive communications and notices from the board ~~which may affect the firm or any licensee active with the firm regarding such compliance~~. In the case of a sole proprietorship, the licensed broker who is the sole proprietor shall have the responsibilities of the principal broker. ~~The principal broker shall have responsibility for the activities of the firm and all its licensees. The principal broker shall have signatory authority on all escrow accounts maintained by the firm.~~

"Principal to a transaction" means a party to a real estate transaction including without limitation a seller or buyer, landlord or tenant, optionor or optionee, licensor or licensee, assignor or assignee. For the purposes of this chapter, the listing or selling broker, or both, are not by virtue of their brokerage relationship, principals to the transaction.

"Sole proprietor" means any individual, ~~not a corporation, limited liability company, partnership, or association~~, who is trading under the individual's name, or under an assumed or fictitious name pursuant to the provisions of Chapter 5 (§ [59.1-69](#) et seq.) of Title 59.1 of the Code of Virginia.

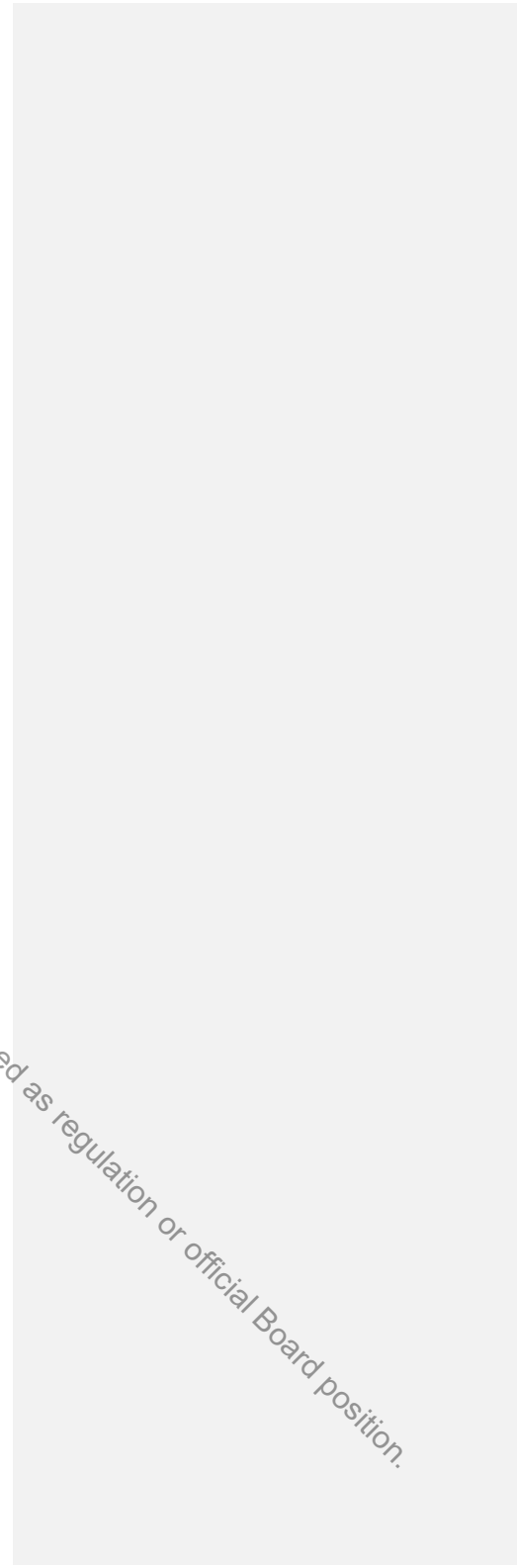
"Standard agent" means a licensee who acts for or represents a client in an agency relationship. A standard agent shall have the obligations as provided in Article 3 (§ [54.1-2130](#) et seq.) of Chapter 21 of Title 54.1 of the Code of Virginia.

"Supervising broker" means (i) the individual broker who shall be designated by the principal broker to supervise the provision of real estate brokerage services by the associate brokers and salespersons assigned to branch offices or (ii) the broker, who may be the principal broker, designated by the principal broker to supervise a designated agent as stated in § [54.1-2130](#) of the Code of Virginia.

18VAC135-20-20. Necessity for Firm license. (Refer to § [54.1-2106.1](#) of the Code of Virginia.)

~~A.~~ A. Sole proprietor (principal broker owner).

1. Broker owned sole proprietors are not required to hold a firm license under 54.1-2106.1. However, for a ~~A~~ real estate broker's license ~~shall to~~ be issued to an individual trading under an assumed or fictitious name, that is, a name other than the individual's full name, only after the individual the applicant must signs and acknowledges a certificate provided by the board, setting forth the name under which the business is to be organized and conducted, the address of the individual's residence, and the address of the individual's place of business.



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Applicants operating under a fictitious or assumed name must provide proof that the name is properly registered with the State Corporation Commission pursuant to § 59.1-69.

Each certificate must be attested by the clerk of court of the county or jurisdiction wherein the business is to be conducted. The attention of all applicants and licensees is directed to §§ 59.1-69 through 59.1-76 of the Code of Virginia.

B. Sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation. Other business entities.

1. Every sole proprietor (nonbroker owner), partnership, association, limited liability company, or corporation firm must secure a real estate firm license for its firm before transacting real estate business. This license is separate and distinct from the individual broker license licenses required of the each partner, associate, manager of a limited liability company, and officer of a corporation individuals who is are active in the firm's brokerage business.

2. Each applicant for such license shall disclose, and the license shall be issued to, the name under which the applicant intends to do or does business and holds itself out to the public.

3. Each applicant shall also disclose the business address of the firm. The board will only consider the application of any partnership, association, corporation or limited liability company only after the entity is firm applications of entities authorized to conduct business in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia.

C. Each real estate firm is required to have a principal broker whose license is in good standing with the board in order to transact real estate business active.

D. Branch office license. If a real estate principal broker maintains more than one place of business within the state, the principal broker shall must secure a branch office license shall be issued for each additional place of business maintained. Application for the license shall be made on forms provided by the board and shall reveal

Commented [KS(2)]: Add definition. VR work group.

1. Each application must disclose the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office.

2. The branch office license shall must be maintained at the branch office location.

18VAC135-20-30. Qualifications for licensure.

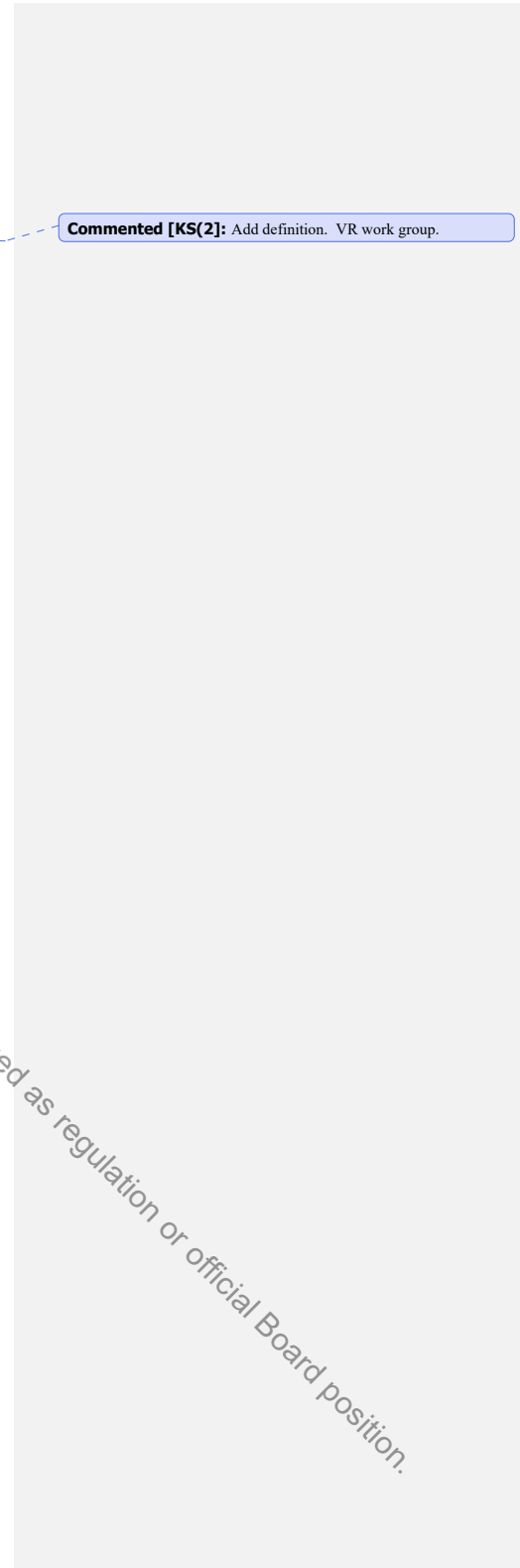
Every applicant to the Real Estate Board for an individual salesperson's or broker's license shall have the following qualifications:

~~1. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate broker or a real estate salesperson in such a manner as to safeguard the interests of the public.~~

~~1.2. The applicant~~ Applicants for initial licensure shall meet the current educational requirements by achieving achieve a passing grade in all required courses of § 54.1-2105 of the Code of Virginia prior to the time the applicant sits sitting for the licensing examination and applies applying for licensure.

a. At the time of application, applicants for licensure by reciprocity must have met educational requirements that are substantially equivalent to those required in Virginia.

b. At the time of application for a broker's license, applicants for licensure by reciprocity must have been actively engaged as defined by 18VAC135-20-10 for 36 of the preceding 48 months and must be verified by an individual who has direct



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knowledge of the applicant's activities as defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia.

~~2.4~~ The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and ~~the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.~~ with every board or administrative body where licensed, certified, or registered. The board, in its discretion, may deny licensure to any applicant who has been subject to any adverse disciplinary action, or surrendered a license, certificate, or registration in connection with any disciplinary action in any jurisdiction or by any administrative body prior to obtaining licensure in Virginia. The applicant shall be in compliance with all the terms of all board orders, ~~including but not limited to paying imposed monetary penalties and costs, plus any accrued interest and other fees, and completing imposed education.~~

3.4. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall submit to fingerprinting and shall disclose the following information:

- a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution or ~~physical injury battery~~ within five years of the date of the application; and
- b. All felony convictions during his lifetime.

Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.

~~4.5.~~ The applicant shall be at least 18 years old.

~~5.6.~~ The applicant shall have a high school diploma or its equivalent.

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~~6.7. The applicant~~ Applicants for initial licensure, within 12 months prior to submitting a complete application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board.

7. Applicants for licensure by reciprocity, within 12 months prior to submitting a complete application for license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board covering Virginia real estate license law and regulations of the Real Estate Board. Additionally, applicants for licensure by reciprocity shall have received the salesperson's or broker's license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia Examination.

~~8. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all such procedures established with regard to conduct at the examination may be grounds for denial of application.~~

9. The applicant shall sign a statement verifying that he has read and understands the provisions of this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia.

10. Applicants for licensure who do not meet the requirements set forth in subdivisions 3 and 4 of this section may be approved for licensure following consideration by the board.

18VAC135-20-40. Additional qualifications for brokers.

An applicant for an individual license as a real estate broker shall meet the following requirements in addition to those set forth in [18VAC135-20-30](#):

1. The applicant shall meet the current educational requirements of § [54.1-2105](#) of the Code of Virginia.
2. The applicant shall have been actively engaged as defined in [18VAC135-20-10](#) as a real estate salesperson for a period of 36 of the 48 months immediately preceding application.

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This requirement may be waived at the discretion of the board in accordance with § ~~54.1-2105~~ of the Code of Virginia.

3. The applicant's experience must be verified by the principal or supervising broker for whom the licensee worked at the time of obtaining that experience.

18VAC135-20-45. Additional qualifications for salesperson's or broker's license as a business entity.

An applicant for a salesperson's license as a business entity shall meet the following requirements in addition to those set forth in ~~18VAC135-20-30~~:

1. Every owner or officer who actively participates in the real estate business shall hold a license as a salesperson or broker. The business entity license does not replace the individual license. More than one licensee may be a participant of the business entity.
2. When one licensee is the owner or officer, the business entity shall be named in accordance with § ~~54.1-2106.1~~ C of the Code of Virginia.
3. ~~The board will only consider the business entity application applications of any partnership, association, corporation or limited liability company only after the entity is entities authorized to do business in accordance with §§ ~~59.1-69~~ through ~~59.076~~ of the Code of Virginia.~~

Commented [JC3]: Same language as 18 VAC 135-20-20.

18VAC135-20-50. Concurrent licenses.

A. In order to ~~act~~ be active as broker in more than one firm at the same time, brokers must obtain concurrent licenses by submitting the concurrent license form and written consent form application, which ~~—The form must be signed~~ approved by the principal broker of each firm.

Concurrent licenses shall be issued by the board to brokers active in more than one firm upon receipt of a concurrent license form and written statements verifying that written notice of the

~~applicant's concurrent licensure status has been provided to consent from the principal broker of each firm with which the applicant is and will be associated.~~

B. Payment is required for each concurrent license.

~~— A concurrent license will not be issued to an individual applying to be associated with a firm if that individual applicant who has an expired license associated with the same firm and the expired license may be reinstated.~~

~~In order to act as broker in more than one firm at the same time, brokers must obtain concurrent licenses by submitting the concurrent license form and written consent form. The form must be signed by the principal broker of each firm.~~

18VAC135-20-60. Qualifications for licensure by reciprocity.

An individual who is currently licensed as a real estate salesperson or broker in another jurisdiction may obtain a Virginia real estate license by meeting the following requirements:

1. The applicant shall be at least 18 years of age.
2. The applicant shall have a high school diploma or its equivalent.
- ~~3. The applicant shall have received the salesperson's or broker's license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia examination.~~
- ~~4~~3. The applicant shall sign a statement verifying that he has read and understands the provisions of this chapter and Chapter 21 (§ [54.1-2100](#) et seq.) of Title 54.1 of the Code of Virginia.
- ~~5~~4. The applicant, within 12 months prior to submitting a complete application for a license, shall have passed a written examination provided by the board or by a testing service acting on behalf of the board covering Virginia real estate license law and regulations of the Real Estate Board.

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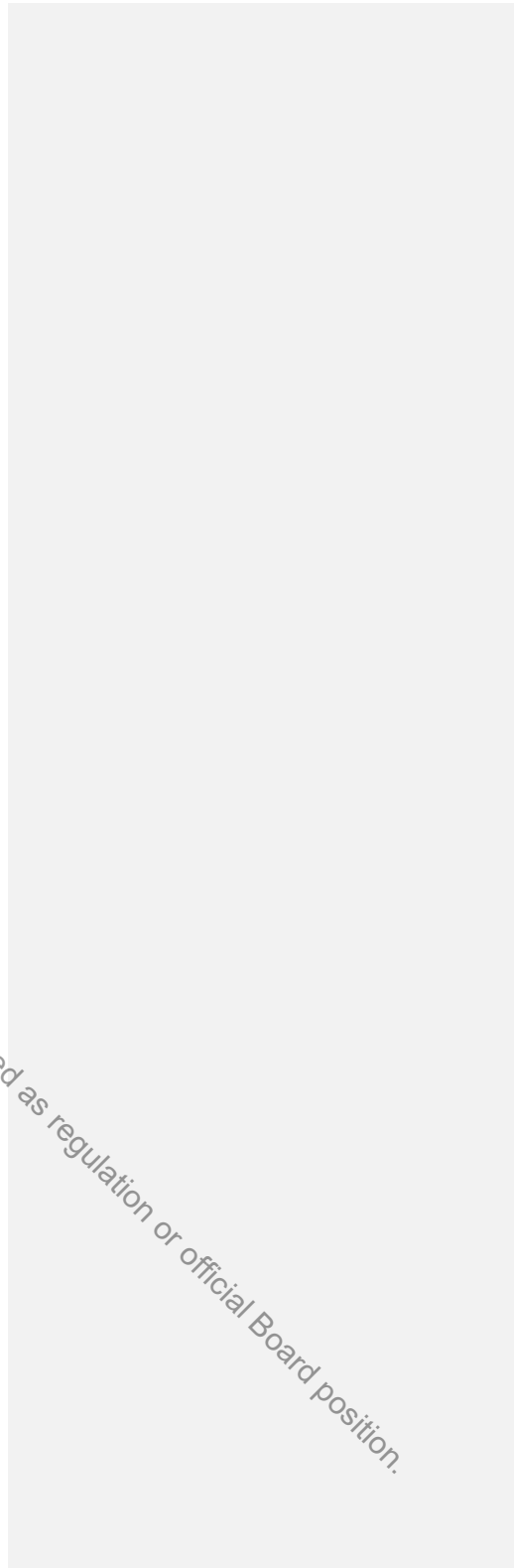
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65. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all such procedures established by the board with regard to conduct at the examination may be grounds for denial of application.

76. The applicant shall be in good standing as a licensed real estate broker or salesperson in every jurisdiction where licensed and ~~the applicant shall not have had a license as a real estate broker or real estate salesperson which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia shall not have been subject to any disciplinary action taken by any local, state, or national regulatory body. The board, in its discretion, may deny licensure to any applicant who has been subject to any adverse disciplinary action, or surrendered a license, certificate, or registration in connection with any disciplinary action in any jurisdiction or by any regulatory body prior to obtaining licensure in Virginia.~~ The applicant shall be in compliance with all the terms of all board orders, including but not limited to paying imposed monetary penalties and costs, plus any accrued interest and other fees, and completing imposed education.

87. At the time of application for a salesperson's license, the applicant must have met educational requirements that are substantially equivalent to those required in Virginia. The applicant shall have received the salesperson's or broker's license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia examination. At the time of application for a broker's license, ~~the applicant must have met educational requirements that are substantially equivalent to those required in Virginia, and~~ the applicant must have been actively engaged as defined by [18VAC135-20-10](#) for 36 of the preceding 48 months. The broker applicant's experience must be verified by an individual who has direct knowledge of the applicant's activities as defined in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia. ~~These requirements may~~



~~be waived at the discretion of the board in accordance with § 54.1-2105 of the Code of Virginia.~~

~~98. The applicant shall have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a real estate salesperson or broker in such a manner as to safeguard the interests of the public.~~

~~109. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall submit to fingerprinting and shall disclose the following information:~~

- ~~a. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution or physical injury battery within five years of the date of the application; and~~
- ~~b. All felony convictions during his lifetime.~~

~~Any plea of nolo contendere shall be considered a conviction for purposes of this subsection. The record of a conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with § 54.1-204 of the Code of Virginia.~~

~~110. Applicants for licensure who do not meet the requirements set forth in subdivisions 76 and 109 of this section may be approved for licensure following consideration by the board.~~

18VAC135-20-70. Activation or transfer of license.

A. Any inactive licensee may activate that license with a licensed real estate firm or sole proprietorship by completing an activate form prescribed by the board.

1. A licensee who submits an activate application to the board shall not conduct ~~business licensed activity~~ with the real estate firm or sole proprietorship set forth in

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the application until the application is processed and the license is issued by the board.

2. Continuing education pursuant to § 54.1-2105.03 of the Code of Virginia shall be completed within two years prior to activation of a license when the license has been inactive for more than 30 days.

3. Any licensee who has not been active with a licensed real estate firm or sole proprietorship for a period of greater than three years shall be required to meet the existing prelicense educational requirements.

B. B. Any licensee may transfer from one licensed real estate firm or sole proprietorship to another by completing and submitting to the board a transfer application and the fee as set forth in 18VAC135-20-80.

1. The transfer application shall include the signature of the new principal broker or supervising broker with signature authority who will be responsible for the licensee's real estate activities, ~~and~~

2. The transfer shall be effective upon the new principal broker or supervising broker's execution of the transfer application.

18VAC135-20-101. Qualification for renewal; continuing education requirements.

A. Continuing Education Requirements at Renewal.

1. Salesperson First Renewal. Salespersons who are renewing for the first time are required to complete 30 hours of post-license education regardless of whether their licenses are active or inactive.

2. Subsequent Salesperson Renewals. ~~As a condition of renewal, and p~~ Pursuant to § 54.1-2105.03 of the Code of Virginia, all active salespersons, ~~resident or nonresident, except those called to active duty in the Armed Forces of the United~~

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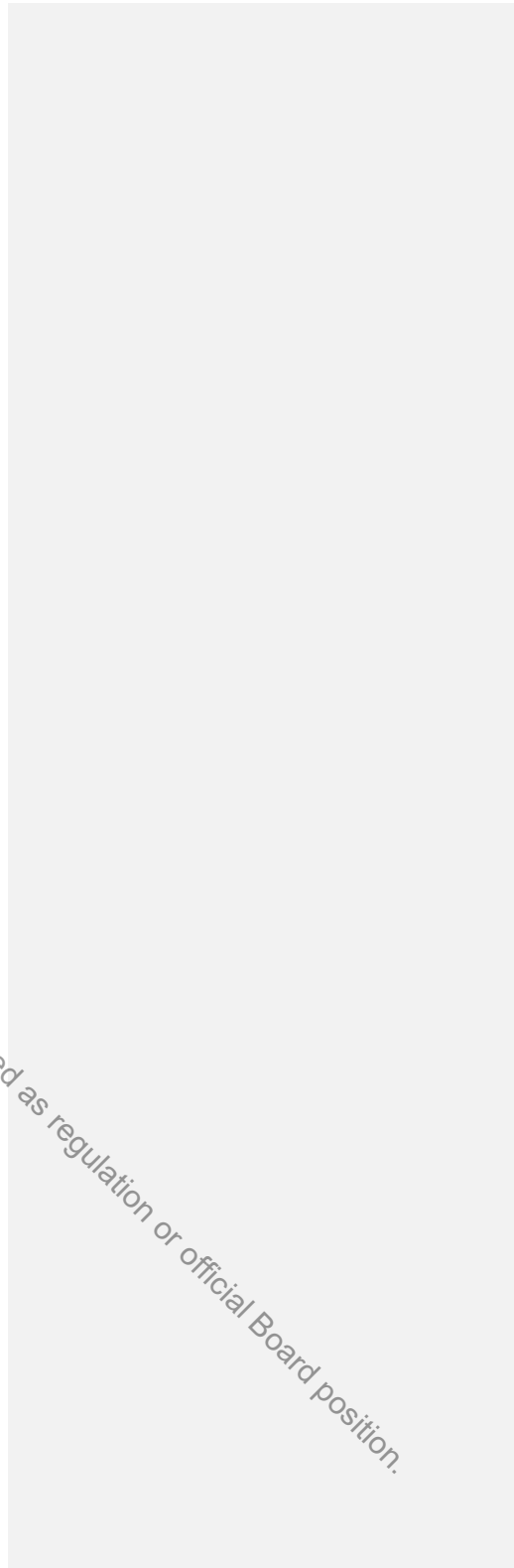
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States, shall be required to satisfactorily complete a course or courses of not less than a total of 16 classroom, correspondence, or other distance learning instruction hours during each licensing term, ~~except for salespersons who are renewing for the first time and are required to complete 30 hours of post license education regardless of whether their licenses are active or inactive.~~ For salespersons, nine ten of the required 16 18 hours shall include:

- a. Two hours in fair housing laws,
- b. three hours in ethics and standards of conduct,
- c. two hours of real estate agency,
- d. a minimum of one hour in legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program and
- e. a minimum of one two hour real estate contracts, including contract principles, contract forms, and escrow deposits and accounts.

The remaining hours must be obtained in subject areas listed in Section B.3.

3. Broker Renewals. All active brokers, ~~resident or nonresident, except those called to active duty in the Armed Forces of the United States,~~ shall be required to satisfactorily complete a course or courses of not less than a total of 24 classroom, correspondence, or other distance learning instruction hours during each licensing term.



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4. For brokers, ~~17~~ 18 of the 24 required hours shall include:

- a. ~~Eight~~ Six hours in supervision and management of real estate agents and the management of real estate brokerage firms, ~~including oversight of contracts and agency,~~ two hours of ~~which must include~~ an overview of the broker supervision requirements under this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia.
- c. two hours in fair housing laws,
- d. two hours in real estate agency,
- e. three hours in ethics and standards of conduct, and
- f. a minimum of one hour in legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program and
- g. a minimum of ~~one~~ two hour real estate contracts, including contract principles, contract forms, and escrow deposits and accounts.

The remaining hours must be obtained in subject areas listed in Section B.3.

5. Armed Forces of the United States Renewals. If an ~~Active active~~ licensee licensee is called to active duty in the Armed Forces of the United States, such licensee may complete these courses within six months of their release from active duty.

6. Inactive License. Inactive brokers and salespersons are not required to complete the continuing education course as a condition of renewal (see 18VAC135-20-70, Activation or transfer of license).

B. Approved Education

1. Providers shall be those as defined in 18VAC135-20-350;

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2. For salespersons, ~~eight nine~~ of the required 16 hours shall include two hours in fair housing laws, three hours in ethics and standards of conduct, ~~two hours of real estate agency~~, and a minimum of one hour each in legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program, ~~real estate agency and real estate contracts~~. For brokers, ~~16 17~~ of the 24 required hours shall include eight hours in supervision and management of real estate agents and the management of real estate brokerage firms, two hours of which must include an overview of the broker supervision requirements under this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, two hours in fair housing laws, ~~two hours in real estate agency~~, three hours in ethics and standards of conduct, and a minimum of one hour each in legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program, ~~real estate agency and real estate contracts~~.

2. If the licensee submits a notarized affidavit to the board that certifies that he does not practice residential real estate brokerage, residential management or residential leasing and shall not do so during the licensing term, training in fair housing shall not be required; instead such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

3. Any hours not specified in Section A The remaining hours shall be on subjects from the following list:

- a. Property rights;
- b. Contracts;
- c. Deeds;
- d. Financing and tTypes of mortgages and deeds of trust;
- e. ~~Types of mortgages;~~ (and re-letter);
- f g. Leases;

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- ~~g~~ f. Liens;
- ~~h~~ g. Real property and title insurance;
- ~~i~~ Investment; (and re-letter);
- ~~j~~ h. Taxes in real estate;
- ~~k~~ i. Real estate financing; Closing Disclosures
- ~~l~~ j. Brokerage and agency contract responsibilities;
- ~~m~~ k. Real property management;
- ~~n~~ l. Search, examination and registration of title;
- ~~o~~ m. Title closing;
- ~~p~~ n. Appraisal of real property;
- ~~q~~ o. Planning subdivision developments and condominiums;
- ~~r~~ p. Regulatory statutes;
- ~~s~~ q. Housing legislation;
- ~~t~~ r. Fair housing;
- ~~u~~ s. Real Estate Board statutes and regulations;
- ~~v~~ t. Land use;
- ~~w~~ u. Business law;
- ~~x~~ v. Real estate markets and economics;
- ~~y~~ w. Real estate investments;
- ~~z~~ x. Federal real estate law;
- ~~aa~~ y. Commercial real estate;
- ~~bb~~ z. Americans With Disabilities Act;
- ~~cc~~ aa. Environmental issues impacting real estate, sustainability, and energy efficiency;
- ~~dd~~ bb. Building codes and design;

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~~ee cc.~~ Land use, zoning, and local laws~~Local laws and zoning;~~

~~ff dd.~~ Escrow requirements~~accounts and deposits;~~

~~gg ee.~~ Ethics and standards of conduct; ~~and~~

~~hh ff.~~ Common interest communities, including Resale Disclosure Act ownership;

~~gg.~~ Cyber security and data protection;

~~hh.~~ Technology applicable to real estate;

~~ii.~~ Business planning;

~~jj.~~ Staging;

~~kk.~~ Social responsibility in real estate i.e. affordable housing, multicultural market, gentrification, and diversity, multigenerational and cultural competency;

~~ll.~~ Organizational behavior i.e. diversity training, multi-generational and cultural competency, managing conflict, leadership and decision making styles;

~~mm.~~ Data analytics; Advertising and Marketing

~~nn.~~ Business etiquette; Teams, including business entities and marketing

~~oo.~~ Business writing; and Personal safety and fraud

~~pp.~~ Social media and website usage.

C. 3-Salespersons and Brokers holding active licenses in other multiple jurisdictions.

1. Salespersons holding licenses in other-multiple jurisdictions must complete ~~eight~~ ten hours of Board approved courses, which shall include fair housing laws, legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program, ethics and standards of conduct, and real estate agency and real estate contracts and may substitute education completed in their jurisdiction for the remaining hours required by ~~subdivision 2~~Section B.3 of this section.

2. Brokers holding licenses in other-multiple jurisdictions must complete ~~16-18~~ hours of Board approved courses that shall include ~~eight~~ six hours in supervision and

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management of real estate agents and the management of real estate brokerage firms, two hours ~~of which must include of~~ an overview of the broker supervision requirements under this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, fair housing laws, legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program, ethics and standards of conduct, and real estate agency and real estate contracts and may substitute education completed in their jurisdiction for the remaining hours required by ~~subdivision 2~~ section 3 of this section.

4. The board may approve additional subjects at its discretion and in accordance with § 54.1-2105.03 of the Code of Virginia.

5. Credit for continuing education course completion is given for each class hour/clock hour as defined in 18VAC135-20-350.

6. Licensees are responsible for retaining for three years and providing proof of continuing education. ~~Proof of course completion shall be made on a form prescribed by the board.~~ Failure to provide documentation of completion as directed by the board will result in the license not being renewed and/or disciplinary action pursuant to this chapter.

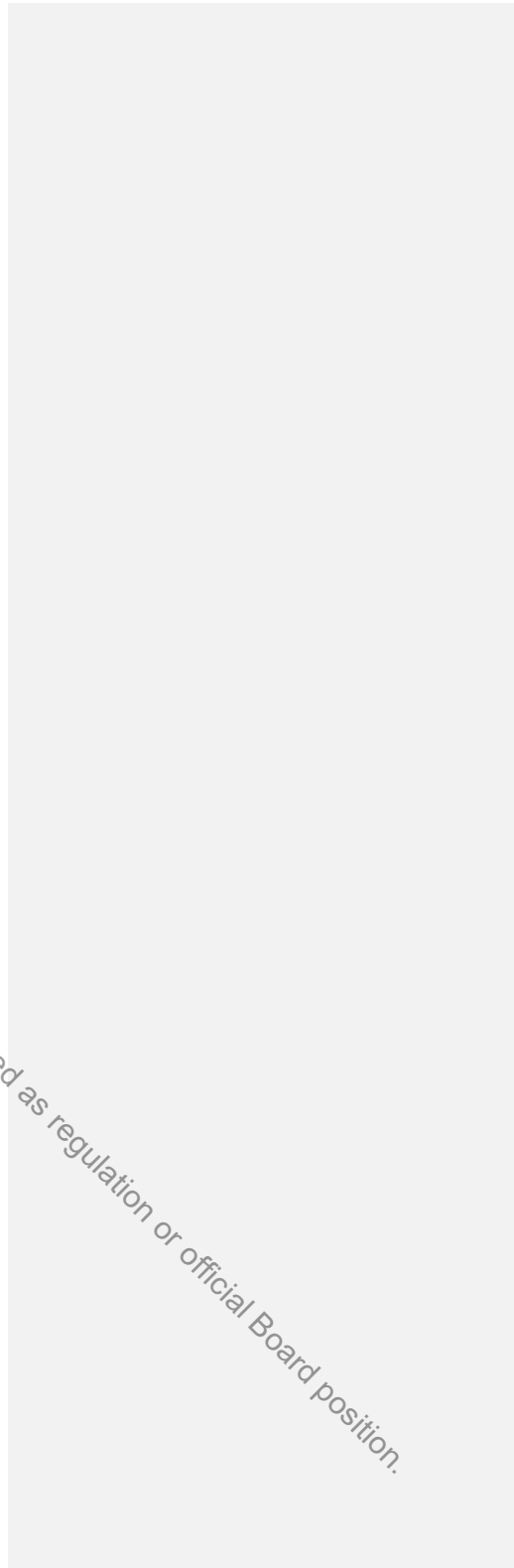
7. Instructors who are also licensees of the board may earn continuing education credit for teaching continuing education courses.

8. Any continuing education credits completed by the licensee in excess of that required in the current license term that are obtained in the six months year immediately prior to the license expiration date shall carry over into the next two-year renewal period.

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Prior to the expiration date shown on the license, each licensee desiring to renew the license shall return to the board the renewal application forms and the appropriate fee as outlined in 18VAC135-20-120. Failure to receive notices from the board regarding license renewal does not relieve the licensee of the obligation to renew.

18VAC135-20-140. Failure to renew; reinstatement required.



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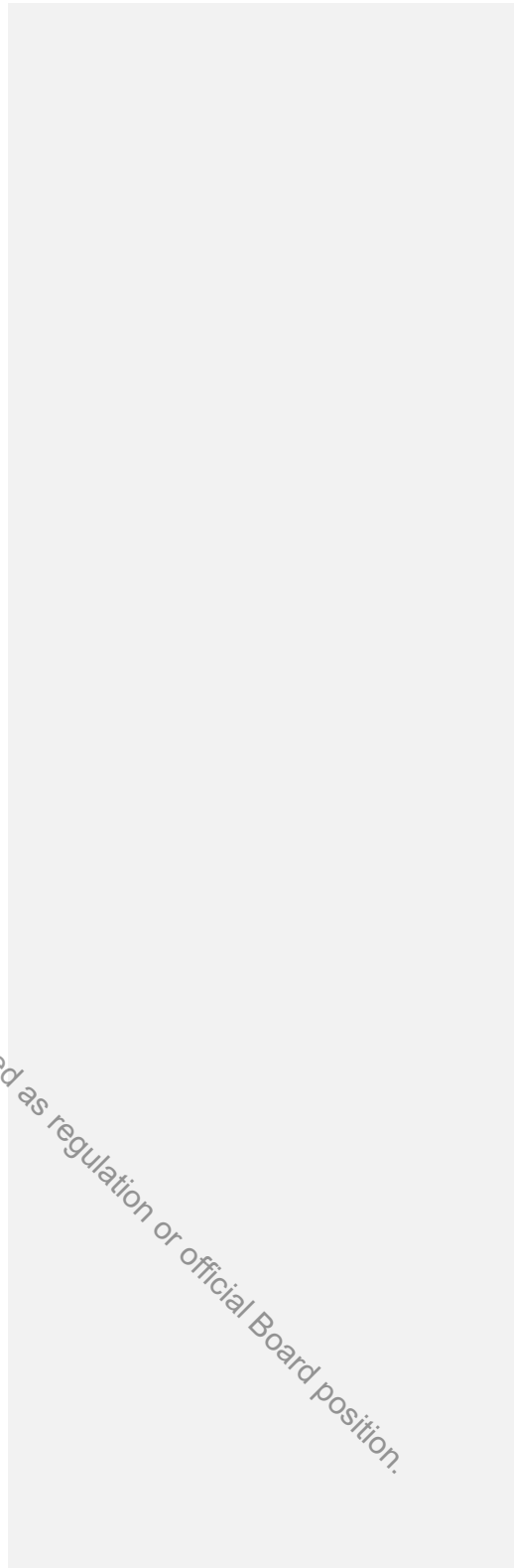
A. All applicants for reinstatement must meet all requirements set forth in [18VAC135-20-101](#). Applicants for reinstatement who want to activate their license must have completed the continuing education requirement in order to reinstate and activate the license. Applicants for reinstatement of an inactive license are not required to complete the continuing education requirement for license reinstatement.

B. If the requirements for renewal of a license, including receipt of the fee by the board, are not completed by the licensee within 30 days of the expiration date noted on the license, a reinstatement fee is required as follows:

Salesperson	\$100
Salesperson's or broker's license as a business entity	\$135
Broker	\$120
Concurrent Broker	\$120
Firm	\$245
Branch Office	\$135

C. A license may be reinstated for up to **one year** following the expiration date with payment of the reinstatement fee. When a license is reinstated, the licensee shall continue to have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license. **After one year**, the license may not be reinstated under any circumstances and the applicant must meet all current educational and examination requirements and apply as a new applicant.

D. A licensee may not perform activities defined in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia with an expired license. Any real estate activity conducted subsequent to the expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 (§ [54.1-100](#) et seq.) of Title 54.1 of the Code of Virginia.



~~E.~~ A licensee who is reinstated shall be regarded as having been continuously licensed without interruption. Therefore, the licensee shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period.

F. A licensee who is not reinstated shall be regarded as unlicensed from the expiration date of the license forward.

G. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the licensee was licensed.

18VAC135-20-160. Place of Business.

A. Within the meaning and intent of § 54.1-2110 of the Code of Virginia, a place of business shall be an office where:

- ~~1. The~~ the principal broker, either through his own efforts or through the efforts of his employees, independent contractors or ~~associates~~ licensees, regularly transacts the business of a real estate broker as defined in § 54.1-2100 of the Code of Virginia; ~~and~~
- ~~2. The principal broker and his employees or associates can receive business calls and direct business calls to be made.~~

~~B. No place of business shall be in a residence unless it is separate and distinct from the living quarters of the residence with its own entrance and is accessible by the public.~~

~~C.~~ Every principal broker shall have readily available to the public in the main place of business the firm license, the principal broker license and the license of every salesperson and broker active with the firm. The branch office license and a roster of every salesperson or broker assigned to the branch office shall be posted in a conspicuous place in each branch office.

18VAC135-20-165. Duties of supervising broker.

Each place of business ~~and each branch office and each real estate team~~ shall be supervised by a supervising broker. The supervising broker shall exercise reasonable and adequate supervision of the provision of real estate brokerage services by associate brokers and salespersons assigned

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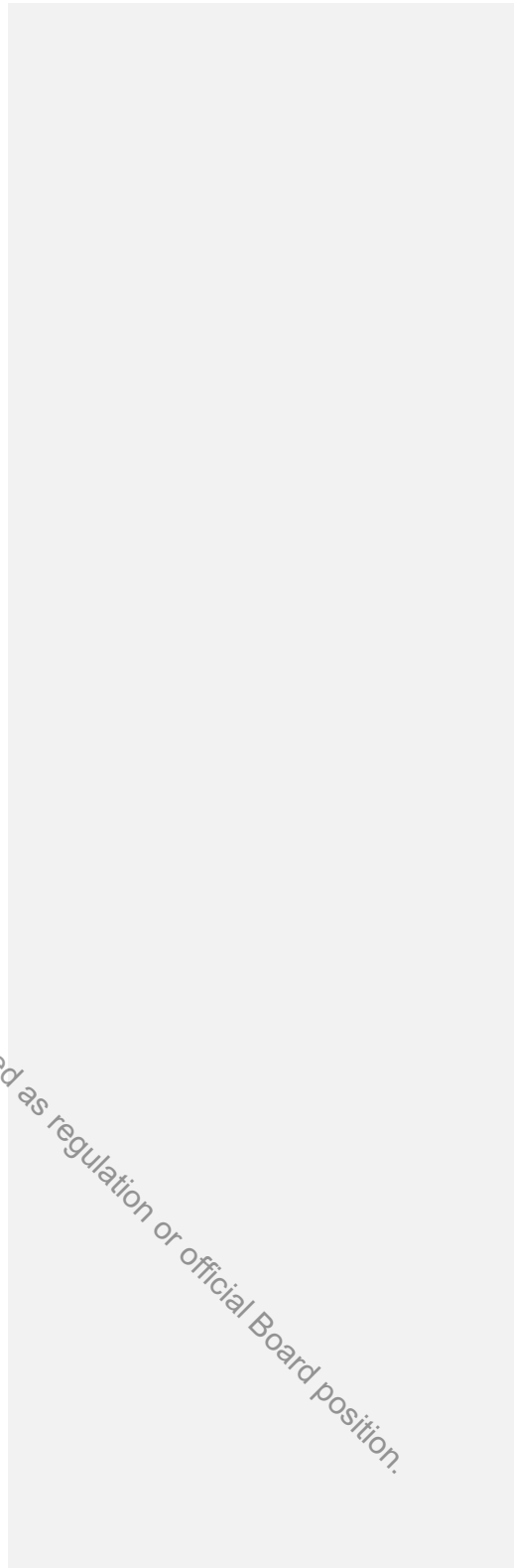
~~to the branch office place of business or real estate team. The supervising broker may designate another broker to assist in administering the provisions of required by this section. ~~The supervising broker does not relinquish overall responsibility, but such designation shall not relieve the supervising broker of responsibility for the supervision of the acts of all licensees assigned to the branch office place of business or real estate team.~~ Factors to be considered in determining whether the supervision is reasonable and adequate shall include ~~but are not limited to~~ the following:~~

1. The availability of the supervising broker to all licensees under the supervision of the broker to review and approve all documents, including ~~but not limited to~~ leases, contracts affecting the firm's clients, brokerage agreements, and advertising and to provide timely supervision of management of brokerage services;
2. The availability of training and written procedures and policies that provide, without limitation, clear guidance in the following areas:
 - a. Proper handling of escrow deposits;
 - b. Compliance with federal and state fair housing and anti-discrimination laws and regulations ~~if the firm engages in residential brokerage, residential leasing, or residential property management;~~
 - c. Advertising;
 - d. Negotiating and drafting of contracts, leases, and brokerage agreements;
 - e. Use of unlicensed individuals;
 - f. Agency or independent contractor relationships;
 - g. Distribution of information on new or changed statutory or regulatory requirements;

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- h. Disclosure of matters relating to the condition of the property requirements; and
 - i. Such other matters as necessary to assure the competence of licensees to comply with this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia.
3. ~~The availability of the supervising broker in a timely manner to supervise the management of the brokerage services;~~
43. The supervising broker ensures the brokerage services are carried out competently and in accordance with the provisions of this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia;
54. The supervising broker undertakes reasonable steps to ensure compliance by all licensees assigned to the ~~branch office place of business~~, including ~~but not limited to~~ ensuring the licensees have an active, current license;
65. The supervising broker undertakes reasonable steps to ensure ~~only~~ licensees undertake activities requiring a license, including ~~but are not limited to~~:
- a. ~~Show~~ Showing property;
 - b. ~~Hold~~ Holding an open house;
 - c. ~~Answer~~ Answering questions on listings, title, financing, closing, contracts, brokerage agreements, and legal documents;
 - d. ~~Discuss~~ Discussing, ~~explain~~ explaining, ~~interpret~~ interpreting, or ~~negotiate~~ negotiating a contract, listing, lease agreement, or property management agreement with anyone outside the firm; and

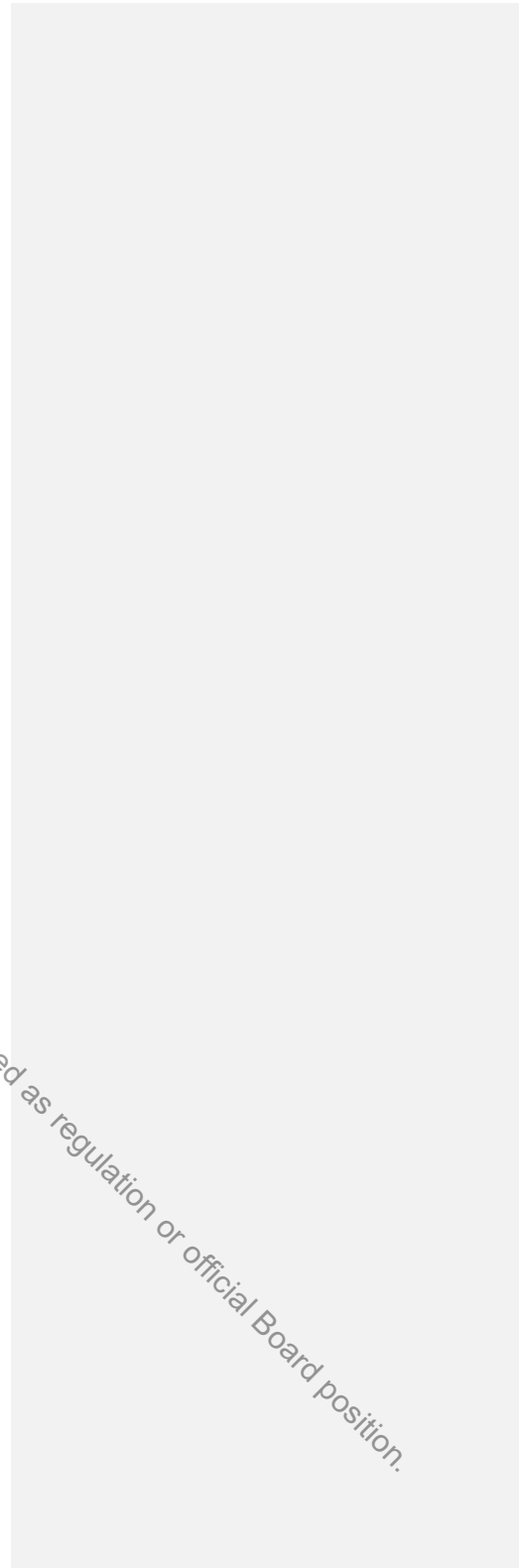


~~c. Negotiate~~ Negotiating or ~~agree~~ agreeing to any commission, commission split, management fee, or referral fee.

~~46.~~ The supervising broker shall provide adequate supervision over the unlicensed employees, independent contractors or assistants under the supervision of a broker as they perform the following permitted activities:

- a. Perform general clerical duties, including answering the phones, responding by electronic media, and providing information shown on the listing;
- b. Submit listings and changes to MLS;
- c. Follow up on loan commitments after contracts have been ratified;
- d. Have keys made for listings;
- e. Compute commission checks;
- f. Place signs on properties;
- g. Act as a courier service;
- h. Schedule appointments;
- i. Record and deposit earnest money deposits, security deposits, and advance rents;
- j. Prepare contract forms for approval of the licensee and supervising broker;
- k. Prepare promotional materials and advertisements for approval of the licensee and supervising broker;
- l. Assemble closing documents;
- m. Obtain required public information from governmental entities;

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- n. Monitor license and personnel files;
 - o. Order routine repairs as directed by licensee;
 - p. Are compensated for their work at a predetermined rate that is not contingent upon the occurrence of a real estate transaction; and
 - q. Perform any other activities undertaken in the regular course of business for which a license is not required.
8. ~~If a supervising broker is located more than 50 miles from the place of business or the branch office and there are licensees who regularly conduct business assigned to the branch office or at the place of business, the supervising broker must certify in writing on a quarterly basis on a form provided by the board that the supervising broker complied with the requirements of this section. The supervising broker shall respond in a timely manner to inquiries from the public, cooperating brokers, and salespersons affiliated with the supervising broker's firm regarding existing or contemplated transactions; and~~
9. The supervising broker must maintain the records required in this section for three years. The records must be furnished to the board's agent upon request;
10. The supervising broker ensures that affiliated real estate teams or business entities are operating in accordance with the provisions of this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia; and
11. The supervising broker ensures that all brokerage agreements include the name and contact information of the supervising broker.

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18VAC135-20-170. Maintenance of licenses.

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A. Name and address.

1. Salespersons and individual brokers shall at all times keep the board informed of their current name and home address.

a. Changes of name and address must be reported to the board in writing within 30 calendar days of such change. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address.

b. A licensee may use a professional name other than a legal name if that professional name is filed with the board prior to its use. The professional name shall include the licensee's first or last name and shall not include any titles.

2. Salespersons and brokers shall be issued a license only to the place of business of the sole proprietorship or firm with which the salesperson or broker is active.

3. Principal brokers must at all times keep the board informed of their current firm, and branch office and business entity name names and addresses and changes of name and address must be reported to the board in writing within 30 calendar days of such change. A physical address is required. A post office box will not be accepted.

B. Discharge or termination of active status.

1. When any salesperson or broker is discharged or in any way terminates his active status with a sole proprietorship or firm, it shall be the duty of the sole proprietor or principal broker to return the license to the board so that it is received within 10 calendar days of the date of termination or being notified of the status change. The sole proprietor or principal broker shall indicate on the license the date of termination, and shall sign the license before returning it.

2. When any principal broker is discharged or in any way terminates his active status with a firm, it shall be the duty of the firm to notify the board and return the license to the board within three business days of termination or being notified of the status change. The firm

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shall indicate on the license the date of termination, and shall sign the license before returning it. See § 54.1-2109 of the Code of Virginia for termination relating to the death or disability of the principal broker.

3. When a firm or business entity is no longer authorized to conduct business in the Commonwealth, the Board shall terminate said license until such time as the firm or business entity provides evidence that it is again authorized to conduct business in the Commonwealth.

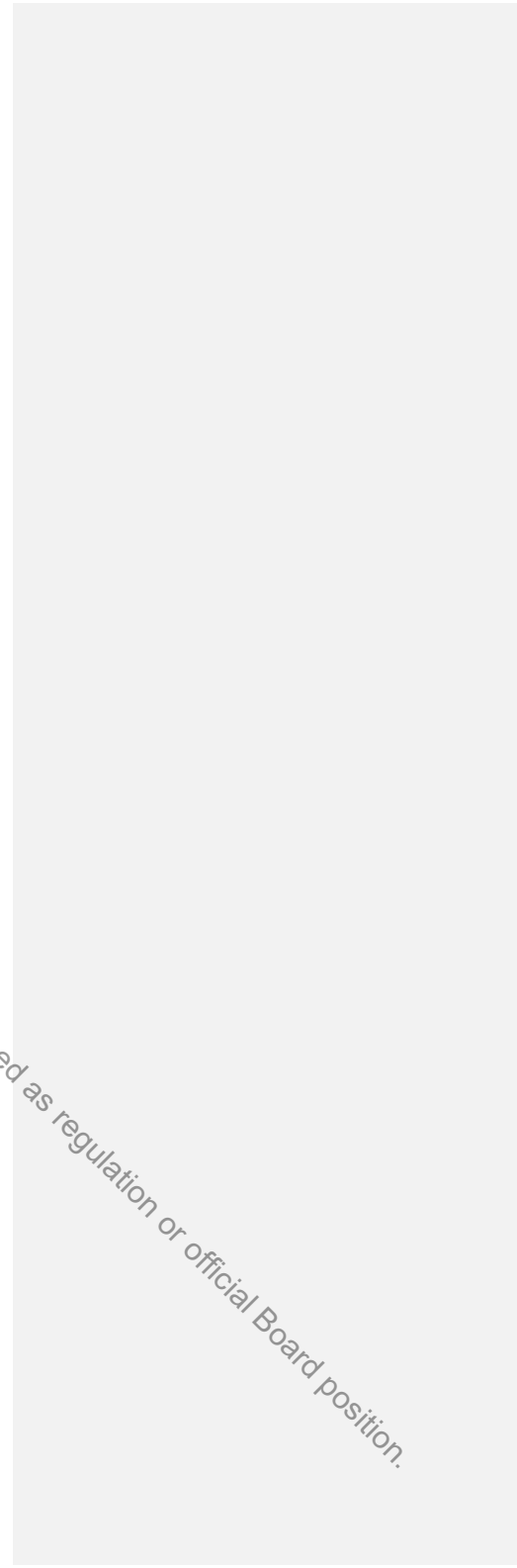
18VAC135-20-180. Maintenance and Management of Escrow Accounts.

A. Maintenance of escrow accounts.

1. ~~1.~~ If money is to be held in escrow, each firm or sole proprietorship shall maintain ~~in the name by which it is licensed~~ one or more federally insured separate escrow accounts in a federally insured depository into which all down payments, earnest money deposits, money received upon final settlement, application deposits as defined by § 55-248.4 of the Code of Virginia, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's client or expended on behalf of the client, or other escrow any funds received in connection with a real estate transaction funds received by him or his associates on behalf of his client or any other person shall be deposited unless all principals to the transaction have agreed otherwise in writing.

- a. The escrow account must be in the name by which the firm or sole proprietorship is licensed.
- b. The balance in the escrow accounts shall be sufficient at all times to account for all funds that are designated to be held by the firm or sole proprietorship.
- c. The principal broker shall be held responsible for these accounts, including having signatory authority on these accounts.
- d. The supervising broker and any other licensee with escrow account authority may be held responsible for these accounts.

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e. All such accounts, checks and bank statements shall be labeled "escrow" and the accounts shall be designated as "escrow" accounts with the financial institution where such accounts are established.

2. Funds to be deposited in the escrow account may include moneys which shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee.

a. Funds in an escrow account shall not be paid directly to the licensees of the firm.

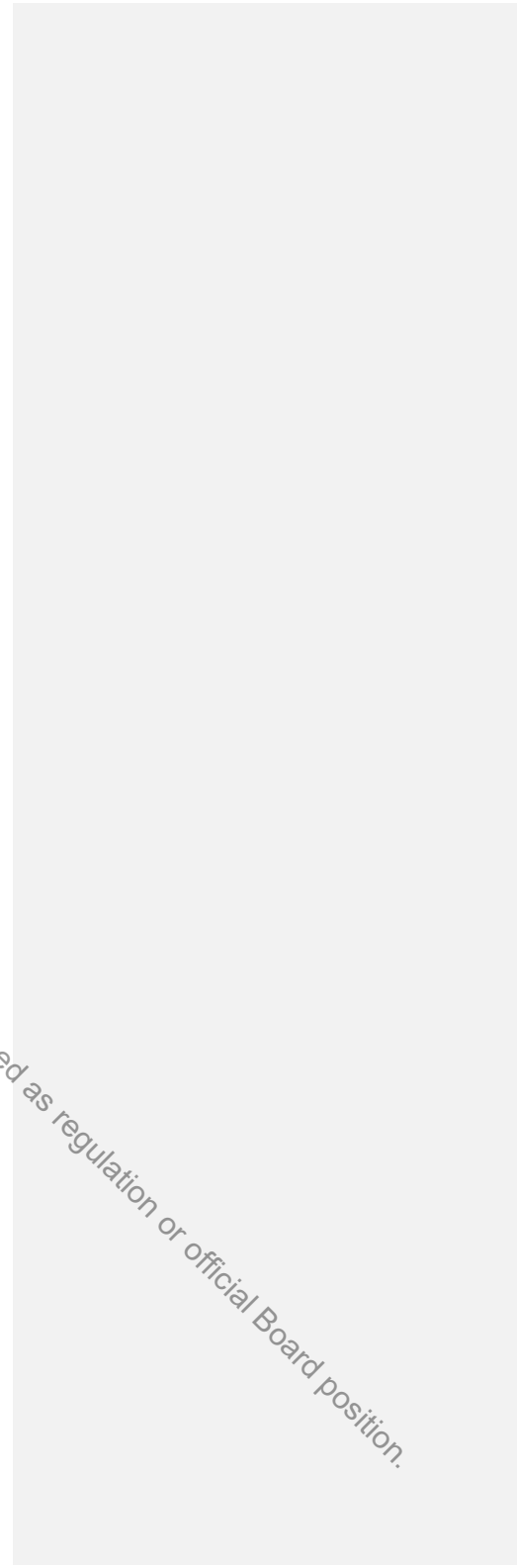
b. The fact that an escrow account contains money which may ultimately belong to the licensee does not constitute "commingling of funds" as set forth by subdivision C 2 of this section, provided that there are periodic withdrawals of said funds at intervals of not more than six months, and that the licensee can at all times accurately identify the total funds in that account which belong to the licensee and the firm.

3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by subdivision C 2 of this section.

4. Lease transactions: application deposits. Any application deposit as defined by § 55-248.4 of the Code of Virginia paid by a prospective tenant for the purpose of being considered as a tenant for a dwelling unit to a licensee acting on behalf of a landlord client shall be placed in escrow by the end of the fifth business banking day following approval of the rental application by the landlord unless all principals to the lease transaction have agreed otherwise in writing.

B. Disbursement of funds from escrow accounts.

1. a. Purchase transactions. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker or his associates shall be handled in accordance with § 54.1-2108.2 of the Code of Virginia. ~~placed in an escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated. In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the~~



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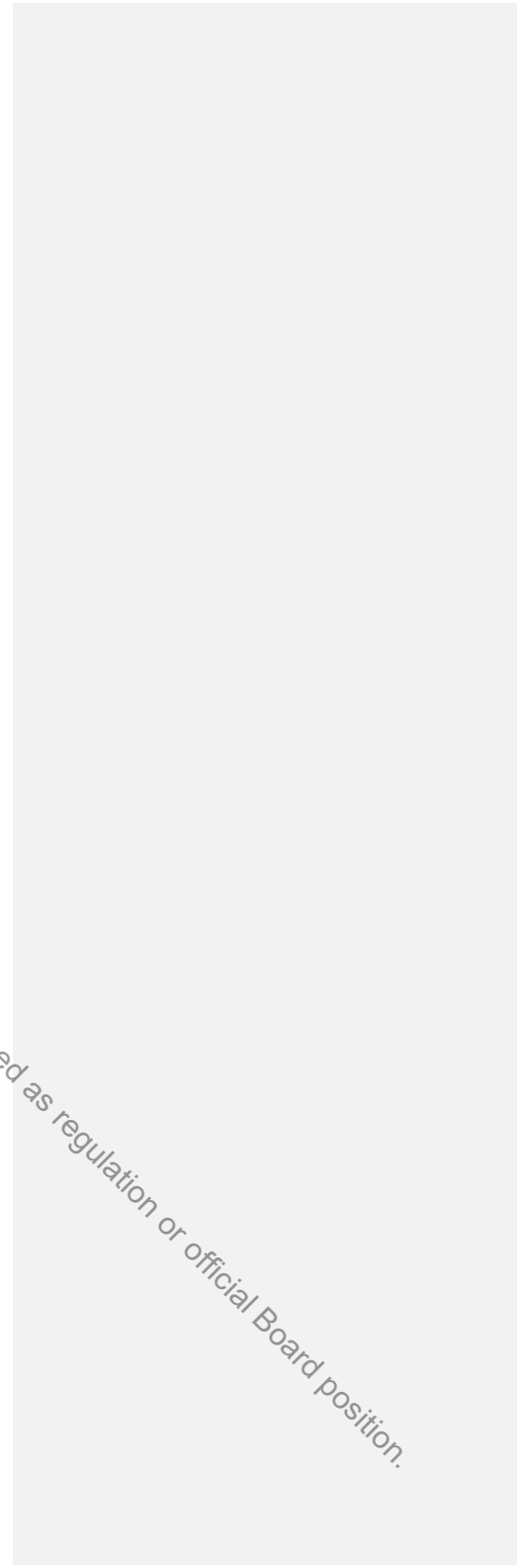
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transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed upon principal as provided in such written agreement, (ii) a court of competent jurisdiction orders such disbursement of the funds, (iii) the funds are successfully interpleaded into a court of competent jurisdiction pursuant to this section, or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit. At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (i) hand delivery; (ii) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (iii) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (iv) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.

A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § 16.1-77 of the Code of Virginia.

b. If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § 16.1-77 of the Code of Virginia and otherwise comply with the provisions of § 54.1-2108.1 54.1-2108.A.1 and 2 of the Code of Virginia.

If there is in effect at the date of the foreclosure sale a real estate purchase contract to buy the property foreclosed upon and the real estate purchase contract provides that the earnest money



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~~deposit held in escrow by a firm or sole proprietorship shall be paid to a principal to the contract in the event of a termination of the real estate purchase contract, the foreclosure shall be deemed a termination of the real estate purchase contract, and the principal broker or supervising broker may, absent any default on the part of the purchaser, disburse the earnest money deposit to the purchaser pursuant to such provisions of the real estate purchase contract without further consent from, or notice to, the principals.~~

~~bc. Lease transactions: security deposits. Any security deposit held by a firm or sole proprietorship shall be placed in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to the transaction. Each such security deposit shall be treated in accordance with the security deposit provisions of the Virginia Residential Landlord and Tenant Act, Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia, unless exempted therefrom, in which case the terms of the lease or other applicable law shall control. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the landlord is holding a security deposit of the tenant, the landlord shall handle the security deposit in accordance with § 54.1-2108.A.3 of the Code of Virginia applicable law, which requires the holder of the landlord's interest in the dwelling unit at the time of termination of tenancy to return any security deposit and any accrued interest that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, and regardless of any contractual agreements between the original landlord and his successors in interest. Nothing in this section shall be construed to prevent the landlord from making lawful deductions from the security deposit in accordance with applicable law.~~

~~ed. Lease transactions: prepaid rent or escrow fund advances. Unless otherwise agreed in writing by all principals to the transaction, all prepaid rent and other money paid to the licensee in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt and remain in that account until paid in accordance with the terms of the lease and the property management agreement, as applicable, except the prepaid rent, which shall be treated in accordance with the prepaid rent provision of the Virginia Residential Landlord and Tenant Act, Chapter 13.2 (§ 55-248.2 et seq.) of Title 55 of the Code of Virginia.~~

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de. Lease transactions: rent payments. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the rent is paid to a licensee acting on behalf of the landlord pursuant to a properly executed property management agreement, the licensee may collect the rent in accordance with § 54.1-2108.1 A 4 of the Code of Virginia.

2. a. Purchase transactions. Unless otherwise agreed in writing by all principals to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

b. Lease transactions. Unless otherwise agreed in writing by the principals to the lease or property management agreement, as applicable, a licensee shall not be entitled to any part of the security deposit or to any other money paid to the licensee in connection with any real estate lease as part of the licensee's commission except in accordance with the terms of the lease or the property management agreement, as applicable. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. Except in the event of a foreclosure, if a licensee elects to terminate the property management agreement with the landlord, the licensee may transfer any funds held in escrow on behalf of the landlord in accordance with § 54.1-2108.1 B 5 of the Code of Virginia. If there is in effect at the date of the foreclosure sale a written property management agreement between the licensee and the landlord, the property management agreement shall continue in accordance with § 54.1-2108.1 A 5 of the Code of Virginia.

3. On funds placed in an account bearing interest, written disclosure in the contract of sale or lease at the time of contract or lease writing shall be made to the principals to the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from an escrow or property management escrow account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

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5. Unless otherwise agreed in writing by all principals to the transaction, expenses incidental to closing a transaction (e.g., fees for appraisal, insurance, credit report, etc.) shall not be deducted from a deposit or down payment.

C. Actions including improper maintenance of escrow funds include:

1. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease, without acknowledging its acceptance in the agreement;
2. Commingling the funds of any person by a principal or supervising broker or his employees or associates or any licensee with his own funds, or those of his corporation, firm, or association;
3. Failure to deposit escrow funds in an account or accounts designated to receive only such funds as required by subdivision A 1 of this section;
4. Failure to have sufficient balances in an escrow account or accounts at all times for all funds that are designated to be held by the firm or sole proprietorship as required by this chapter; and
5. ~~Failing, as principal broker, to report to the board within three business days instances where the principal broker reasonably believes the improper conduct of a licensee, independent contractor, or employee has caused noncompliance with this section.~~

Commented [VP8]: The duty to supervise is already covered under the responsibility of the supervising broker to ensure compliance.

18VAC135-20-190. Advertising by Licensees.

A. Definitions. The following definitions apply unless a different meaning is plainly required by the context:

"Advertising" means all ~~forms of representation, promotion and solicitation~~ communication disseminated in any manner and by any means of communication through any medium to consumers for any purpose related to licensed real estate activity.

"Advertising disclosure" means a clear, legible, and conspicuous identification of (1) the firm's name and (2) the firm's contact information that has been specified by the principal or supervising broker in the firm's written policies.

"Affiliated licensee" means any broker, salesperson, business entity, or real estate team that is active.

"Contact information" means telephone number or web address a medium of communication by which a licensee may be contacted.

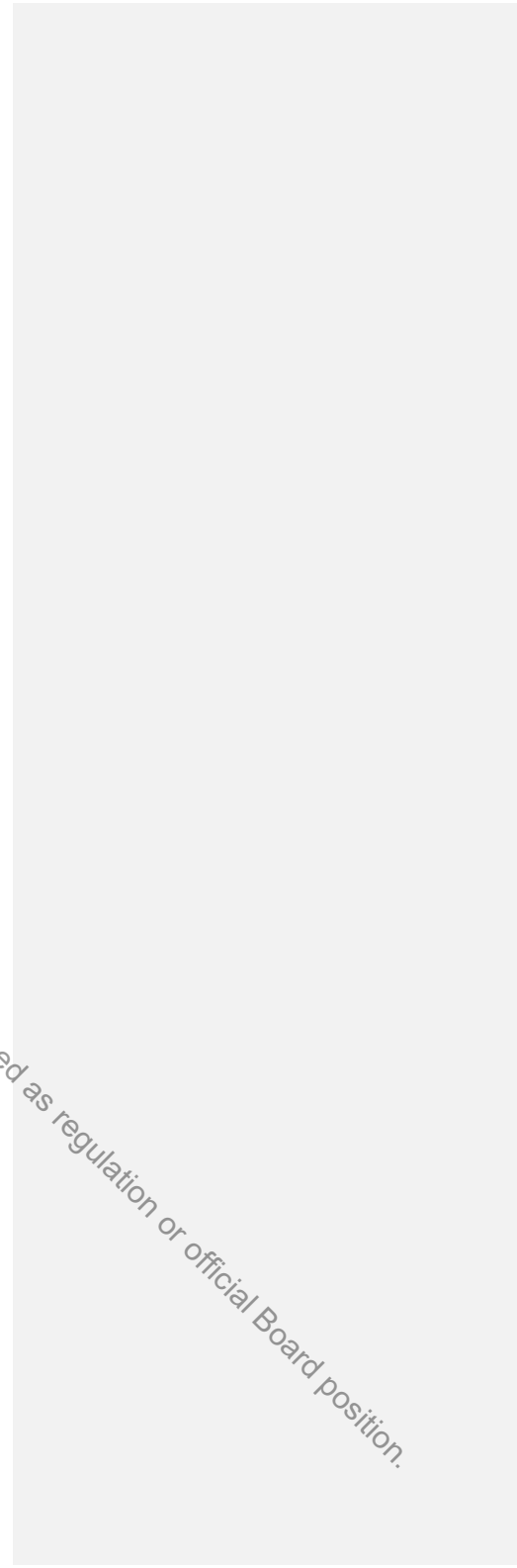
"Disclosure" in the context of electronic media advertising means (i) advertising by the firm that contains the firm's licensed name and the city and state in which the firm's main office or branch office is located or (ii) advertising by an affiliated licensee that contains the licensee's name, the name of the firm with which the licensee is active, and the city and state in which the licensee's place of business is located, and this disclosure shall be viewable on the main page or no more than one click away from the main page. "Disclosure" in the context of all other advertising means (i) advertising by the firm that contains the firm's licensed name or (ii) advertising by an affiliated licensee that contains the licensee's name and the name of the firm with which the licensee is active.

"Viewable page" means a page that may or may not scroll beyond the borders of the screen and includes the use of framed pages.

B. All advertising must be under the direct supervision of the principal broker or supervising broker, in the name of the firm and, when applicable, comply with the disclosure required by § 54.1-2138.1 of the Code of Virginia. The firm's licensed name must be clearly and legibly displayed on all advertising.

B. Advertising

1. All advertising by a firm must contain an advertising disclosure.
2. All advertising by an affiliated licensee must contain an advertising disclosure wherever the affiliated licensee has provided his own contact information.
3. All advertising by an affiliated licensee must be done under the supervision of a principal or supervising broker.
4. Any listing information provided in any advertising must be consistent with the property description and actual status of the listing.



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5. All advertising must be updated in a timely manner whenever there is a material change to the listing status or property descriptions. If a third-party controls the advertising, a licensee must make a written request in a timely manner for changes to be made.

C. Electronic media advertising.

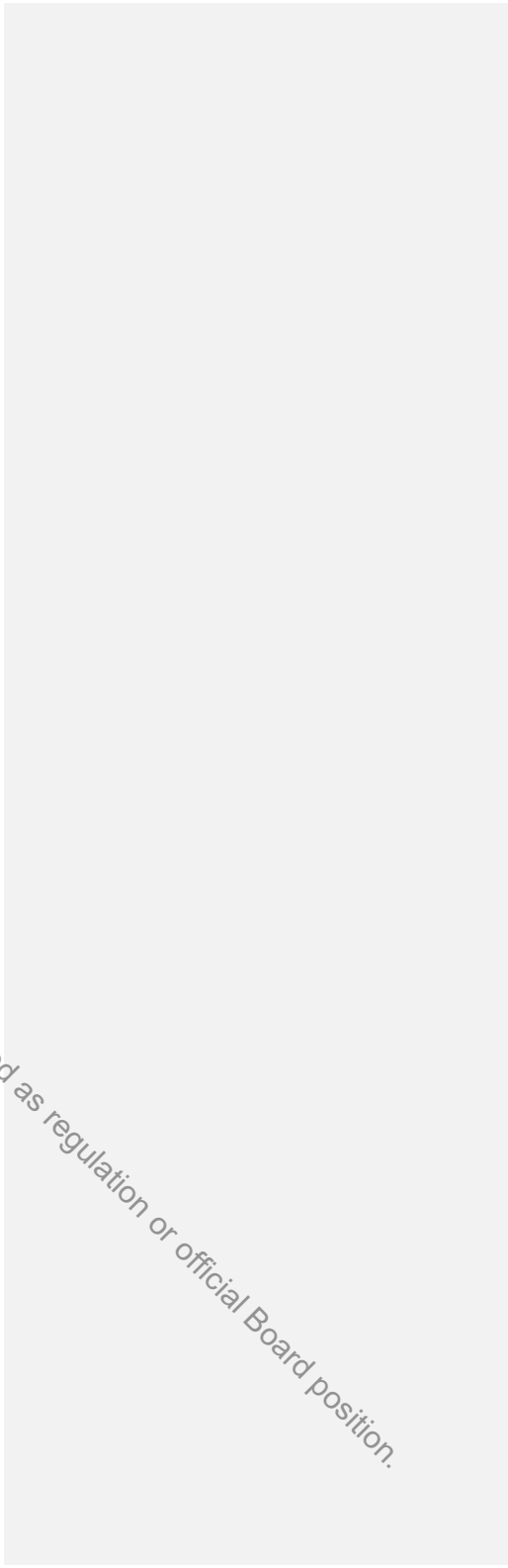
1. Any electronic media advertising undertaken for the purpose of any licensed activity is subject to the provisions of this chapter.
2. All electronic media advertising that can be viewed or experienced as a separate unit (i.e., email messages and web pages) must contain disclosure that shall be viewable on the main page or is no more than one click away from the main page.
3. All electronic media listings advertised must be kept current and consistent as follows:
 - a. Electronic media listing information must be consistent with the property description and actual status of the listing. The licensee shall update in a timely manner material changes to the listing status authorized by the seller or property description when the licensee controls the electronic media site.
 - b. The licensee shall make timely written requests for updates reflecting material changes to the listing status or property descriptions when a third party electronic media listing service controls the website displaying the listing information.

D. Other advertising.

1. For sale and for lease signs placed on the property shall include but not be limited to the firm's name and the firm's primary or branch office telephone number.
2. Business cards shall include but not be limited to the licensee's name, the firm name, and contact information.

E. The following activities shall be prohibited:

1. Implying that property listed by a licensee's firm and advertised by the firm or licensee is for sale, exchange, rent or lease by the owner or by an unlicensed person;



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2. Failing to include a notice in all advertising that the owner is a real estate licensee if the licensee owns or has any ownership interest in the property advertised;
3. Failing to include the firm's licensed name on any sign displayed outside each place of business;
4. Failing to obtain the written consent of the seller, landlord, optionor or licensor prior to advertising a specific identifiable property; and
5. Failing to identify the type of services offered when advertising by general description a property not listed by the party making the advertisement.

[Section E will be moved to 18 VAC 135-20-260]

18VAC135-20-225. Audits.

A. Procedures for voluntary compliance, self audit, or third-party audit; broker immunity. A broker will have immunity from board discipline for matters self-reported when the following conditions are met:

1. A principal broker or supervising broker ~~may has~~ conducted, or ~~may had have~~ another person conduct, an audit of the practices, policies, and procedures of his firm or sole proprietorship in accordance with § 54.1-2111.1 of the Code of Virginia.
2. The principal broker or supervising broker has signed the report, methods and findings of the audit shall be documented as described in this subsection conducted in accordance with Section B.

Commented [KS(9)]: Combines with #3.

23. A principal broker or supervising broker ~~shall has~~ notify the board in writing within 30 days following the conclusion of a self audit, or within 30 days from the receipt of the final report of a third-party audit, of any matter he believes to constitute noncompliance with the provisions of Real Estate Board regulations or law. ~~The principal broker or supervising broker shall also and has~~ submitted (i) a statement that such noncompliance has been remediated or (ii) a plan to correct such noncompliance within 90 days. ~~Failure to comply with these requirements may result in loss of immunity from regulatory enforcement action.~~

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34. A principal broker or supervising broker shall sign and date any report made pursuant to subdivision 2 of this subsection. ~~Such report, properly submitted, shall provide immunity from enforcement against the principal broker or supervising broker by the board for the matters reported therein.~~

4. Immunity from enforcement action provided by this section shall not apply if the noncompliance with provisions of Real Estate Board regulations or law by the principal broker or supervising broker was intentional or was the result of gross negligence by the principal broker or supervising broker.

5. Immunity from enforcement action provided by this section shall apply only to the principal broker and supervising broker who conduct an audit and submit a voluntary compliance plan in accordance with this section and shall not extend to any other broker or salesperson who may not be in compliance with Real Estate Board regulations or law.

6. Failure to complete the voluntary compliance program within 90 days from the date of plan submission shall result in the loss of immunity from regulatory enforcement action. Repeated instances of a violation found as a result of an audit that was subject to the voluntary compliance program may be deemed by the board to constitute a failure to complete the prior voluntary compliance program.

B. Procedures for mandatory audit.

1. A principal broker or supervising broker shall conduct or have a third party conduct an audit at least once during each license term in accordance with § 54.1-2106.2 of the Code of Virginia within 90 days prior to the expiration of the firm license. Such audit shall be documented on a form developed by the board.

2. In conducting an audit of practices, policies, and procedures of the firm or sole proprietorship, the principal broker or supervising broker or a third party shall examine and document all matters regarding the compliance by the firm or sole proprietorship with law and regulation regarding:

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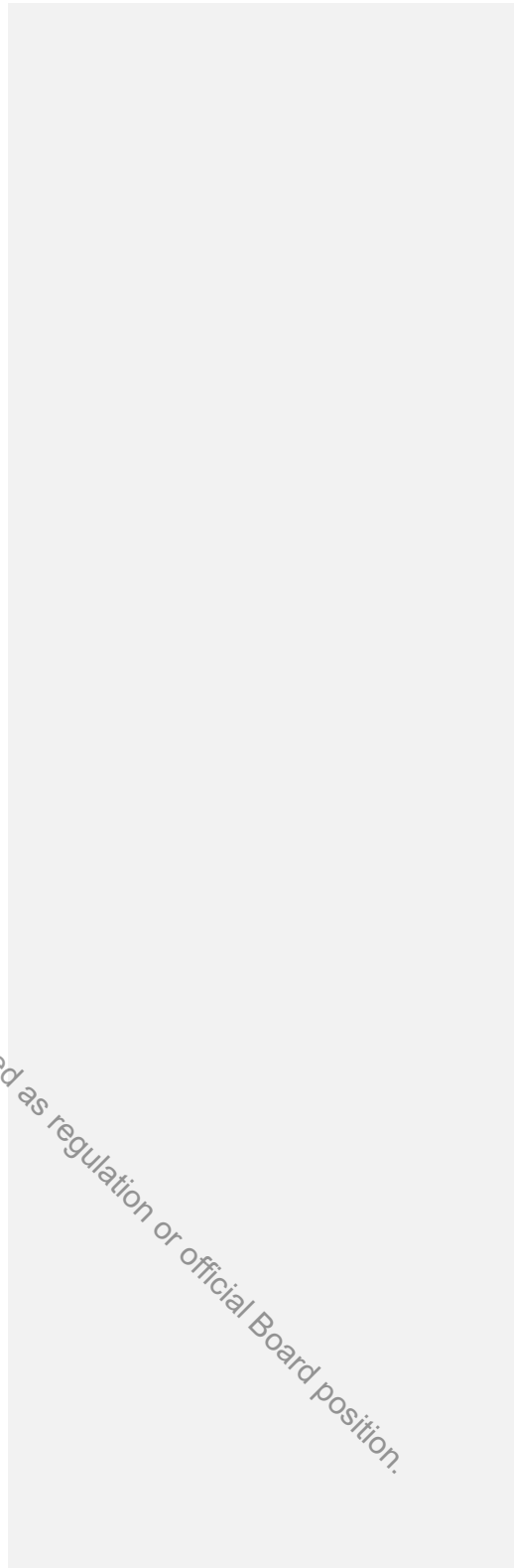
- a. Proper handling of escrow deposits and maintenance of a complete record of financial transactions;
- b. Compliance with federal and state fair housing laws and regulations if the firm or sole proprietorship engages in residential brokerage, residential leasing, or residential property management;
- c. Advertising in all forms and media;
- d. Negotiation and drafting of contracts, leases, and brokerage agreements;
- e. Use of unlicensed individuals;
- f. Agency or independent contractor relationships;
- g. Distribution of information on new or changed statutory or regulatory requirements;
- h. Proper documentation of required disclosures; and
- i. Such other matters as necessary to assure the competence of licensees to comply with this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia.

3. If at the conclusion of a mandatory audit the principal broker or supervising broker or third party believes there is noncompliance with the provisions of the Real Estate Board regulations or law, the principal broker or supervising broker may avail himself of the procedures for voluntary compliance described in subsection A of this section.

Upon request by any investigator, or by another agent of the board, a broker shall cooperate in the provision of records and documents pursuant to 18VAC135-20-240 within 10 days of receipt of the request, and for other requests by the board and its agents pursuant to 18VAC135-20-250, within 21 days of receipt.

18VAC135-20-240. Provision of Records to the Board.

Unless otherwise specified by the board, or as set forth in § 54.1-2108 of the Code of Virginia, a licensee of the Real Estate Board shall produce to the board or any of its agents within 10 days of the request evidence of signature cards or bank records, any document, book, or record concerning any real estate transaction in which the licensee was involved, or for which the



licensee is required to maintain records for inspection and copying by the board or its agents.

The board may extend such time frame upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

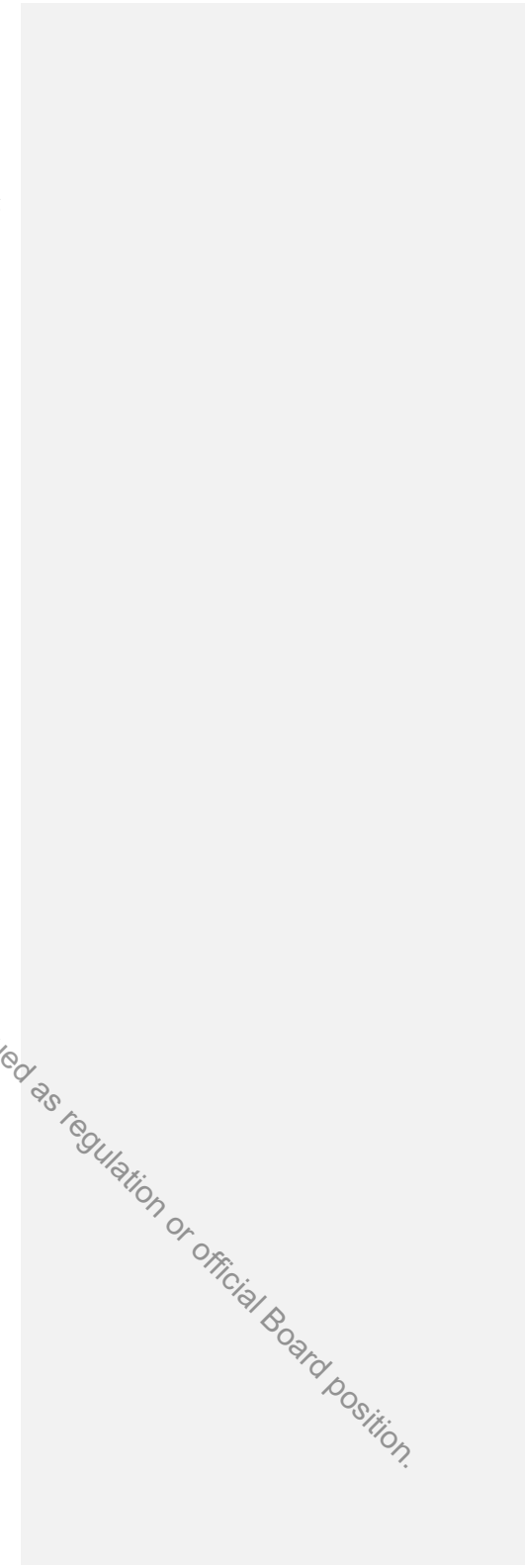
18VAC135-20-250. Response to Any Inquiry of the Board.

A licensee must respond to an inquiry by the board, other than requested under 18VAC135-20-240, or its agents within 21 days.

18VAC135-20-260. Prohibited Acts.

The following are prohibited acts:

1. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a license;
2. Holding more than one license as a real estate broker or salesperson in Virginia except as provided in this chapter;
3. As a currently licensed real estate salesperson, sitting for the licensing examination for a salesperson's license;
4. As a currently licensed real estate broker, sitting for a real estate licensing examination;
5. Signing an experience verification form without direct supervision or actual knowledge of the applicant's activities as defined in §§ 54.1-2100 and 54.1-2101 of the Code of Virginia or unreasonably refusing to sign an experience verification form;
6. Having been convicted or found guilty regardless of the manner of adjudication in any jurisdiction of the United States of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury battery, or any felony, there being no appeal pending therefrom or the time for appeal having elapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision;



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Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty regardless of adjudication of any convictions as stated in subdivision 6 of this section;

8. Having had a license as a real estate broker or real estate salesperson that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction been subject to any disciplinary action taken by any local, state, or national regulatory body;

9. Failing to inform the board in writing within 30 days of a disciplinary action as stated in subdivision 8 of this section;

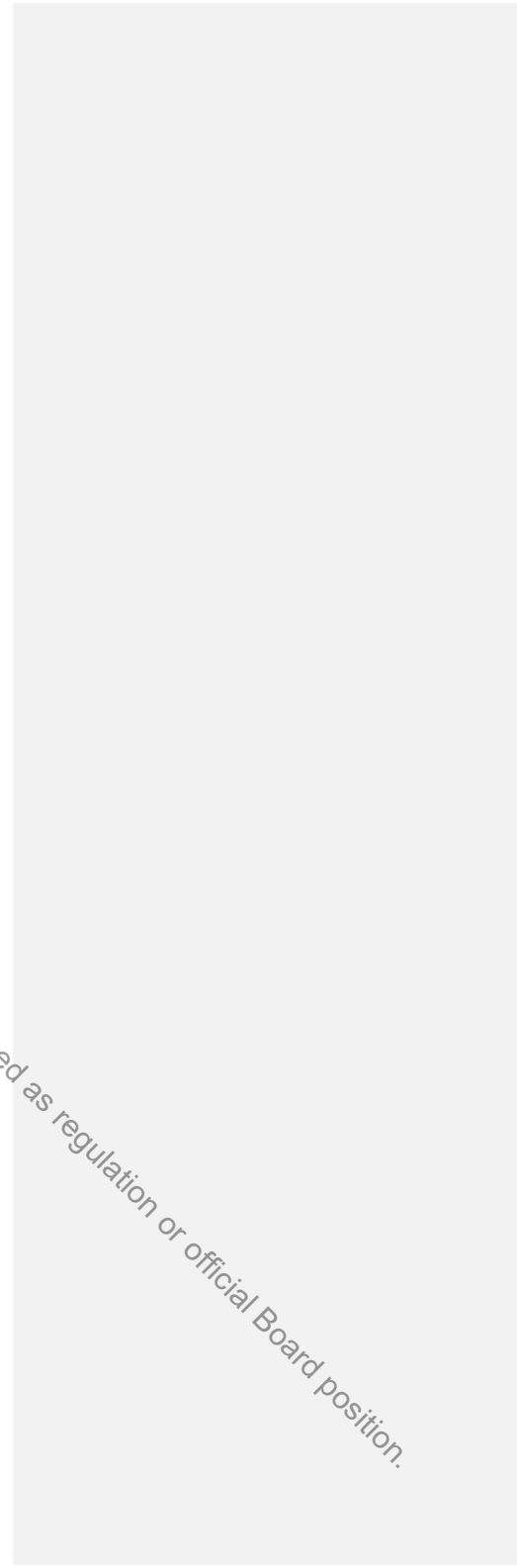
10. Having been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States, including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed;

11. A licensee knowingly making a false statement to an investigator;

12. A licensee knowingly assisting or cooperating with another in violating a provision of this chapter;

~~13.~~ 13. Actions constituting failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, including but not limited to which includes the following:

- a. A principal broker or supervising broker failing to ensure proper supervision and accountability over the firm's day-to-day financial dealings, escrow account or accounts, and daily operations;
- b. A broker failing to disburse funds from an escrow account according to the regulations or failing to properly retain documents relating to the basis for disbursal;
- c. A broker failing to ensure the licensees for whom the broker has oversight responsibility hold active licenses while practicing real estate;



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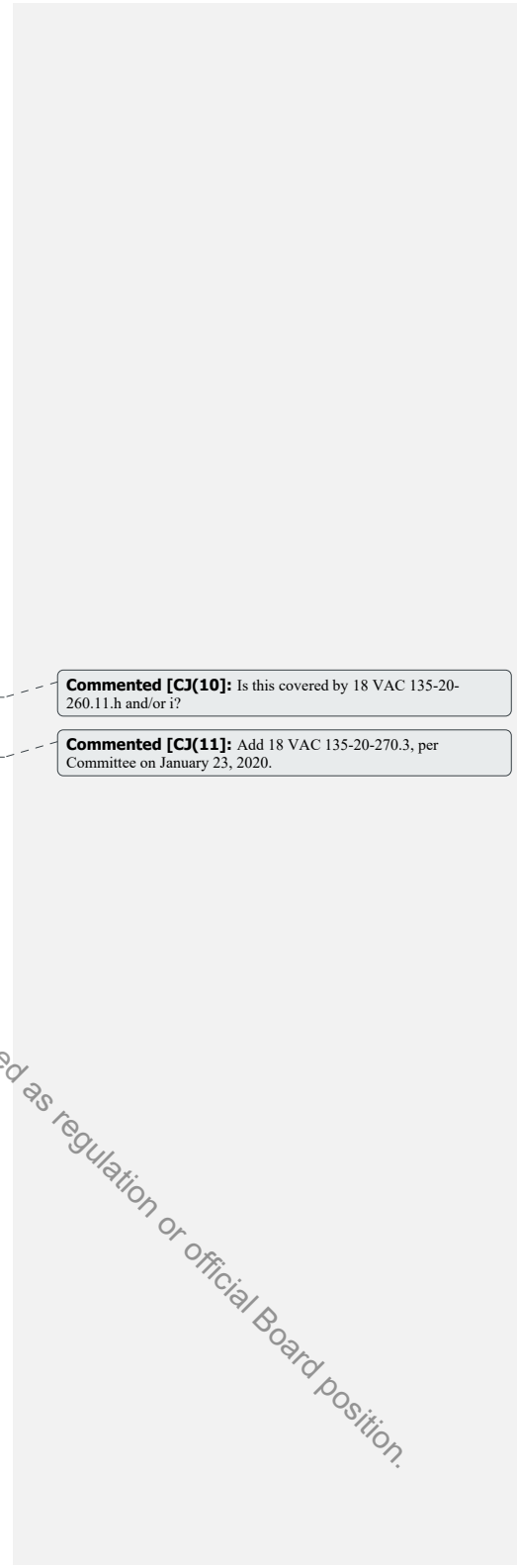
- d. A broker failing to provide accurate and timely reports to the board about a licensee's compliance with the board's laws and regulations;
- e. A broker failing to have signatory authority on all accounts;
- f. A broker failing to account for or remit any moneys coming into a licensee's possession that belong to another;
- g. A licensee failing to submit to the broker in a timely manner, all ~~earnest money deposits~~ escrow money, contracts, listing agreements, deeds of lease, or any other documents for which the broker has oversight responsibility;
- h. ~~A licensee negotiating leases for a third party through an unlicensed firm or without a principal broker.~~ Performing regulated activities as a standard agent, limited service agent, or independent contractor for any client outside the licensee's brokerage firm(s) or sole proprietorship(s);
- i. A licensee operating an unlicensed firm or acting as a principal broker;
- j. A licensee practicing real estate with an inactive or expired license;
- k. A licensee knowingly providing the broker with an earnest money deposit check from an account with insufficient funds;
- l. A licensee allowing unsupervised access to a home without the owner's authorization;
- m. A licensee failing to inform the broker of a transaction; and
- n. A licensee submitting unauthorized altered copies of a contract or contracts to the broker; and

~~12~~ 14. Actions constituting engaging in improper, fraudulent, or dishonest conduct, ~~including but not limited to~~ which includes the following:

- a. A licensee attempting to divert commission from the firm or sole proprietorship and direct payment to a licensee or an unlicensed individual who is not a party to the transaction;

Commented [CJ(10)]: Is this covered by 18 VAC 135-20-260.11.h and/or i?

Commented [CJ(11)]: Add 18 VAC 135-20-270.3, per Committee on January 23, 2020.



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- b. A licensee fabricating or altering any document with the intent to mislead;
- c. A licensee signing any documents on a client's behalf without first obtaining a client's proper written permission or authorization to sign said documents on his behalf;
- d. A licensee making an ~~earnest money~~ escrow deposit payable to himself or negotiating the check without written authority;
- e. A licensee knowingly misrepresenting ownership of a property;
- f. A licensee submitting copies of the same earnest money deposit check for inclusion with multiple offers;
- g. A licensee entering into agreements to be compensated for real estate services while his license is inactive;
- h. A licensee representing in offers he received the earnest money deposit when he has not or he knows the check is worthless; and
- i. A licensee misrepresenting who is holding the ~~earnest money~~ escrow deposit.

Commented [CJ(12): Lem will do a redraft of this.

18VAC135-20-270. Conflict of Interest.

Actions constituting a conflict of interest include:

1. Being active with a real estate broker other than the licensee's principal broker, without the written consent of the principal broker;
2. Acting for more than one client in a transaction governed by the provisions of §§ 54.1-2139, 54.1-2139.01, and 54.1-2139.1 of the Code of Virginia without first obtaining the written consent of all clients; and
- ~~3. Performing regulated activities as a standard agent, limited service agent, or independent contractor for any client outside the licensee's brokerage firm(s) or sole proprietorship(s).~~

Commented [CJ(13): Is this covered by 18 VAC 135-20-260.11.h and/or i?

Commented [CJ(14): The Committee struck 3 because it is (1) not really a conflict of interest but a prohibited act. The Committee wants to replace 260.11.h.

Commented [CJ(15): Define "financial benefit" in 3, 4, and 5.

Commented [CM16]: Review section with use of valuable consideration.

18VAC135-20-280. Improper Brokerage Commission

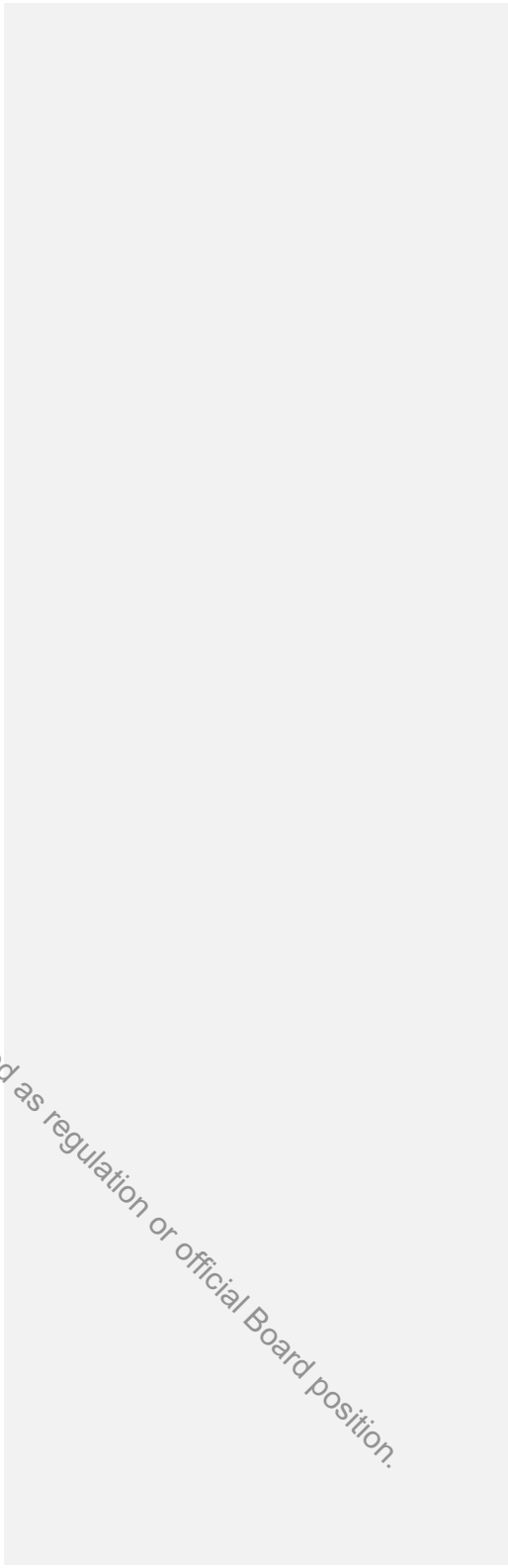
Actions resulting in an improper brokerage commission include:

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1. Offering to pay or paying a ~~transaction-based fee, fees, or other valuable consideration to~~ any person not licensed in this or any jurisdiction for services that require a real estate license;
2. Accepting a ~~commission, fee, compensation~~ or other valuable consideration, as a real estate salesperson or associate broker, for any licensed real estate services activity from any person or entity except the licensee's principal broker or supervising broker at the time ~~of the transaction~~ the licensed real estate activity was performed without the prior written consent of the licensee's principal broker;
3. Receiving financial benefit from the use of any information about the property, the ~~transaction~~ licensed real estate activity, or the parties to the transaction, when the information is gained as a result of the performance of ~~acts specified in Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia~~ licensed real estate activity without the prior written consent of the licensee's principal broker, the clients, and, when applicable, the parties to the transaction;
4. Receiving financial benefit from any person other than the licensee's principal broker at the time of the transaction, for the performance of any of the acts specified in Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia without the prior written consent of the licensee's principal broker;
5. Receiving financial benefit or other valuable consideration for any work or service related to a transaction without the prior written acknowledgment of the person paying for such work or service; and
6. Making a listing contract or lease which provides for a "net" return to the seller/lessor, leaving the licensee free to sell or lease the property at any price he can obtain in excess of the "net" price named by the seller/lessor.

18VAC135-20-290. Improper Dealing.

Actions constituting improper dealing include:



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1. Offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized representative, or on any terms other than those authorized by the owner or the owner's authorized representative;

2. Placing a sign on any property without the consent of the owner of the property or the owner's authorized representative; and

3. Causing any advertisement for sale, rent, or lease to appear in any format or medium without including in the advertisement the name of the firm or sole proprietorship.

18VAC135-20-300. Misrepresentation/Omission.

Actions constituting misrepresentation or omission, or both, include:

1. Using "bait and switch" tactics by advertising or offering real property for sale or rent with the intent not to sell or rent at the price or terms advertised, unless the advertisement or offer clearly states that the property advertised is limited in specific quantity or for a specified time period and the licensee did in fact have at least that quantity for sale or rent at that price or terms at the time of advertising;

2. Failure by a licensee representing a seller or landlord as a standard agent to disclose in a timely manner to a prospective purchaser or tenant all material adverse facts pertaining to the physical condition of the property which are actually known by the licensee;

3. Failing as a licensee to tender promptly to the buyer and seller every written offer, every written counteroffer, and every written rejection to purchase, option or lease obtained on the property involved;

4. Failure by a licensee acting as an agent to disclose in a timely manner to the licensee's client all material facts related to the property or concerning the transaction when the failure to so disclose would constitute failure by the licensee to exercise ordinary care as defined in the brokerage agreement;

5. Notwithstanding the provisions of subdivision 4 of this section, a licensee acting as a dual representative shall not disclose to one client represented in the dual representation

Commented [CJ17]: "Failing as a licensee to exercise ordinary care as defined in the brokerage agreement"

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confidential information relating to the transaction obtained during the representation of another client in the same dual representation unless otherwise provided by law;

6. Failing to include the complete terms and conditions of the real estate transaction, including but not limited to any lease, property management agreement or offer to purchase;

7. Failing to include in any application, lease, or offer to purchase identification of all those holding any deposits;

8. Knowingly making any false statement or report, or willfully misstating the value of any land, property, or security for the purpose of influencing in any way the action of any lender upon:

a. Applications, advance discounts, purchase agreements, repurchase agreements, commitments or loans;

b. Changes in terms or extensions of time for any of the items listed in this subdivision 8 whether by renewal, deferment of action, or other means without the prior written consent of the principals to the transaction;

c. Acceptance, release, or substitution of security for any of the items listed in subdivision 8 a of this section without the prior written consent of the principals to the transaction;

9. Knowingly making any material misrepresentation; and

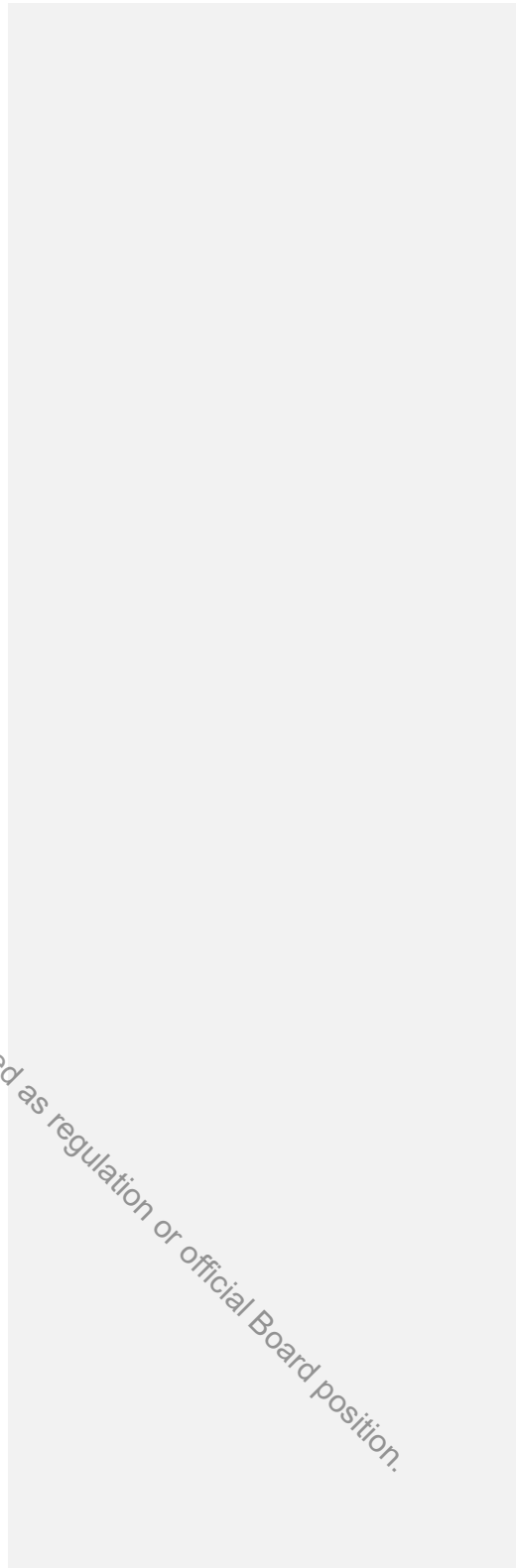
10. Making a false promise through agents, salespersons, advertising, or other means.

18VAC135-20-310. Improper Delivery of Instruments.

Actions constituting improper delivery of instruments include:

1. Failing to make prompt delivery to each principal to a transaction, complete and legible copies of any written disclosures required by §§ 54.1-2138, 54.1-2139, 54.1-2139.01, and 54.1-2139.1 of the Code of Virginia, listings, lease, offers to purchase, counteroffers, addenda and ratified agreements, and other documentation required by the agreement;

2. Failing to provide in a timely manner to all principals to the transaction written notice of any material changes to the transaction;



3. Failing to deliver to the seller and buyer, at the time a real estate transaction is completed, a complete and accurate statement of receipts and disbursements of moneys received by the licensee, duly signed and certified by the principal or supervising broker or his authorized agent; provided, however, if the transaction is closed by a settlement agent other than the licensee or his broker, and if the disbursement of moneys received by the licensee is disclosed on the applicable settlement statement, the licensee shall not be required to provide the separate statement of receipts and disbursements; and

4. Refusing or failing without just cause to surrender to the rightful owner, upon demand, any document or instrument which the licensee possesses.

18VAC135-20-330. Principal and Supervising Broker's Responsibility for Acts of Licensees and Employees.

Any unlawful act or violation of any of the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 or of Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 of the Code of Virginia or of the regulations of the board by any real estate salesperson, employee, partner or affiliate of a principal broker, supervising broker, or both, may not be cause for disciplinary action against the principal broker, supervising broker, or both, unless it appears to the satisfaction of the board that the principal broker, supervising broker, or both, knew or should have known of the unlawful act or violation and failed to take reasonable action under the circumstances to remedy the situation.

18VAC135-20-340. Effect of Disciplinary Action on Subordinate Licensees.

Action by the board resulting in the revocation, suspension, or denial of renewal of the license of any principal broker or sole proprietor shall automatically result in an order that the licenses of any and all individuals active with the affected firm be returned to the board until such time as they are reissued upon the written request of a sole proprietor or principal broker pursuant to 18VAC135-20-170 B.

18 VAC 135-20-345. Effect of disciplinary action on certificates, approvals and concurrent licenses.

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The board shall suspend, revoke or deny renewal of existing concurrent broker licenses when the board suspends, revokes or denies renewal of another broker's license held by the same individual. The board shall suspend, revoke or deny renewal of existing instructor certificates and instructor approval when the board suspends, revokes or denies renewal of a license held by the same individual.

18VAC135-20-350. Definitions.

The following words and terms when used in this part, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Accredited university, college, community college, or other school or educational institution," as used in § [54.1-2105](#) B 1 a of the Code of Virginia, means those accredited institutions of higher learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

"Class hour/clock hour" means 50 minutes.

~~"Equivalent course" means any course encompassing the basic educational curriculum of Virginia courses and approved by the board.~~

"Proprietary school" means (i) a privately owned school, (ii) a real estate professional association, or (iii) a related entity, which is not under the authority of the Department of Education, but approved by the Real Estate Board to teach real estate courses.

"Provider" means an accredited university, college, community college or high school offering adult distributive education courses, or a proprietary school.

18VAC135-20-360. Proprietary school standards, instructor qualifications and course requirements.

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A. Every applicant to the Real Estate Board for a proprietary school certificate shall meet the standards provided in subsection A of § 54.1-2105.02 of the Code of Virginia by submitting a CPA-certified letter attesting to the applicant's net worth or a balance sheet or financial statement certified to be accurate by the applicant. Such applicant shall show a minimum net worth of \$2,000.

B. Every applicant to the Real Estate Board for certification as an instructor for prelicense education must meet two of the qualifications outlined in subdivisions 1 through ~~6~~ 5 of this subsection:

~~1. A baccalaureate degree, an active Virginia real estate broker's license, and two consecutive years of discipline free active real estate experience immediately prior to application;~~

~~2. An active Virginia real estate broker's license and five consecutive years of discipline-free active real estate experience immediately prior to application;~~

The applicant (a) has a baccalaureate degree or higher and has been discipline-free as a real estate broker for the two years immediately preceding the date of application, or (b) has been discipline-free as a real estate broker for the five years immediately preceding the date of application;

~~3 2. A professional designation such as, but not limited to, Accredited Land Consultant (ALC), Certified Residential Specialist (CRS), Certified Commercial Investment Member (CCIM), Certified Property Manager (CPM), Certified Residential Broker (CRB), Counselor Real Estate (CRE), Member Appraisal Institute (MAI), Society Industrial Office Realtors (SIOR), Senior Residential Appraiser (SRA), or Senior Real Estate Property Appraiser (SRPA) that has been approved by the Board;~~

~~4 3. A fully designated membership of the Real Estate Educators Association holding the Designated Real Estate Instructor (DREI) designation;~~

~~5 4. Possession of a valid teaching credential or certificate issued by the Commonwealth of Virginia, or any other state with qualifications that are equal to or exceed Virginia~~

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teacher qualifications, or at least five years of teaching experience in the real estate field or in an accredited public, private, or parochial school, or an accredited junior college, college, or university university, college, community college, or other school or educational institution, or their equivalent; and

~~6~~ 5. An attorney member of the Virginia State Bar who is engaged in the field of real estate-related law.

~~7~~ The board shall also consider evaluations from previous education courses the applicant has instructed and recommendations of course providers, coordinators, administrators, and institutions that have employed the applicant.

~~8~~ 6. The board may waive the requirements of subdivisions 1 through ~~6~~ 5 of this subsection upon review of proof of ~~experience in related fields of real estate~~ substantially equivalent qualifications.

7. The board has discretion to deny an applicant who has been the subject of a disciplinary action.

C. Every applicant to the Real Estate Board for approval as an instructor for continuing education and post license education shall have expertise in a specific field of real estate with at least three years of active experience in that field in the five years immediately preceding the date of application and will teach only in the area of their expertise. Such applicants will be required to furnish proof of their expertise, ~~possibly including but not limited to educational transcripts, professional certificates, letters of reference (a maximum of three), a resume, or any other type of documentation that will verify the applicant's expertise.~~

D. Prelicense courses must be acceptable to the board, be taught by a certified prelicense instructor, and are required to have a monitored, final written examination. ~~Online distance learning courses must include a timer requiring licensees to be actively engaged online learning course content for at least 50 minutes to receive one hour of credit. All courses offered by an approved provider must include a mechanism designed to ensure reasonably that licensees are~~

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~~actively engaged for each class hour. Those schools which propose to offer prelicensing courses (Principles and Practices of Real Estate, Real Estate Brokerage, Real Estate Finance, Real Estate Law or Real Estate Appraisal, etc.) must submit a request, in writing, to the board prior to offering the course(s). Schools applying for approval to offer pre-license education courses must submit an application on a form prescribed by the Board and gain approval by the Board prior to initially offering the course and supply the following information:~~

1. Course content. All Principles and Practices of Real Estate courses must include the 25 topic areas specified in [18VAC135-20-400](#). All requests to offer broker courses must include a course syllabus acceptable to the board;
2. Name of the course's text and any research materials used for study assignments;
3. Description of any research assignments;
4. Copies of ~~test tests~~ or quizzes;
5. Information explaining how the "Principles" course will require 60 hours of study, or how each broker related course will require 45 hours of study, in compliance with § [54.1-2105](#) of the Code of Virginia; and
6. Information about recordkeeping for the type of course delivery.

~~E. Providers of continuing education and post license education courses shall submit all subjects to the board for approval prior to initially offering the course. Schools applying for approval to teach continuing education and post-license education courses must submit an application on a form prescribed by the Board and gain approval by the Board prior to initially offering the course. All courses offered by an approved provider must include a mechanism designed to ensure reasonably that licensees are actively engaged for each class hour.~~

Correspondence and other distance learning courses offered by an approved provider must include appropriate testing procedures to verify completion of the course, including requiring licensees who complete correspondence or other distance learning courses to file a notarized affidavit certifying compliance with the course requirements with the education provider or with the

licensee's own records. ~~Online distance learning courses must include a timer requiring licensees to be actively engaged online learning course content for at least 50 minutes to receive one hour of credit.~~ The board shall approve courses and the number of hours approved for each course based on the relevance of the subject to the performance of the duties set forth in §§ [54.1-2100](#) and [54.1-2101](#) of the Code of Virginia.

F. Approval of prelicense, continuing education and ~~post-license~~ post-license education courses, ~~as well as post-license and continuing education instructors,~~ shall expire ~~on December 31~~ three years from the ~~year~~ last day of the month in which the approval was issued, ~~as indicated on the approval document granted by the Board.~~

G. All schools must establish and maintain a record for each student. The record shall include: the student's name and address, the course name and clock hours attended, the course syllabus or outline, the name or names of the instructor, the date of successful completion, and the board's course code. Records shall be available for inspection during normal business hours by authorized representatives of the board. Schools must maintain all student and class records for a minimum of five years.

H. All schools must provide each student with a certificate of course completion or other documentation that the student may use as proof of course completion. Such documentation shall contain the student's name, school name, course name, course approval number, course completion date, hours of credit completed, and a statement that the course is "Approved by the Real Estate Board."

I. All providers of pre-license, continuing education or post license education courses shall electronically transmit course completion data ~~to the board~~ in an approved format to an approved recipient within five business days of the completion of each individual course. ~~The transmittal will include each student's name, license number or social security number; the date of successful completion of the course; the school's code; and the board's code.~~

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18VAC135-20-390. Withdrawal of approval.

The board may withdraw approval of any school, course or instructor for the following reasons:

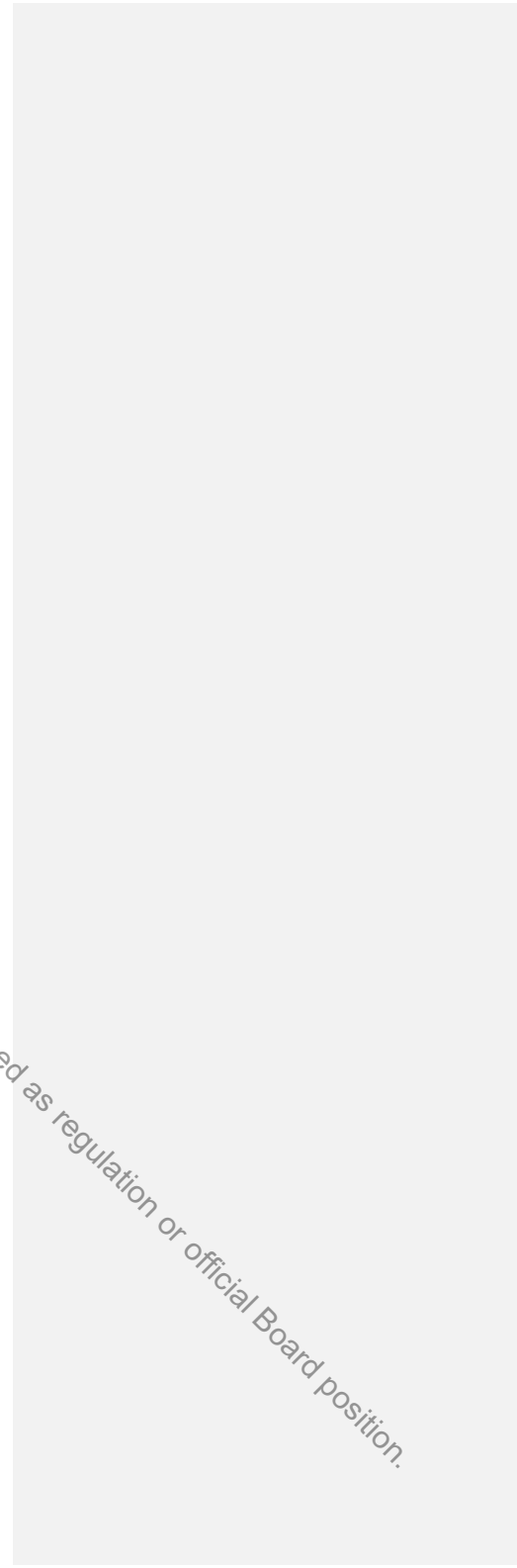
1. The school, instructor, courses, or subjects no longer meet the standards established by the board.
2. The school or instructor solicits information from any person for the purpose of discovering past examination questions or questions which may be used in future examinations.
3. The school or instructor distributes to any person copies of examination questions, or otherwise communicates to any person examination questions, without receiving the prior written approval of the copyright owner to distribute or communicate those questions.
4. The school, through an agent or otherwise, advertises its services in a fraudulent, deceptive or misrepresentative manner.
5. Officials, instructors or designees of the school sit for a real estate licensing examination for any purpose other than to obtain a license as a broker or salesperson.
6. A school or instructor fails to ensure the timely and accurate electronic transmission of course completion data.

18VAC135-20-400. Course content of real estate principles and practices.

The following shall be included in the four-semester-hour or six-quarter-hour course which shall not have less than 60 class hours:

1. Economy and social impact of real estate
2. Real estate market and analysis
3. Property rights
4. Contracts
5. Deeds

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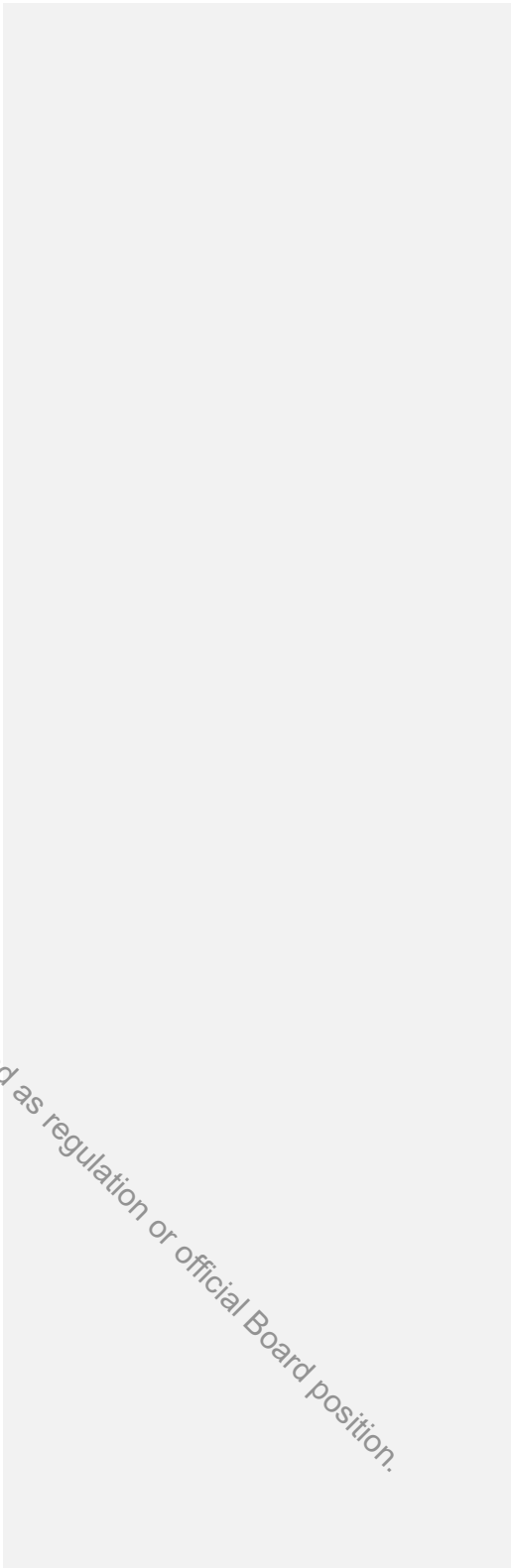
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6. Mortgages and deeds of trust
7. Types of mortgages
8. Leases
9. Liens
10. Home ownership
11. Real property and title insurance
12. Investment
13. Taxes in real estate
14. Real estate financing
15. Brokerage and agency contract responsibilities
16. Real estate marketing
17. Real property management
18. Search, examination, and registration of title
19. Title closing
20. Appraisal of residential and income producing property
21. Planning subdivision developments and condominiums
22. Regulatory statutes
23. Housing legislation
24. Fair housing statutes
25. Real Estate Board regulations

18VAC135-20-410. Broker courses.

A. Brokerage shall be a required specific course with three semester hours or six quarter hours, but not less than 45 class hours, constituting a complete course.

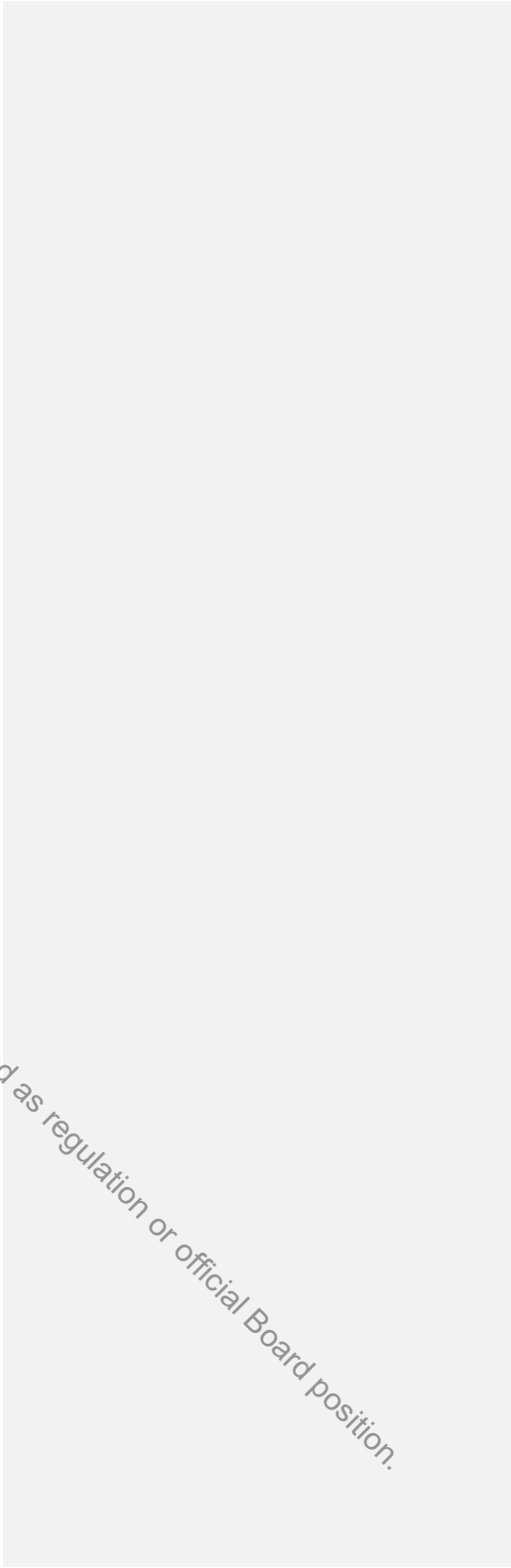
B. "Related subjects," as referred to in § [54.1-2105](#) of the Code of Virginia, shall be real estate related ~~and shall include, but are not limited to~~ including, courses in property management, land planning and land use, business law, real estate economics, and real estate investments.



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C. No more than 45 class hours of broker-related courses shall be accepted in lieu of specific broker courses set forth in § [54.1-2105](#) of the Code of Virginia.

D. Schools intending to offer equivalent broker courses must submit to the board for approval a copy of the syllabus of the particular course with a cover letter requesting approval.



REAL ESTATE BOARD FAIR HOUSING SUB-COMMITTEE MEETING MINUTES

May 18, 2023

On Thursday, May 18, 2023 at 9:45 a.m., the Real Estate Board Fair Housing sub-committee met at the Department of Professional and Occupational Regulation. Board members Margaret "Maggie" Davis, Catina Jones and Anna Thronson attended on behalf of the Real Estate Board. Lizbeth Hayes, Deanda Shelton, Dejourie Fullerton and Alex Gordon attended on behalf of the Fair Housing Office.

The meeting was called to order at approximately 9:45 a.m. by Maggie Davis. Staff advised board members of the number of cases currently under investigation and in intake. The board members and staff briefly discussed the cases on the agenda.

Ms. Davis adjourned the meeting at approximately 9:50 a.m.

Sharon Johnson, Chair

Demetrios J. Melis, Secretary

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REAL ESTATE BOARD
MINUTES OF MEETING

May 18, 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:

Ibrahim Moiz, Vice-Chair
Margaret 'Maggie' Davis
Joseph 'Kemper' Funkhouser, III
Cavelle Mollineaux
David Perry
Nancy 'Nan' Piland
Catina Jones
Anna Thronson

Board members absent from the meeting: Sharon Johnson, Chair

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

Demetrios Melis, Director
Tom Payne, Deputy Director
Stephen Kirschner, Deputy Director
Carol Mitchell, Director, Alternative Dispute Resolution Section
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Dejourie Fullerton, Fair Housing Investigator
Alex Gordon, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Emily Trent, Administrative Coordinator

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

Mr. Moiz called the meeting to Order at 10:02 A.M.

Call to Order

A motion was made by Mr. Funkhouser and seconded by Mr. Perry to approve the agenda. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

Agenda

A motion was made by Ms. Davis and seconded by Mr. Mollineaux to adopt the February 15, 2023, Real Estate Regulatory Review Committee Meeting minutes, March 16, 2023, Real Estate Fair Housing Sub-Committee Meeting minutes, March 16, 2023, Real Estate Board Meeting minutes and May 2, 2023, Real Estate Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

Lawrence Marshall, II, addressed the Board regarding joint ventures and RESPA disclosures. No action was taken by the Board.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load. No action was taken by the Board.

Mr. Shockley gave the Board a litigation update. No action was taken by the Board.

In the matter of **Deanna Bell v. Christopher and Natasha Tejada, Danielle (LNU) and TWG Enterprises, Inc., REB File 2023-00410**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find no reasonable cause the respondents discriminated against the complainant by refusing to rent, offering discriminatory terms and conditions, or refusing to provide a reasonable accommodation based upon her daughter’s disability. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **Carolyn Robinson v. Lee’s Crossing Community Association and Landmarc Real Estate, Inc., REB File 2020-01820**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find no reasonable cause the respondents discriminated against the complainant in terms and conditions of her occupancy based upon race or disability. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **Kimberly Newman v. Van Metre Management Company and Van Metre at Southern Walk**

Minutes

Public Comment

Fair Housing Report

**Fair Housing –
Litigation Report**

**Deanna Bell v.
Christopher and
Natasha Tejada,
Danielle (LNU) and
TWG Enterprises,
Inc., REB File 2023-
00410**

**Carolyn Robinson v.
Lee’s Crossing
Community
Association and
Landmarc Real
Estate, Inc., REB File
2020-01820**

**Kimberly Newman v.
Van Metre**

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Apartments, LLP, REB File 2021-00865, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Kimberly Newman, complainant, submitted a written statement which was read by the Board. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find no reasonable cause the respondents discriminated against the complainant by offering discriminatory terms and conditions or by intimidation, coercion or harassment based upon race or familial status. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

**Management
Company and Van
Metre at Southern
Walk Apartments,
LLP, REB File 2021-
00865**

In the matter of **File Number 2023-01364, Woo Sik Oh**, 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. Woo Sik Oh, applicant, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and deny Mr. Oh's application for a real estate salesperson's license based upon the record after review of the facts, the information obtained at the Informal Fact-Finding Conference, and in consideration of the reasons for the revocation of Oh's prior license. The Board considered the nature and seriousness of the crimes that led to revocation of the prior license and failure to follow Board regulations by timely reporting of convictions and agreed it would be negligent to grant a license and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

**File Number 2023-
01364, Woo Sik Oh**

In the matter of **File Number 2023-01522, Shani N. Garrett**, 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. Larry Curry, witness for the applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Ms. Garrett's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

**File Number 2023-
01522, Shani N.
Garrett**

“Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-01281, Sara Louise Cummings**, 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. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Ms. Cummings’ application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-01281, Sara Louise Cummings

In the matter of **File Number 2023-01282, Sarah Ann Russell**, 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. Sarah Ann Russell, applicant, was present and addressed the Board. A motion was made by Ms. Piland and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* deny Ms. Russell’s application for a real estate salesperson’s license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, and in consideration of the amount of time that has elapsed since Russell’s last involvement in the commission of the crime, and the lack of evidence of Russell’s rehabilitation or rehabilitative effort while incarcerated or following release and agreed it would be negligent to grant a license and voted to deny the license. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Thronson.

File Number 2023-01282, Sarah Ann Russell

Due to a potential conflict of interest, Mr. Mollineaux did not vote or participate in the discussion in this matter.

In the matter of **File Number 2023-01637, Timothy Andrew Litzenburg**, 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-

File Number 2023-01637, Timothy Andrew Litzenburg

Finding Conference. Timothy Andrew Litzenburg, applicant, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Ms. Thronson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* deny Mr. Litzenburg's application for a real estate salesperson's license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, the Board determined it could not protect the health, safety and welfare of the public due to the nature and seriousness of the crime(s) and agreed it would be negligent to grant a license and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-01014, 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. Jodi Danielle Robinson, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Mr. Mollineaux to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Ms. Robinson's application for a real estate salesperson's license subject to an agreement for licensure for a period of two years wherein Ms. Robinson and her broker will provide quarterly reports to the Board. The motion failed. Members voting "Yes" were Funkhouser, Moiz and Mollineaux. Members voting "No" were Davis, Perry, Piland and Thronson. A motion was made by Ms. Davis and seconded by Ms. Thronson to deny Ms. Robinson's application for a real estate salesperson's license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, and based on the relationship of the crime to the purpose for requiring a license to engage in the occupation and the extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which Robinson had been involved, and agreed it would be negligent to grant a license and voted to deny the license. The motion passed by majority vote. Members voting "Yes" were Davis, Perry, Piland and Thronson. Members voting "No" were Funkhouser, Moiz and Mollineaux.

File Number 2023-01014, Jodi Danielle Robinson

Due to a potential conflict of interest, Ms. Jones did not vote or participate in the discussion in this matter.

In the matter of **File Number 2023-01017, Christian S. Harris**, 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. A motion was made by Mr. Funkhouser and seconded by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to approve Harris' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-01017, Christian S. Harris

In the matter of **File Number 2023-01367, Tracy D. Healy**, 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. A motion was made by Mr. Funkhouser and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Mr. Healy's application for an inactive real estate salesperson's license with the condition that post license education be completed by Healy by December 31, 2023. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-01367, Tracy D. Healy

In the matter of **File Number 2022-02762, Simon Judas Dart**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Simon Judas Dart, respondent, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Mr. Mollineaux to find a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board's 2021 Regulations, and a violation of 18 VAC 135-20-180.C.2 (Count 2) of the Board's 2021 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Jones, Moiz, Mollineaux, Perry and Thronson.

File Number 2022-02762, Simon Judas Dart

A motion was made by Ms. Davis and seconded by Mr. Mollineaux to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a

monetary penalty of \$250.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, for a total of \$750.00. In addition, for violations of Counts 1 and 2, Dart's license shall be placed on probation for a period of six (6) months and required to complete three (3) classroom hours of Board-approved post-license education pertaining to Escrow Requirements. Such course(s) shall be completed in a classroom. Further, Dart shall provide evidence acceptable to the Board that Dart successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced post-license education hours will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Jones, Moiz, Mollineaux, Perry and Thronson.

As the presiding Board member and Board member who reviewed the file, Ms. Piland and Mr. Funkhouser did not vote or participate in the discussion in this matter.

In the matter of **File Number 2022-01993, Brian Darrell Hall**, the Board reviewed the record which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Brian Darrell Hall, respondent, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Ms. Piland to find a violation of 18 VAC 135-20-260.11.a (Count 1) of the Board's 2015 Regulations, no violation of 18 VAC 135-20-180.C.5 (Count 2) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-260.12.b (Count 3) of the Board's 2015 Regulations and a violation of §54.1-2132.A.4 (Count 4) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Davis, Jones, Moiz, Mollineaux, Piland and Thronson.

File Number 2022-01993, Brian Darrell Hall

A motion was made by Ms. Davis and seconded by Ms. Thronson to accept the amended recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$350.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 3, \$750.00 for the violation contained in Count 4, for a total of \$3,600.00. In addition, for violation of Count 3, Hall's license shall be suspended for a period of sixty (60) days. In addition, Hall's license shall be placed on probation for a period of six (6) months. The terms of the probation shall be as follows:

- For violation of Count 1, Hall shall be required to complete three (3) hours of Board-approved post-license education pertaining to Escrow Requirements;
- For violations of Counts 1 and 3, Hall shall be required to complete six (6) hours of Board-approved post-license education pertaining to Real Estate Law and Regulations;
- For violations of Counts 1, 3 and 4, Hall shall be required to complete three (3) hours of Board-approved post-license education pertaining to Ethics and Standards of Conduct.

The above-referenced post-license education hours shall be completed in a classroom. Further, Hall shall provide evidence acceptable to the Board that Hall has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced post-license education hours will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license. The Board amended the recommendation contained in the Summary of the Informal Fact-Finding Conference to clarify the number of hours of Real Estate Law and Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Jones, Moiz, Mollineaux, Piland and Thronson.

As the presiding Board member and Board member who reviewed the file, Mr. Perry and Mr. Funkhouser did not vote or participate in the discussion in this matter.

In the matter of **File Number 2023-00115, Frank Cava**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cava. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Cava admits to a violation of §54.1-2135.A.1 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for the violation of Count 1, Cava 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 to the Board within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion

File Number 2023-00115, Frank Cava

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passed unanimously. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Piland and Thronson.

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

A motion was made by Ms. Davis and seconded by Mr. Funkhouser to take cases 15-26, as a block vote. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2022-02436, Randy Wampler**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wampler. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Wampler admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board’s 2015 Regulations, and a violation of 18 VAC 135-20-190.C.3.a (Count 2) of the Board’s 2015 Regulations, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,750.00. In addition, Wampler 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 the Order. The courses must be completed in the classroom.

- For violation of Count 1, six (6) hours pertaining to Real Estate Law and Regulations and;
- Six (6) hours pertaining to Contract Writing;
- For violation of Count 2, 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. The motion passed unanimously. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-01433, Lisa Betham**

Consent Orders

File Number 2022-02436, Randy Wampler

File Number 2023-

Garrett, t/a Lisa B. Garrett, the Board reviewed the Consent Order as seen and agreed to by Ms. Garrett. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Garrett admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$1,250.00. In addition, for the violation of Count 1, Garrett 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

**01433, Lisa Betham
Garrett, t/a Lisa B.
Garrett**

In the matter of **File Number 2022-02444, Cynthia Diane Ward**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ward. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ward admits to a violation of §54.1-2135.A.2 (Count 1) of the *Code of Virginia*, and agrees a monetary penalty of \$550.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$700.00. The Board shall waive imposition of the \$550.00 monetary penalty for Count 1, provided Ward successfully completes the below specified Post-License education. If Ward fails to comply with this condition, then the full monetary penalty will be automatically imposed. In addition, Ward 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

**File Number 2022-
02444, Cynthia Diane
Ward**

In the matter of **File Number 2023-01165, Kacie Erin Jenkins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Jenkins. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Jenkins admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations and agrees to a monetary penalty of \$600.00 for each violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, Jenkins 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-01165, Kacie Erin Jenkins

In the matter of **File Number 2023-00393, Ian Patrick Di Sesa**, the Board reviewed the Consent Order as seen and agreed to by Mr. Di Sesa. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Di Sesa admits to a violation of §54.1-2131A.1 (Count 1) of the *Code of Virginia*, and agrees a monetary penalty of \$1,200.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$1,350.00. In addition, Di Sesa 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-00393, Ian Patrick Di Sesa

In the matter of **File Number 2023-01504, Antionette Sue Royal, t/a Sue Royal**, the Board reviewed the Consent Order as seen and agreed to by Ms. Royal. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Royal admits to *two violations* of

File Number 2023-01504, Antionette Sue Royal, t/a Sue Royal

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18 VAC 135-20-260.11.g (Count 1) of the Board's 2021 Regulations, and *two violations* of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, \$600.00 for each violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,350.00. In addition, Royal 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 the Order. The courses must be completed in the classroom.

- For violation of Count 1, three (3) hours pertaining to Escrow Requirements; and
- For violation of Count 2, 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. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-00408, Diane Marie Steele, t/a Diane Steele**, the Board reviewed the Consent Order as seen and agreed to by Ms. Steele. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Steele admits to *two violations* of 18 VAC 135-20-300.6 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$600.00 for each violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, Steele 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-00408, Diane Marie Steele, t/a Diane Steele

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In the matter of **File Number 2023-00276, Zhenhe Pan**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pan. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Pan admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2021 Regulations, and agrees to a monetary penalty of \$1,400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,550.00. In addition, Pan 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 the Order. The courses must be completed in the classroom.

- Six (6) hours pertaining to Real Estate Law and Regulations course; and
- Three (3) hours pertaining to Ethics and Standards of Conduct course.

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. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-00135, Jimmy A. Yeh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yeh. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Yeh admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 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, Yeh 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 the Order. The courses must be completed in the classroom.

- For violation of Count 1, six (6) hours pertaining to Real Estate Law and Regulations course; and
- Six (6) hours pertaining to Contract Writing.

File Number 2023-00276, Zhenhe Pan

File Number 2023-00135, Jimmy A. Yeh

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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. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-00004, Jeffrey Robert Leighton**, the Board reviewed the Consent Order as seen and agreed to by Mr. Leighton. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Leighton admits to a violation of §54.1-2137.A (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations and agrees a monetary penalty of \$400.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$1,150.00. In addition, Leighton 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-00004, Jeffrey Robert Leighton

In the matter of **File Number 2023-00127, Trevor Paul Moore**, the Board reviewed the Consent Order as seen and agreed to by Mr. Moore. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Moore admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations and agrees to a monetary penalty of \$600.00 for each violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, Moore agrees to complete at least nine (9) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and three (3) classroom hours pertaining to Escrow Requirements and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion

File Number 2023-00127, Trevor Paul Moore

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of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

In the matter of **File Number 2023-01008, Danielle Rene Dickerson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Dickerson. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Dickerson admits to a violation of 18 VAC 135-20-260.6 (Count 1) of the Board’s 2021 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, Dickerson agrees to revocation of her license. The motion passed unanimously. Members voting “Yes” were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

File Number 2023-01008, Danielle Rene Dickerson

The Board discussed the Regulatory Review Committee meeting schedule and confirmed current membership. The Real Estate Regulatory Review Committee members are Ibrahim Moiz, Sharon Johnson, Maggie Davis, Cavelle Mollineux, Kemper Funkhouser, Nan Piland, Joe Funkhouser, Lynn Grimsley, Boyd Smith, Kit Hale, Erin Kormann, and Lawrence Marshall, II. The Board agreed the next Regulatory Review Committee meetings would take place directly following the Real Estate Board meetings on July 13, 2023, and September 28, 2023.

Administrative Issues

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

Mr. Kirschner addressed the Board acknowledging the large volume of applications and forms processed and work completed by the Real Estate Board staff. The Board commended the efforts of staff.

A regulatory report was given by Mr. Kirschner which addressed pending regulatory actions including a proposed fee adjustment and the Universal License Recognition Emergency Regulation. No action was taken by the Board.

Mr. Kirschner gave a legislative report. No action was taken by the Board.

Ms. Piland provided a report from the May 17, 2023, Real Estate Education Committee meeting noting a correction that the Committee recommended one original post-license and continuing education course application be approved instead of zero. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to adopt the corrected May 17, 2023, Real Estate Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

Education

Mr. Kirschner requested the Board establish a formal election policy to govern Board elections for Chair and Vice Chair of the Real Estate Board. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to hold an election for Chair and Vice Chair during the first Real Estate Board meeting of each year in July. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Mollineaux, Perry, Piland and Thronson.

New Business

Liz Hayes, Todd Shockley and Carol Mitchell presented Fair Housing training to the Board.

Fair Housing Training

Maggie Davis departed the meeting at 12:16 p.m.

Ibrahim Moiz departed the meeting at 12:31 p.m.

Anna Thronson departed the meeting at 12:58 p.m.

There being no further business, the Board adjourned at 1:28 p.m.

Adjourn

Sharon Johnson, Chair

Demetrios J. Melis, Secretary

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

**Real Estate Board
954640**

2022-2024 Biennium

April 2023

	April 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - April 2021	July 2022 - April 2023
Cash/Revenue Balance Brought Forward			0
Revenues	379,115	3,716,071	3,874,082
Cumulative Revenues			3,874,082
Cost Categories:			
Board Expenditures	22,875	215,727	275,804
Board Administration	59,294	900,993	1,012,274
Administration of Exams	2,151	39,907	72,558
Enforcement	47,776	929,165	984,393
Legal Services	0	27,854	40,086
Information Systems	66,271	627,648	588,212
Facilities and Support Services	36,426	335,299	346,791
Agency Administration	35,381	413,821	677,055
Other / Transfers	0	0	(984)
Total Expenses	270,175	3,490,412	3,996,189
Transfer To/(From) Cash Reserves	(2,550)	0	(264,668)
Ending Cash/Revenue Balance			142,561

Cash Reserve Beginning Balance	1,694,193	0	1,956,311
Change in Cash Reserve	(2,550)	0	(264,668)
Cash Reserve Ending Balance	1,691,643	0	1,691,643

Number of Regulants	
Current Month	79,555
Previous Biennium-to-Date	73,835