

REAL ESTATE BOARD MEETING AGENDA

Thursday, December 4, 2025, 10:00 a.m.
2nd Floor – Board Room 2

Department of Professional and Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233

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

I. CALL TO ORDER

- a. Emergency Egress
- b. Determination of Quorum

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

- a. Real Estate Board Meeting, November 06, 2025

IV. PUBLIC COMMENT PERIOD ***FIVE MINUTE PUBLIC COMMENT, PER PERSON***

V. FAIR HOUSING REPORT

- a. Litigation Update

VI. REAL ESTATE CASES

DISCIPLINARY CASE FILES

1. File Number 2024-01094 - John Nicholas D'Ambrosia, dba Nick D'Ambrosia
(**Funkhouser, Hale, and Fonseca**)

VII. NEW BUSINESS

- a. Executive Director's Update
 - i. Discuss §54.1-2108.2
- b. Regulatory Update – Final Review of Proposed Virginia Real Estate Board Regulations
- c. Alternative language 18VAC135-20-165
- d. Review Public Comments and Proposed Board Responses

VIII. OTHER BUSINESS

IX. 2026 BOARD MEETING DATES

X. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER

- a. Travel Voucher

b. Conflict of Interest Form

X. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, January 22, 2026

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- ❖ Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA

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

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

DETERMINATION OF QUORUM:

- The Real Estate Board, consist of nine members, adheres to the requirement that a quorum, defined as the minimum number of members necessary to conduct official business, is constituted by five board members in accordance with [§ 54.1-2104](#).

DRAFT AGENDA

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REAL ESTATE BOARD
MINUTES OF MEETING

November 6, 2025

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. All members present were qualified to vote, except where a specific reason for disqualification is stated. There are nine (9) members on this Board, in which five (5) constitutes a quorum pursuant to § 54.1-2104.

The following Board members were present:

Joseph 'Kemper' Funkhouser, III, Chair
Kermit 'Kit' Hale, Vice-Chair
Pieri Burton
Aekta Chawla
Jeremy Dalpiaz
Hector 'Rene' Fonseca
Dr. Bernice Travers (arrived 10:20 a.m.)

Board members not present:

Cavelle Mollineaux
Rajesh Patel

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

Jeb B. Wilkinson, Agency Director
Steve Kirschner, Director LRPD
Tom Payne, Director CID
Anika Coleman, Executive Director
Joseph Haughwout, Regulatory Affairs Manager
(arrived at 10:30 a.m.)
Amy Goobic, Executive Assistant
Liz Hayes, Fair Housing Director
Vanessa DeGraw, Program Operations Administrator
Summer Saunders, Licensing Specialist

Josh Laws and Brittney 'Elle' Hinton from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 10:01 A.M.

**CALL TO
ORDER**

Ms. Coleman reviewed the emergency evacuation procedures.

**EMERGENCY
EGRESS**

Mr. Funkhouser determined that a quorum was a present.

**DETERMINATION
OF QUORUM**

Mr. Hale moved to approve the agenda. **Mr. Burton seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

**APPROVAL OF
AGENDA**

Mr. Hale moved to approve the minutes from the September 4, 2025, Real Estate Board meeting, the Real Estate Board Fair Housing Sub-Committee meeting, September 4, 2025, and September 25, 2025, Real Estate Public Hearing. **Mr. Burton seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

**APPROVAL OF
MINUTES**

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

**FAIR HOUSING
REPORT**

Ms. Hinton, Assistant Attorney General, provided the Board with a litigation update.

**LITIGATION
REPORT**

REAL ESTATE CASES

Disciplinary Case Files

Mr. Funkhouser informed the Board that the first three disciplinary cases on the agenda would not have a quorum, as a board member for each case would need to be recused, thus losing a quorum. The cases will be considered at such time a quorum is present.

In the matter of File Number 2024-01158 – Miles B. Leon, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. Mr. John ‘Chip’ Dicks, attorney, was present representing Mr. Miles.

**File Number 2024-
01158, Miles B. Leon**

Mr. Dalpiaz moved to accept the recommendation and find no violation of **18VAC135-20-200.11.a** of the Real Estate Board Regulations (Count 1). **Ms. Chawla seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

Mr. Dalpiaz moved to accept the recommendation and find no violation of **18VAC135-**

20-260.11.a of the Real Estate Board Regulations (Count 2). **Mr. Fonseca seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

In the matter of File Number 2025-01158, Braxton B. Pollard, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. Mr. Connell Mullins, attorney, was present representing Mr. Pollard.

File Number 2025-01158, Braxton B. Pollard

Mr. Hale moved to accept the recommendation and find no violation of **18VAC135-20-260.11.a** of the Real Estate Board Regulations (Count 1). **Mr. Dalpiaz seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

In the matter of **File Number 2025-01565 – Jemoni Tyanna Carter**, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. Amy Carter, IFF witness, was present to support Ms. Carter. Jemoni Tyanna Carter was present via telephone.

File Number 2025—01565, Jemoni Tyanna Carter

Mr. Dalpiaz moved to find violation of **18VAC135-20-260.12.c** of the Real Estate Board Regulations (Count 1). **Mr. Hale seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

Ms. Coleman informed the Board of a prior violation.

Mr. Hale moved to deny the recommendation contained in the Summary of the Informal Fact-Finding Conference, which imposed a monetary penalty, education, and six months of probation, and instead moved for revocation of Ms. Carter’s license. **Mr. Dalpiaz seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Hale.

Dr. Travers arrived at 10:19 a.m.

Arrival of Dr. Travers

Recusal of Mr. Dalpiaz

In the matter of **File Number: 2025-01987– Terri Lynn Moberly**, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. Moberly did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-01987, Terri Lynn Moberly

Mr. Hale moved to find a violation of **18 VAC 135-20-180.C.4** of the Real Estate Board Regulations (Count 2). **Ms. Chawla seconded** the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale and Travers.

Mr. Hale moved to find a violation of **18 VAC 135-20-180.C.2** of the Real Estate Board

Regulations (Count 1). **Mr. Burton seconded** the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale and Travers.

Mr. Burton moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:
For violation of Count 1, Moberly shall pay a monetary penalty of \$2,000.00.

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale and Travers.

Ms. Chawla moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:
For violation of Count 2, Moberly shall pay a monetary penalty of \$2,500.00. For a total monetary penalty of \$4,500.00.

Mr. Burton seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale and Travers.

In addition, for the violations of Counts 1 and 2, the Board voted to impose revocation of Moberly's license

Mr. Hale assumed the role of Chair.

In the matter of **File Number 2025-01014 – Stephanie Julia Smith dba Stephanie Smith**, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference ("IFF"), and the Summary.

Ms. Coleman informed the Board that Ms. Smith is requesting the Board reconsider File Number 2025-01014, as she did not receive notice of the Informal Fact-Finding Conference (IFF) due to an address change. Ms. Smith would like to participate in the Informal Fact-Finding Conference.

Mr. Burton moved to reconsider and remand File Number 2025-01014 to an IFF. **Dr. Travers** seconded the motion which was approved by members: Burton, Fonseca, and Travers. Board members opposed: Chawla, and Hale.

Mr. Burton assumed the role of Chair.

In the matter of **File Number 2024-01094 – John Nicholas D' Ambrosia, dba Nick D'**

Recusal of Mr. Funkhouser and Mr. Dalpiaz

File Number 2025-01014, Stephanie Julia Smith dba Stephanie Smith

**Return of Mr. Dalpiaz
Recusal of Mr. Hale**

File Number 2024-

Ambrosia, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. D’Ambrosia was present to address the Board

**01094, John Nicholas D’
Ambrosia, dba Nick D’
Ambrosia**

Mr. Fonseca informed the Board that he had a professional relationship with Mr. D’Ambrosia, and had a conflict of interest with the case, therefore he could not participate.

Ms. Coleman stated that at such time there was not a quorum of the Board present to vote on File Number 2024-01094, that the case would need to be postponed and would be on the December 4, 2025, agenda. Ms. Coleman apologized to Mr. D’Ambrosia for the inconvenience.

Mr. Funkhouser resumed the role of Chair.

**Recusal of Mr. Burton
Return of Mr.
Funkhouser**

In the matter of **File Number: 2024-02691, – Jennifer Dawn Hoyer dba Jennifer Hoyer**, the Board reviewed the record which consisted of the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference (“IFF”), and the Summary. Hoyer did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

**File Number 2024-
02691, Jennifer Dawn
Hoyer dba Jennifer
Hoyer**

Mr. Dalpiaz moved to find a violation of **18 VAC 135-20-260.11.g** of the Real Estate Board Regulations (Count 2). **Ms. Chawla seconded** the motion, which was unanimously approved by members: Chawla, Dalpiaz, Fonseca, Funkhouser, and Travers.

Mr. Dalpiaz moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanction:
For violation of Count 1, Hoyer shall pay a monetary penalty of \$500.00.

Ms. Chawla seconded the motion, which was unanimously approved by members: Chawla, Dalpiaz, Fonseca, Funkhouser, and Travers.

**Return of Mr. Burton
and Mr. Hale**

**PRIMA FACIE
DISCIPLINARY CASE
FILES**

In the matter of **File Number: 2023-03016 – Rodney R. Williams** the Board reviewed the record which consisted of the Notice, the Report Findings, including exhibits, and the Recommendation. Williams did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-03016, Rodney R. Williams

Mr. Dalpiaz moved to a find violation of **18VAC135-20-260.6** of the Real Estate Board Regulation (Count 1). **Ms. Chawla seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Dalpiaz moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

For violation of Count 1, the Board imposed revocation of Williams' license.

Mr. Fonseca seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-00535 – Rhan Khaim Pittman** the Board reviewed the record which consisted of the Notice, the Revised of Report Findings, including exhibits, and the Recommendation. Pittman did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-00535, Rhan Khaim Pittman

Mr. Dalpiaz moved to a find violation of **18 VAC 135-20-260.11.g** of the Real Estate Board Regulations (Count 1). **Mr. Fonseca seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Dalpiaz moved to find a violation of **18 VAC 135-260.11.m** of the Real Estate Board Regulations (Count 2), **Mr. Hale seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Dalpiaz moved to find a violation of §54.1-2135.A.1 of the *Code of Virginia* (Count 3). **Ms. Chawla seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Dalpiaz moved to find a violation of 18 VAC 135-20-310.1 of the Real Estate Board regulations (Count 4). **Ms. Chawla seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Ms. Coleman stated that Pittman has not complied with 2024 prior disciplinary action.

Mr. Hale moved to accept the recommendation contained in the Summary of the

Informal Fact-Finding Conference to impose the following sanctions:

For violation of Count 1, Pittman shall pay a monetary penalty of \$500.00. For violation of Count 2, Pittman shall pay a monetary penalty of \$950.00. for the violation contained in Count 3, Pittman shall pay a monetary penalty of \$800.00. For the violation of Count 4, Pittman shall pay a monetary penalty of \$500.00. In addition, for the violations contained in Counts 1, 2, and 3, the Board imposed revocation of Pittman's license.

Mr. Burton seconded the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

**LICENSING CASE
FILES**

In the matter of **File Number 2025-01402 – Xavery Malik Washington**, the Board reviewed the record which consisted of the application file, the transcript and exhibits from the Informal Fact-Finding Conference, and the Summary. Washington did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

**File Number 2025-
01402, Xavery Malik
Washington**

Mr. Burton moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and Xavery Malik Washington's application for a Real Estate Salesperson license by examination be approved.

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number 2025-01925 – Kayla Lachelle French**, 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. French did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

**File Number 2025-
01925, Kayla
Lachelle French**

Mr. Burton moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve French's application for a Real Estate Salesperson License by Examination with a two-year probationary period and quarterly reporting by French and her supervising broker.

Ms. Chawla seconded the motion which was approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number 2025-02400 – Dion Antrone Rainey**, 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. Rainey did not appear at the Board meeting in person, by counsel, or by any other

**File Number 2025-
02400, Dion Antrone
Rainey**

qualified representative.

Mr. Burton moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Rainey's application for a Real Estate Salesperson License by Examination with a two-year probationary period and quarterly reporting by Rainey and his supervising broker.

Ms. Chawla seconded the motion which was approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number 2025-02494 – Drake Samuel Davidson**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Mr. Davidson was present to address the Board.

File Number 2025-02494, Drake Samuel Davidson

Mr. Burton moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Davidson's application for a Real Estate Salesperson License by Examination with a one-year probationary period and quarterly reporting by Davidson and his supervising broker.

Ms. Chawla seconded the motion which was approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Recusal of Mr. Hale

In the matter of **File Number 2025-03016 – Andre Richard Perry, Sr.**, 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. Perry was present to address the Board.

File Number 2025—03016, Andre Richard Perry, Sr.

Mr. Burton moved to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) denying Perry's application for a Real Estate Broker License by reciprocity, and to approve Perry's application with a one-year probationary period and quarterly reporting by Perry and his principal broker.

Mr. Fonseca seconded the motion which was approved by members: Burton, Chawla, Fonseca, Funkhouser, and Travers. Mr. Dalpiaz was opposed.

Return of Mr. Hale

Mr. Dalpiaz moved to consider Consent Order case files 2025-01301, 2025-01935, 2025-02142, and 2025-02223 as a block vote.

**CONSENT ORDERS
AS A BLOCK VOTE**

Ms. Chawla seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Hale moved to accept Consent Order case files 2025-01301, 2025-01935, 2025-

02142, and 2025-02223. **Mr. Dalpiaz seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-01301 – William Raul Coalson**, the Board reviewed the Consent Order as seen and agreed to by Coalson. Coalson did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-01301, William Raul Coalson

Mr. Hale moved to accept the proposed Consent Order offer wherein Coalson admits to a violation **18VAC135-20-260.11** of the Real Estate Board's regulations (Count 1), and a violation of **§ 54.1-2137.B** of the *Code of Virginia* (Count 2), and agrees to a monetary penalty of \$1,400.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count, and \$350.00 in Board costs, for a total monetary penalty of \$2,100.00.

In addition, Coalson agrees to complete at least the number of classroom hours, as specified below, of Board-approved Post-License education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of this Consent Order. The courses must be completed in the classroom.

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

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

Mr. Dalpiaz seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-01935 – Jackie L. Boyd**, the Board reviewed the Consent Order as seen and agreed to by Boyd. Boyd did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-01935, Jackie L. Boyd

Mr. Hale moved to accept the proposed Consent Order offer wherein Boyd admits to a violation **§ 54.1-2132.A.4** of the *Code of Virginia* (Count 1), and a violation of **18 VAC 135-20-310.2** Real Estate Board's regulations (Count 2), and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count, and \$350.00 in Board costs, for a total monetary penalty of \$1,500.00.

In addition, Boyd agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Escrow Requirements and provide

proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Mr. Dalpiaz seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-02142 – Shana Lynn Magliacano**, the Board reviewed the Consent Order as seen and agreed to by Magliacano. Magliacano did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-02142, Shana Lynn Magliacano

Mr. Hale moved to accept the proposed Consent Order offer wherein Magliacano admits to a violation § 54.1-2138.2 of the *Code of Virginia* (Count 1) and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$700.00.

In addition, for violation of Count 1, Magliacano agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Contract Writing and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Mr. Dalpiaz seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-02223 – Cynthia Swain Brown**, the Board reviewed the Consent Order as seen and agreed to by Brown. Brown did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-02223, Cynthia Swain Brown

Mr. Hale moved to accept the proposed Consent Order offer wherein Brown admits to a violation 18 VAC 135-20-260.11.g of the Real Estate Board regulations (Count 1) and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$850.00.

In addition, Brown agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Escrow Requirements and provide proof of attendance

and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Mr. Dalpiaz seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Recusal of Mr. Dalpiaz

Mr. Hale moved to consider Consent Order case files 2025-01361, 2025-02045, and 2025-02144 as a block vote.

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale, and Travers.

Mr. Hale moved to accept Consent Order case files 2025-01361, 2025-02045, and 2025-02144 as a block vote. **Ms. Chawla seconded** the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale, and Travers

In the matter of **File Number: 2025-01361 – Kyla Amber Irizarry**, the Board reviewed the Consent Order as seen and agreed to by Irizarry. Irizarry did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-01361, Kyla Amber Irizarry

Mr. Hale moved to accept the proposed Consent Order offer wherein Irizarry admits to a violation § 54.1-2138.2 of the *Code of Virginia* (Count 1) and agrees to a monetary penalty of \$1,200.00 for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$1,550.00.

In addition, Irizarry agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-02045 – Ranjeev Singh Guliani**, the Board reviewed the Consent Order as seen and agreed to by Guliani. Guliani did not appear at

File Number 2025-02045, Ranjeev Singh

the Board meeting in person, by counsel, or by any other qualified representative.

Guliani

Mr. Hale moved to accept the proposed Consent Order offer wherein Guliani admits to a violation § 54.1-2138.2 of the *Code of Virginia* (Count 1) and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$1,100.00.

In addition, Guliani agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale, and Travers.

In the matter of **File Number: 2025-02144 – Tametha Ann Medina**, the Board reviewed the Consent Order as seen and agreed to by Medina. Medina did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2025-02144, Tametha Ann Medina t/a Tami Medina-Bache

Mr. Hale moved to accept the proposed Consent Order offer wherein Medina admits to a violation 18 VAC 135-20-260.12 of the Real Estate Board regulations (Count 1) and agrees to a monetary penalty of \$2,000.00 for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$2,350.00.

In addition, for violation of Count 1, Medina agrees to a six (6) month probation of her license as of the effective date of this Order.

Further, Medina 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 nine (9) months of the effective date of this Consent Order. The courses must be completed in the classroom.

- Real Estate Law and Regulations six (6) hours;
- Ethics and Standards of Conduct three (3) hours;
- Agency Law three (3) hours; and
- Contract Writing six (6) hours

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

Ms. Chawla seconded the motion which was unanimously approved by members: Burton, Chawla, Fonseca, Funkhouser, Hale, and Travers.

**Return of Mr. Dalpiaz,
Recusal of Mr. Hale**

In the matter of **File Number: 2025-01739 – James Alfred Metcalf, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Metcalf. Metcalf did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

**File Number 2025-
01739, James Alfred
Metcalf, Jr.**

Mr. Dalpiaz moved to accept the proposed Consent Order offer wherein Metcalf admits to a violation **18 VAC 135-20-260.6** of the Real Estate Board regulations (Count 1) and agrees to no monetary penalty for the violation contained in Count 1, and \$350.00 in Board costs, for a total monetary penalty of \$350.00.

In addition, Metcalf agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

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

Ms. Chawla seconded the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, and Travers.

Return of Mr. Hale

Mr. Hale provided a report from November 5, 2025, Real Estate Education Committee meeting. **Mr. Burton moved** to accept the report as written. **Ms. Chawla seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

EDUCATION

Ms. Coleman provided the Executive Director's update.

NEW BUSINESS

Ms. Coleman provided regulatory update, stating that the Public Hearing for the General Review was held September 25, 2025. There were no comments made in person, six comments were received online. Mr. Haughwout stated that the summary of comments and approval of the regulations would be considered at the December meeting.

Regulatory Update

Mr. Haughwout recommended that the Board consider repealing Guidance Document 2021, regarding Post-Licensure Education as it is being incorporated into the final Real Estate Board Licensing Regulations.

Ms. Chawla moved to repeal Guidance Document 2021. **Mr. Hale seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca,

Funkhouser, Hale, and Travers.

Mr. Wilkinson departed the meeting at 11:17 a.m.

Staff Member Departure

Mr. Haughwout discussed existing Guidance Document 7123, which allows staff to approve applications that disclose certain criminal convictions. Mr. Haughwout recommends amending the guidance document to provide for a delegation of authority to DPOR staff to conduct predetermination fact-findings and license eligibility fact-findings (IFFs) in accordance with applicable portions of the Administrative Process Act (Code of Virginia § 2.2-4000 et. seq.). These delegation of authority provisions are being added to all DPOR regulatory board guidance documents that provide guidance regarding applicants who disclose criminal convictions on an application.

Regulatory Update Continued

Mr. Hale moved to adopt the amended Guidance Document. Ms. Chawla **seconded** the motion, which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

Mr. Payne addressed the Board regarding a motion filed for ‘pro hac vice’ counsel for an upcoming Fair Housing case. Mr. Payne and Mr. Laws explained that the motion grants counsel, not licensed in Virginia, to participate in a specific legal matter, along with a licensed Virginia attorney. **Mr. Dalpiaz moved** to approve the ‘pro hac vice’ motion. **Mr. Burton seconded** the motion which was unanimously approved by members: Burton, Chawla, Dalpiaz, Fonseca, Funkhouser, Hale, and Travers.

OTHER BUSINESS

Ms. Coleman provided exam statistics. Ms. Coleman also informed Board members that subject matter experts selected for PSI (exam vendor) exam review should have received email, she will follow up with Greg Emerson, Director of Examinations.

Exam Statistics

Ms. Coleman reviewed the financial statements of the Virginia Real Estate Transaction Recovery Act Fund.

Board Recovery Fund

Board members considered the following 2026 meeting dates:

- January 22
- March 12
- May 14
- July 16
- September 10
- November 10

2026 Board Meeting Dates

Mr. Funkhouser reminded the Board to complete the Conflict-of-Interest Statements and Travel Reimbursement Forms.

**COMPLETION OF
PAPERWORK**

There being no further business, the Board adjourned at 11:36 A.M.

ADJOURN

Joseph 'Kemper' Funkhouser, III, Chair

James B. "Jeb" Wilkinson, Jr., Secretary

Code of Virginia

Title 54.1. Professions and Occupations

Chapter 21. Real Estate Brokers, Sales Persons and Rental Location Agents

§ 54.1-2108.2. Protection of escrow funds, etc., held by a real estate broker in the event of termination of a real estate purchase contract.

Notwithstanding any other provision of law, for purchase transactions:

1. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker, or an agent of such principal broker or supervising broker, that is to be held in the firm's escrow account shall be placed in such 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.
2. If a principal broker or supervising broker, or an agent of such principal broker or supervising broker, receives an earnest money deposit that will not be held in the firm's escrow account, the principal broker or supervising broker shall ensure that the earnest money deposit is delivered to the escrow agent named in the contract by the end of the fifth business banking day following receipt of the deposit, unless otherwise agreed to in writing by the principals to the transaction.
3. 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 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: (a) hand delivery; (b) 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; (c) 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 (d) 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.

4. 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](#).
5. 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](#) and otherwise comply with the provisions of § [54.1-2108.1](#).

2018, cc. [60](#), [86](#); 2019, cc. [179](#), [395](#); 2022, c. [380](#).

Project 7813 - Final

Real Estate Board

General Review of Virginia Real Estate Board Licensing Regulations

18VAC135-20-10. Definitions.

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

"Accredited university, college, community college, [or other school] or educational institution" means (i) institutions of higher learning approved by the State Council of Higher Education for Virginia; (ii) those institutions listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers; or (iii) any state-accredited secondary school that offers adult distributive education courses.

"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 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 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.

"Advertising" means all communication disseminated through any medium to consumers for any purpose related to licensed real estate activity.

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

"Another state" means the same as the term is defined in § 54.1-205 of the Code of Virginia.

"Application deposit" means the same as the term is defined in § 55.1-1200 of the Code of Virginia.

"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 Real Estate Board.

"Branch office" means the same as the term is defined in § 54.1-2100 of the Code of Virginia.

"Brokerage relationship" means the same as the term is defined in § 54.1-2130 of the Code of Virginia.

"Brokerage services" means the same as the term is defined in § 54.1-2130 of the Code of Virginia.

"Class hour or clock hour" means 50 minutes of instruction.

"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.

"Contact information" means telephone number, email address, or web address of the firm or branch office, or a digital link thereto when used in digital advertising.

"Cooperating broker" means the broker representing the client on the other side of the existing or contemplated real estate transaction.

"Firm" means any business entity or sole proprietorship (nonbroker owner), ~~partnership, association, limited liability company, or corporation, other than a sole proprietorship (principal broker owner), that is~~ that transacts real estate business required by 18VAC135-20-20 B 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" means 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 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.

"MLS" means Multiple Listing Service.

"Neighboring state" means the same as the term is defined in § 54.1-205 of the Code of Virginia.

"Place of business" means the same as the term is defined in § 54.1-2100 of the Code of Virginia.

"Principal broker" means the individual broker ~~who shall be~~ designated by each firm to ensure 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 ~~that 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~~ is 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 a seller or buyer, landlord or tenant, optionor or optionee, ~~or licensor or licensee, or assignor or assignee.~~ For the purposes of this chapter, the listing or selling broker are not by virtue of their brokerage relationship, principals to the transaction.

"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 board to teach real estate courses.

"Provider" means an (i) accredited university, college, community college; (ii) a high school offering adult distributive education courses; or (iii) a proprietary school.

~~"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~~ will 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 real estate teams [;] 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.

18VAC135-20-13. General fee requirements.

A. All fees are nonrefundable [and will not be prorated]. The date of receipt by the board or its agent is the date that will be used to determine whether a fee is on time.

B. The fee for examination is subject to contracted charges to the board by an outside vendor.

These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts.

18VAC135-20-15. Fee schedule.

The following fees apply:

<u>Fee Type</u>	<u>Fee Amount</u>		<u>Recovery Fund Assessment* (if applicable)</u>	<u>Total Amount Due</u>	<u>When fee is due</u>
<u>Salesperson by education and examination</u>	<u>\$210</u>	<u>±</u>	<u>\$20</u>	<u>\$230</u>	<u>With initial application for salesperson license</u>
<u>Salesperson by reciprocity</u>	<u>\$210</u>	<u>±</u>	<u>\$20</u>	<u>\$230</u>	<u>With initial application for salesperson license</u>
<u>Salesperson renewal</u>	<u>\$100</u>			<u>\$100</u>	<u>At renewal</u>
<u>Salesperson reinstatement</u>	<u>\$155</u>			<u>\$155</u>	<u>At reinstatement</u>
<u>Salesperson or broker license as a business entity</u>	<u>\$265</u>	<u>±</u>	<u>\$20</u>	<u>\$285</u>	<u>With initial application for business entity license</u>
<u>Salesperson or broker license as a business entity renewal</u>	<u>\$135</u>			<u>\$135</u>	<u>At renewal</u>
<u>Salesperson or broker license as a business entity reinstatement</u>	<u>\$205</u>			<u>\$205</u>	<u>With reinstatement application</u>
<u>Broker by education and examination</u>	<u>\$265</u>	<u>±</u>	<u>\$20</u>	<u>\$285</u>	<u>With initial application for broker license</u>
<u>Broker by reciprocity</u>	<u>\$265</u>	<u>±</u>	<u>\$20</u>	<u>\$285</u>	<u>With initial application for broker license</u>

<u>Broker renewal</u>	<u>\$120</u>			<u>\$120</u>	<u>At renewal</u>
<u>Broker reinstatement</u>	<u>\$180</u>			<u>\$180</u>	<u>At reinstatement</u>
<u>Broker concurrent license</u>	<u>\$195</u>			<u>\$195</u>	<u>With application for concurrent broker license</u>
<u>Concurrent broker renewal</u>	<u>\$80</u>			<u>\$80</u>	<u>At renewal</u>
<u>Concurrent broker reinstatement</u>	<u>\$180</u>			<u>\$180</u>	<u>At reinstatement</u>
<u>Firm license</u>	<u>\$350</u>	<u>±</u>	<u>\$20</u>	<u>\$370</u>	<u>With initial application for firm license</u>
<u>Firm renewal</u>	<u>\$240</u>			<u>\$240</u>	<u>At renewal</u>
<u>Firm reinstatement</u>	<u>\$370</u>			<u>\$370</u>	<u>At reinstatement</u>
<u>Branch office license</u>	<u>\$265</u>			<u>\$265</u>	<u>With application for branch office license</u>
<u>Branch office renewal</u>	<u>\$135</u>			<u>\$135</u>	<u>At renewal</u>
<u>Branch office reinstatement</u>	<u>\$205</u>			<u>\$205</u>	<u>With reinstatement application</u>
<u>Transfer application</u>	<u>\$90</u>			<u>\$90</u>	<u>With application for transfer</u>
<u>Activation application</u>	<u>\$90</u>			<u>\$90</u>	<u>With application for activation</u>
<u>Exchange to salesperson license</u>	<u>\$120</u>			<u>\$120</u>	<u>With application to exchange to a salesperson license</u>
<u>Upgrade to broker</u>	<u>\$120</u>			<u>\$120</u>	<u>With application to upgrade to a broker license</u>
<u>Proprietary school certificate</u>	<u>\$265</u>			<u>\$265</u>	<u>With initial application for proprietary school certificate</u>
<u>Proprietary school renewal</u>	<u>\$135</u>			<u>\$135</u>	<u>With renewal application</u>

<u>Proprietary school reinstatement</u>	<u>\$205</u>			<u>\$205</u>	<u>With reinstatement application</u>
<u>Prelicense education instructor certificate</u>	<u>\$265</u>			<u>\$265</u>	<u>With initial application for prelicense education instructor certificate</u>
<u>Prelicense education instructor renewal</u>	<u>\$115</u>			<u>\$115</u>	<u>With renewal application</u>
<u>Prelicense education instructor reinstatement</u>	<u>\$170</u>			<u>\$170</u>	<u>With reinstatement application</u>
* In accordance with § 54.1-2113 of the Code of Virginia.					

18VAC135-20-20. Necessity Requirements for firm license (Refer to § 54.1-2106.1 of the Code of Virginia.).

A. Sole proprietor (principal broker owner). ~~A real estate broker's license shall be issued to an~~
~~In accordance with § 54.1-2106.1 of the Code of Virginia, broker owned sole proprietorships are~~
~~not required to hold a firm license. An individual trading operating under an assumed or a fictitious~~
~~or assumed name [,] that is, [a name other than the individual's full name,] only after the~~
~~individual signs and acknowledges a certificate provided by the board that sets 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. The board will consider the~~
~~application of an individual only after the individual is authorized to conduct business in~~
~~accordance with must [provide proof that the name is properly registered register any trade or~~
~~fictitious names] with the State Corporation Commission [pursuant to in accordance with]~~
~~Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia and must provide the address~~
~~for the individual's residence and address for the individual's place of business.~~

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

~~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 each ~~partner, associate, manager of a limited liability company, and officer of a corporation~~ the individuals or business entities who ~~is~~ are active in the firm's brokerage business.

~~2. Each applicant for such license shall~~ must disclose ~~[, and the license]~~ shall ~~[will be issued to,]~~ the name under which the applicant intends to do or does business and holds itself out to the public. Firms must register any trade or fictitious names with the State Corporation Commission in accordance with Chapter 5 of Title 59.1 (§ 59.1-69 et seq.) of the Code of Virginia.

~~3. Each applicant shall also~~ must disclose the ~~business~~ address of the place of business for the firm.

~~The board will consider the application of any partnership, association, corporation, or limited liability company only after the entity is~~ 4. Firms must be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to conduct transact business in accordance with Chapter 5 (§ 59.1-69 et seq.) of Title 59.1 of the Code of Virginia.

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

D. Branch office license in accordance with § 54.1-2106.1 of the Code of Virginia. If a ~~real estate~~ principal broker maintains more than one place of business within the state, the principal

~~broker must secure a branch office license shall be issued for each additional place of business maintained other than the broker's primary place of business noted on the firm license application. Application for the license shall be made on forms provided by the board and shall reveal the name of the firm, the location of the branch office, and the name of the supervising broker for that branch office. The branch office license shall be maintained at the branch office location.~~

1. No branch office license shall ~~shall~~ will be required for:

~~4. a.~~ A location that the principal broker or those employed by or affiliated as an independent contractor with the principal broker does not own, lease, or maintain exclusive access to, maintenance of, and control of, unless it is held out to the public as a location where such persons or entities are regularly engaging in the activities of a real estate broker or salesperson;

~~2. b.~~ A motor vehicle or watercraft;

~~3. c.~~ A place that is solely devoted to advertising real estate matters of a general nature or to making a real estate broker's business name generally known, such as a trade show or expo;

~~4. d.~~ A residence, unless it is held out to the public as a location where the principal broker or those employed by or affiliated as an independent contractor with the principal broker is regularly engaging in the activities of a real estate broker or salesperson;

~~5. e.~~ A post office box, mail drop location, or other similar facility; or

~~6. f.~~ A public location, such as a coffee shop or restaurant.

2. 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.

161 3. The branch office license must be maintained at the branch office location.

162 **18VAC135-20-30. Qualifications for individual licensure.**

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

165 1. The applicant ~~shall have a good reputation for honesty, truthfulness, and fair dealing,~~
166 ~~and be competent to transact the business of a real estate broker or a real estate~~
167 ~~salesperson in such a manner as to safeguard the interests of the public~~ must be at least
168 18 years of age.

169 2. The applicant ~~shall meet the current educational requirements by achieving a passing~~
170 ~~grade in all required courses of § 54.1-2105 of the Code of Virginia prior to the time the~~
171 ~~applicant sits for the licensing examination and applies for licensure~~ must have a high
172 school diploma or equivalent.

173 3. The applicant ~~shall be in good standing as a licensed real estate broker or salesperson~~
174 ~~in every jurisdiction where licensed and the applicant shall not have had a license as a~~
175 ~~real estate broker or real estate salesperson that was suspended, revoked, or surrendered~~
176 ~~in connection with a disciplinary action or that has been the subject of discipline in any~~
177 ~~jurisdiction prior to applying for licensure in Virginia. The applicant shall be in compliance~~
178 ~~with all the terms of all board orders, including to paying imposed monetary penalties and~~
179 ~~costs, plus any accrued interest and other fees, and completing imposed education~~ must
180 report any action taken by any board or administrative body in any jurisdiction against a
181 professional or occupational license, certification, or registration issued to the applicant,
182 to include any suspension, revocation, or surrender of a license, certification, or
183 registration, imposition of a monetary penalty, or requirement to take remedial education
184 or other corrective action. The board, in its discretion, may deny licensure to any applicant

for any prior action taken by any board or administrative body in any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

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

a. All misdemeanor convictions involving fraudulent [and or] dishonest acts, sexual offense, non-marijuana drug distribution, or ~~physical injury~~ battery within five years of the date of the application; and

b. All felony convictions during the applicant's 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.~~

~~5. The applicant shall be at least 18 years of age.~~

~~6. The applicant shall have a high school diploma or its equivalent.~~

~~7. 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.~~

~~8. 5.~~ The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application must sign a statement verifying that the applicant 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.

9. 6. 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.

18VAC135-20-35. Additional qualifications for individual licensure.

A. In addition to the requirements in 18VAC135-20-30, an applicant for an individual license as a real estate salesperson, real estate broker, or as an applicant by reciprocity must meet the requirements established in this section as applicable.

B. Applicants for initial licensure must achieve a passing grade in all courses required by § 54.1-2105 of the Code of Virginia applicable to the license being sought prior to sitting for the licensing examination and applying for licensure.

C. Applicants for licensure as a real estate broker must 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. The applicant's experience must be verified by the principal or supervising broker for whom the applicant worked at the time of obtaining that experience.

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

E. Applicants for licensure as a real estate salesperson or real estate broker by reciprocity must meet the following requirements as applicable to the license sought:

1. Applicants must, within 12 months prior to submitting a complete application for a license, have passed a written examination provided by the board or a testing service acting on behalf of the board covering real estate license law and regulations of the board.

2. Applicants must have received the salesperson or broker license by virtue of having passed in the jurisdiction of licensure a written examination deemed to be substantially equivalent to the Virginia examination.

3. An applicant for a salesperson license must have met educational requirements that are substantially equivalent to those required in Virginia.

4. An applicant for a broker license 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 of the Code of Virginia.

F. In accordance with § 54.1-2105 of the Code of Virginia, the board, at its discretion, may waive the education and experience requirements of this section.

18VAC135-20-40. Additional qualifications for brokers. (Repealed.)

~~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. 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 salesperson or broker's
broker license as a business entity.**

~~An~~ In addition to the applicable requirements in 18VAC135-20-30 and 18VAC135-20-35, an
applicant for a salesperson's salesperson or broker license as a business entity shall must 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 must
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 consider the application of any partnership, association, corporation or~~
~~limited liability company only after the entity is~~ 2. Business entities must be organized
under the laws of the Commonwealth of Virginia or otherwise authorized to ~~do~~ transact
business in Virginia and must register any trade or fictitious names with the State
Corporation Commission in accordance with §§ 59.1-69 through 59.1-76 Chapter 5 of Title
59.1 (§ 59.1-69 et seq.) of the Code of Virginia.

18VAC135-20-50. Concurrent licenses.

~~Concurrent licenses shall be issued by the board to brokers~~ A. In order to be active as a broker
~~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~~ at the same
time, brokers must obtain concurrent licenses by submitting the concurrent license application,
which must be approved by the principal broker of each firm ~~with which the applicant is and will~~
~~be associated.~~

B. Payment of the fee specified in 18VAC135-20-15 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 has an expired license associated with the same firm and the expired license may be reinstated.~~

18VAC135-20-55. Exchange to ~~salesperson's~~ salesperson license.

A broker ~~who wants~~ seeking to exchange his ~~license(s)~~ the broker's license for that of a salesperson must submit a complete application to the board with appropriate fee specified in 18VAC135-20-15. When exchanging ~~the license(s)~~ a license, the licensee agrees his [the any] current ~~broker's license(s)~~ broker [license ceases licenses cease] to exist, and if he ~~the licensee~~ chooses to become licensed as a broker again, ~~he~~ the licensee must pass the current broker examination and must meet the current education and experience requirements in effect at the time of application.

18VAC135-20-60. ~~Qualifications for licensure by reciprocity.~~ (Repealed.)

~~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. The applicant shall sign a statement verifying that the applicant 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. 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.

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

7. 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 that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia. The applicant shall be in compliance with all the terms of all board orders, including paying imposed monetary penalties and costs, plus any accrued interest and other fees, and completing imposed education.

8. 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. 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 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.

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

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

328 ~~a. All misdemeanor convictions involving fraudulent and dishonest acts, sexual~~
329 ~~offense, non-marijuana drug distribution, or physical injury within five years of the date~~
330 ~~of the application; and~~

331 ~~b. All felony convictions during the applicant's lifetime.~~

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

336 ~~11. Applicants for licensure who do not meet the requirements set forth in subdivisions 7~~
337 ~~and 10 of this section may be approved for licensure following consideration by the board.~~

338 **18VAC135-20-65. Universal license recognition.**

339 A. Licensed in a neighboring state. The board will issue a salesperson or broker license under
340 universal license recognition to an individual who meets the following qualifications:

341 1. The individual holds a current and valid license with a similar scope of practice in a
342 neighboring state;

343 2. The individual's other license is in good standing with no reported pending complaints;

344 3. The individual has met the requirements set in subdivision 4 of 18VAC135-20-30;

4. The individual has not been subject to professional discipline involving harm to the public or license probation, suspension, or revocation;

5. The individual pays the reciprocity application fee as listed in ~~18VAC135-20-80~~ 18VAC135-20-15; and

6. The individual successfully passes the Virginia Real Estate Exam.

B. Licensed in another state. The board will issue a salesperson or broker license under universal license recognition to an individual who meets the following qualifications:

1. The individual holds a current and valid license with a similar scope of practice in another state, territory, possession, or jurisdiction of the United States for at least three years;

2. The individual was licensed in the other state after having passed a state required exam and met education, training, or experience requirements to obtain the license;

3. The individual's other license is in good standing with no reported pending complaints;

4. The individual has met the requirements set in subdivision 4 of 18VAC135-20-30;

5. The individual has not been subject to professional discipline involving harm to the public or license probation, suspension, or revocation;

6. The individual pays the reciprocity application fee as listed in ~~18VAC135-20-80~~ 18VAC135-20-15; and

7. The individual successfully passes the Virginia Real Estate Exam.

C. Experience in a state that does not require licensure. The board will hold an individual to have met all experience, training, and education requirements if the applicant has three years of experience in a state that does not require licensure.

1. To be exam eligible under universal license recognition, an individual must have:

- a. Demonstrated at least three years of experience as a salesperson or broker in another state that does not issue an occupational or professional license for that respective profession;
- b. Met the requirements set in subdivision 4 of 18VAC135-20-30;
- c. Not been subject to professional discipline involving harm to the public or license probation, suspension, or revocation; and
- d. Paid the applicable application fee as listed in ~~18VAC135-20-80~~ 18VAC135-20-15.

2. Under this subsection, individuals are required to pass all exams required of initial applicants for the license under ~~18VAC135-20-30~~ 18VAC135-20-35.

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~~ must not conduct ~~business~~ licensed activity with the real estate firm or sole proprietorship set forth in 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~~ must 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~~ will be required to meet the existing prelicense educational requirements.

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~~ 18VAC135-20-15.

1. The transfer application ~~shall~~ must 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 ~~shall~~ [3.]

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

[3.] For the transfer of a license between branch offices within the same licensed real estate firm or sole proprietorship, including from such firm's or sole proprietorship's primary place of business to one of its branch offices, or from a branch office to another branch office under the same primary place of business, no fee will be charged.

~~18VAC135-20-80. Application fees. (Repealed.)~~

~~A. All application fees for licenses are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether the fee is on time.~~

~~B. Application fees are as follows:~~

Salesperson by education and examination	\$210
Salesperson by reciprocity	\$210
Salesperson's or broker's license as a business entity	\$265
Broker by education and examination	\$265
Broker by reciprocity	\$265
Broker concurrent license	\$195
Firm license	\$350
Branch office license	\$265
Transfer application	\$90

Activate application	\$90
Downgrade to salesperson	\$120
Upgrade to broker	\$120

C. ~~The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with these contracts.~~

18VAC135-20-90. Renewal required.

Licenses issued under this chapter for salespersons, brokers, and firms ~~shall~~ will expire two years from the last day of the month in which ~~they~~ the licenses were issued, as indicated on the license, except concurrent broker licenses ~~which shall~~ that will expire on the same date as the original broker license.

18VAC135-20-95. Post-license education requirements for salespersons.

A. In accordance with § 54.1-2105.01 A of the Code of Virginia, a salesperson who is renewing a license for the first time is required to have completed 30 hours of post-license education as outlined in subsection B of this section within the first year of licensure [] regardless of whether the salesperson's license is active or inactive. Failure to complete the 30-hour post-licensure curriculum within one year from the last day of the month in which the license was issued will result in the license being placed on inactive status by the board until the curriculum has been completed.

B. A salesperson within the first year of licensure must complete the following education:

1. Two hours of fair housing, Americans with Disabilities Act (42 USC § 12101 et seq.), and civil rights;

2. Six hours of real estate law and regulations;

426 3. Three hours of ethics and standards of conduct;

427 4. Two hours of current industry issues and trends;

428 5. Three hours of agency law;

429 6. Six hours of contract writing;

430 7. Three hours of risk management;

431 8. Three hours of escrow requirements; and

432 9. Two hours of real estate-related finance.

433 **18VAC135-20-101. Qualification for renewal; continuing education requirements.**

434 A. Continuing education requirements at renewal.

435 1. Subsequent salesperson renewals. As a condition of renewal, and pursuant to § 54.1-
436 2105.03 of the Code of Virginia, all active salespersons, ~~resident or nonresident, except~~
437 ~~those called to active duty in the Armed Forces of the United States, shall be~~ are required
438 to satisfactorily complete a course of not less than a total of 16 classroom,
439 correspondence, or other distance learning instruction hours during each licensing term;
440 ~~except for salespersons who are renewing for the first time and are required to complete~~
441 ~~30 hours of post license education regardless of whether the licenses are active or~~
442 ~~inactive. All active brokers, resident or nonresident, except those called to active duty in~~
443 ~~the Armed Forces of the United States, shall be required to satisfactorily complete a~~
444 ~~course of not less than a total of 24 classroom, correspondence, or other distance learning~~
445 ~~instruction hours during each licensing term. Active licensees called to active duty in the~~
446 ~~Armed Forces of the United States may complete these courses within six months of~~
447 ~~release from active duty. 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).~~

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

~~2. For salespersons, 11 of the required 16 hours shall~~ must include:

~~two~~ a. Two hours in fair housing laws;

~~three~~ b. Three hours in ethics and standards of conduct;

~~two~~ c. Two hours in real estate agency;

~~two~~ d. Two hours in real estate contracts including contract principles, contract forms, and escrow deposits and accounts; and

~~two~~ e. Two hours in legal updates and emerging trends, to include flood zone areas and the National Flood Insurance Program.

The remaining elective hours must be obtained in subject areas listed in subsection B of this section.

2. Broker renewals. All active brokers are required to satisfactorily complete a course of not less than a total of 24 classroom, correspondence, or other distance learning instruction hours during each licensing term. For brokers, 19 of the 24 required hours shall must include:

~~eight~~ a. Eight 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 ~~shall~~ 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~~ b. Two hours in fair housing laws;

~~three~~ c. Three hours in ethics and standards of conduct;

~~two~~ d. Two hours in real estate agency;

~~two~~ e. Two hours in real estate contracts, including contract principles, contract forms,
and escrow deposits and accounts; and

~~two~~ f. Two hours in legal updates and emerging trends, to include flood zone areas
and the National Flood Insurance Program.

The remaining elective hours must be obtained in subject areas listed in subsection B of
this section.

3. Armed Forces of the United States renewals. If an active licensee is called to active
duty or deployed in the Armed Forces of the United States, such licensee may complete [
these the] courses [required by this section] within six months of the licensee's release
from active duty or deployment.

4. Inactive licenses. Inactive brokers and salespersons are not required to complete the
continuing education course as a condition of renewal.

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

The remaining B. Any elective hours shall not specified in subsection A of this section must
be on subjects from the following list:

a. 1. Property rights;

b. 2. Contracts;

- 494 ~~e. 3.~~ Deeds;
- 495 ~~d. Mortgages~~ 4. Financing and types of mortgages and deeds of trust;
- 496 ~~e. Types of mortgages;~~
- 497 ~~f. 5.~~ Leases;
- 498 ~~g. 6.~~ Liens;
- 499 ~~h. 7.~~ Real property and title insurance;
- 500 ~~i. Investment;~~
- 501 ~~j. 8.~~ Taxes in real estate;
- 502 ~~k. Real estate financing~~ 9. Closing disclosures;
- 503 ~~l. 10.~~ Brokerage and agency contract responsibilities;
- 504 ~~m. 11.~~ Real property management;
- 505 ~~n. 12.~~ Search, examination, and registration of title;
- 506 ~~o. 13.~~ Title closing;
- 507 ~~p. 14.~~ Appraisal of real property;
- 508 ~~q. 15.~~ Planning subdivision developments and condominiums;
- 509 ~~r. Regulatory statutes;~~
- 510 ~~s. Housing legislation;~~
- 511 ~~t. 16.~~ Fair housing;
- 512 ~~u. 17. Real Estate Board~~ estate statutes and board regulations;
- 513 ~~v. Land use;~~
- 514 ~~w. 18.~~ Business law;

515 ~~x.~~ 19. Real estate markets and economics;

516 ~~y.~~ 20. Real estate investments;

517 ~~z.~~ 21. Federal real estate law;

518 ~~aa.~~ 22. Commercial real estate;

519 ~~bb.~~ 23. Americans with Disabilities Act;

520 ~~cc.~~ 24. Environmental issues ~~impacting real estate~~, sustainability, and energy efficiency;

521 ~~dd.~~ 25. Building codes and design;

522 ~~ee.~~ Local laws and 26. Land use, zoning, and local laws;

523 ~~ff.~~ 27. Escrow requirements accounts and deposits;

524 ~~gg.~~ 28. Ethics and standards of conduct; and

525 ~~hh.~~ 29. Common interest ~~ownership~~ communities, including the Resale Disclosure Act

526 (Chapter 23.1 of Title 55.1 of the Code of Virginia);

527 30. Cyber security and data protection; and

528 31. Social responsibility in real estate, including affordable housing, multicultural market,

529 gentrification, diversity, multigenerational, and cultural competency.

530 ~~3.~~ C. Salespersons and brokers holding active licenses in multiple jurisdictions.

531 1. Salespersons holding licenses in ~~other~~ multiple jurisdictions must complete ~~44~~ 16 hours

532 of continuing education, 11 of which are mandatory board-approved courses, that shall

533 must include two hours in fair housing laws; three hours in ethics and standards of

534 conduct; two hours in real estate agency; two hours in real estate contracts; and two hours

535 of legal updates and emerging trends, to include flood zone areas and the National Flood

536 Insurance Program. Such salespersons may substitute education completed in ~~the~~

~~salesperson's~~ their jurisdiction for the remaining five elective hours required by ~~subdivision~~
2 subsection B of this section.

2. Brokers holding licenses in ~~either~~ multiple jurisdictions must complete ~~49~~ 24 hours of
continuing education, 19 of which are mandatory board-approved courses that shall ~~must~~
include eight hours in supervision and management of real estate agents and the
management of real estate brokerage firms, two hours of which ~~shall~~ 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;
three hours in ethics and standards of conduct; two hours in real estate agency; two hours
in real estate contracts; and two hours in legal updates and emerging trends, to include
flood zone areas and the National Flood Insurance Program. Such brokers may substitute
education completed in ~~the broker's~~ their jurisdiction for the remaining five elective hours
required by ~~subdivision 2~~ subsection B of this section.

~~4. The board may approve additional subjects at D. In its discretion, and in accordance with §~~
~~54.1-2105.03 of the Code of Virginia, the board may approve additional subjects toward fulfillment~~
of the elective continuing education hours required by this section.

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

~~6. F. Licensees are responsible for retaining for three years and providing proof of continuing~~
~~education to the board or the board's duly authorized agents upon request. 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 may result in the license not being renewed, [or] disciplinary~~
~~action pursuant to this chapter, or both.~~

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

8. H. 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 immediately prior to the license expiration date shall will carry over into the next two-year renewal period.

18VAC135-20-110. Procedures for renewal.

A. Prior to the expiration date of the license, the board will send a renewal notice to the licensee.

B. Prior to the expiration date ~~shown on~~ of the license, each licensee desiring to renew the license shall must return to the board the [renewal] application forms [notice and the] appropriate fee as outlined specified in 18VAC135-20-120 18VAC135-20-15.

C. Failure to receive notices from the board regarding license renewal does not relieve the licensee of the obligation to renew.

18VAC135-20-120. Fees for renewal. (Repealed.)

A. All fees for renewals are nonrefundable, and the date of receipt by the board or its agent is the date that will be used to determine whether the fee is on time.

B. Renewal fees are as follows:

Salesperson	\$100
Salesperson's or broker's license as a business entity	\$135
Broker	\$120
Concurrent broker	\$120
Firm	\$240
Branch office	\$135

18VAC135-20-130. ~~Board discretion to deny renewal.~~ (Repealed.)

~~The board may deny renewal of a license for (i) the same reasons as it may refuse initial licensure or discipline a current licensee; (ii) failure to meet the terms of an agreement for licensure or other board order; or (iii) failure to fully pay monetary penalties and costs imposed by the board, plus any accrued interest.~~

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

A. All applicants for reinstatement must meet all the applicable [continuing] education requirements set forth in [18VAC135-20-95 or] 18VAC135-20-101. Applicants for reinstatement who want to activate a 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 the applicable reinstatement fee specified in 18VAC135-20-15 is required as follows:

Salesperson	\$155
Salesperson's or broker's license as a business entity	\$205
Broker	\$180
Concurrent Broker	\$180
Firm	\$370
Branch Office	\$205

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 will continue to have the same license number and will 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~~ An individual, business entity, or firm may not perform activities defined in § 54.1-2100 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.

18VAC135-20-145. Status of licensee during the period prior to reinstatement.

A licensee who reinstates a license will be regarded as having been continuously licensed without interruption and will remain under the disciplinary authority of the board during this entire period and will be held accountable for activities during this period.

18VAC135-20-150. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for (i) the same reasons as it may refuse initial licensure or discipline a current licensee; (ii) failure to meet the terms of an agreement for licensure or other board order; or (iii) failure to fully pay monetary penalties and costs imposed by the board, plus any accrued interest.

18VAC135-20-155. Grounds for disciplinary action.

A. The board has the power to ~~fine~~ impose a monetary penalty against any licensee or certificate holder and to suspend or revoke any license or certificate issued under the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia and this chapter in accordance with subdivision A 7 of § 54.1-201 and § 54.1-202 of the Code of Virginia and the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), where the licensee or certificate holder has been found to have violated or cooperated with others in violating any provision of Chapters 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.), and 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, Chapter 10 (§ 55.1-1000 et seq.) of Title 55.1 of the Code of Virginia, or any regulation of the board.

B. Any licensee failing to comply with the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the ~~Real Estate Board~~ board in performing any acts covered by § 54.1-2100 of the Code of Virginia may be charged with a violation, regardless of whether those acts are in the licensee's personal capacity or in the licensee's capacity as a real estate licensee.

18VAC135-20-160. Place of business.

~~A. 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.~~ B. A. Every principal broker shall must have the following readily available to the public in the primary place of business ~~the~~:

1. The firm license, ~~the~~;

2. The principal broker license, ~~;~~ and

~~the~~ 3. The license of every salesperson and broker active with the firm.

B. Each branch office shall must have readily available to the public the branch office license and a roster of every salesperson or broker assigned to that branch office.

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

~~Each place of business, 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 to the branch office or real estate team. The supervising broker may designate another broker to assist in administering the provisions required by this section, but such designation does not relieve the supervising broker of responsibility for the supervision of the acts of all licensees assigned to the branch office or real estate team. Factors to be considered in determining whether~~

~~the supervision is reasonable and adequate include the following~~ In addition to the duties of supervising brokers set forth in § 54.1-2110.1 of the Code of Virginia, supervising brokers must:

~~1. The availability of the supervising broker to all licensees under the supervision of the broker to review and approve all documents, including leases, contracts affecting the firm's clients, brokerage agreements, and advertising;~~

~~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 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;~~

~~h. Disclosure of matters relating to the condition of the property; and~~

~~i. Such other matters as necessary to ensure 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~~ 1. Provide ~~to supervise the management supervision of the brokerage services in a timely manner;.~~

4. ~~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;~~

5. ~~The supervising broker undertakes reasonable steps to ensure compliance by all licensees assigned to the branch office, including ensuring the licensees have an active, current license;~~

6. ~~The supervising broker undertakes~~ 2. Undertake reasonable steps to ensure only licensees undertake activities requiring a license, including:

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, explain, interpret, or negotiate~~ Discussing, explaining, interpreting, or negotiating a contract, listing, lease agreement, or property management agreement with anyone outside the firm; and

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

7. ~~The supervising broker shall provide~~ 3. Provide adequate supervision over ~~the all~~ all unlicensed employees or assistants under the supervision of a broker as they individuals or entities associated with the firm or the firm's licensees. Such unlicensed individuals or entities may perform the following permitted activities:

a. ~~Perform~~ Performing general clerical duties, including answering the phones, responding by electronic media, and providing information shown on the listing;

- 688 b. ~~Submit~~ Submitting listings and changes to MLS;
- 689 c. ~~Follow~~ Following up on loan commitments after contracts have been ratified;
- 690 d. ~~Have~~ Having keys made for listings;
- 691 e. ~~Compute~~ Computing commission checks;
- 692 f. ~~Place~~ Placing signs on properties;
- 693 g. ~~Act~~ Acting as a courier service;
- 694 h. ~~Schedule~~ Scheduling appointments;
- 695 i. ~~Record and deposit earnest money deposits~~ Recording and depositing escrow
- 696 funds;
- 697 j. [~~Accept~~ Accepting] security deposits, periodic rent, and other payments as
- 698 contracted for in a rental agreement.
- 699 k. ~~Prepare~~ Preparing contract forms for approval of the licensee and supervising
- 700 broker;
- 701 l. [~~Accept~~ Accepting] and [~~sign~~ signing] broker-approved rental agreements, state
- 702 or federal required disclosures, and any documents required for compliance with
- 703 Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 related to a rental transaction;
- 704 m. ~~Prepare~~ Preparing promotional materials and advertisements for approval of the
- 705 licensee and supervising broker;
- 706 n. ~~Assemble~~ Assembling closing documents;
- 707 o. ~~Obtain~~ Obtaining required public information from governmental entities;
- 708 p. ~~Monitor~~ Monitoring license and personnel files;

q. ~~Order~~ Ordering routine repairs as directed by licensee; r. ~~Receive compensation for~~
their work at a predetermined rate that is not contingent upon the occurrence of a real
estate transaction; and

s. ~~Perform~~ [p. r.] Performing 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;~~

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~~ 4. Respond in a timely manner to inquiries
from the public, cooperating brokers, and licensees affiliated with the supervising broker's
firm regarding existing or contemplated transactions.

18VAC135-20-170. Maintenance of licenses.

A. Name and address.

1. Salespersons and individual brokers ~~shall~~ must at all times keep the board informed of
their current name and home address. Changes of name and address must be reported
to the board in writing within 30 calendar days of such change. The board ~~shall~~ is not be

733 responsible for the licensee's failure to receive notices, communications, and
734 correspondence caused by the licensee's failure to promptly notify the board of any
735 change of address.

736 2. A licensee may use a professional name other than a legal name if that professional
737 name is filed with the board prior to its use. ~~The~~ An individual may use a professional
738 name ~~shall~~, which must include the licensee's first or last name and ~~shall~~ must not include
739 any titles.

740 ~~2.~~ 3. Salespersons and brokers ~~shall~~ will be issued a license only to the place of business
741 of the sole proprietorship or firm with which the salesperson or broker is active.

742 ~~3.~~ 4. Principal brokers must at all times keep the board informed of their current firm and,
743 branch office, and business entity name and addresses and changes of name and address
744 must be reported to the board in writing within 30 calendar days of such change. A physical
745 address is required. ~~A post office box will not be accepted.~~

746 B. Discharge or termination of active status.

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

753 2. When any principal broker is discharged or in any way terminates his active status with
754 a firm, it ~~shall be~~ is the duty of the firm to notify the board ~~and return the license to the~~
755 ~~board within three business days of termination or being notified of the status change. The~~
756 ~~firm shall indicate on the~~ with the licensee name, license the number, and date of

757 ~~termination, and shall sign the license before returning it within 10 calendar days of the~~
758 ~~date of termination.~~ See § 54.1-2109 of the Code of Virginia for termination relating to the
759 death or disability of the principal broker.

760 C. When a firm or business entity is no longer authorized to conduct business in the
761 Commonwealth, the board has the authority to terminate that firm or business entity's license until
762 such time as the firm or business entity provides evidence that it is again authorized to conduct
763 business in the Commonwealth.

764 **18VAC135-20-180. Maintenance and management of escrow accounts. (Repealed.)**

765 ~~A. Maintenance of escrow accounts.~~

766 ~~1. If money is to be held in escrow, each firm or sole proprietorship shall maintain in the~~
767 ~~name by which it is licensed one or more federally insured separate escrow accounts in a~~
768 ~~federally insured depository into which all down payments, earnest money deposits,~~
769 ~~money received upon final settlement, application deposits as defined by § 55.1-1200 of~~
770 ~~the Code of Virginia, rental payments, rental security deposits, money advanced by a~~
771 ~~buyer or seller for the payment of expenses in connection with the closing of real estate~~
772 ~~transactions, money advanced by the broker's client or expended on behalf of the client,~~
773 ~~or other escrow funds received by the broker or his associates on behalf of his client or~~
774 ~~any other person shall be deposited unless all principals to the transaction have agreed~~
775 ~~otherwise in writing. The balance in the escrow accounts shall be sufficient at all times to~~
776 ~~account for all funds that are designated to be held by the firm or sole proprietorship. The~~
777 ~~principal broker shall be held responsible for these accounts, including having signatory~~
778 ~~authority on these accounts. The supervising broker and any other licensee with escrow~~
779 ~~account authority may be held responsible for these accounts. All such accounts, checks,~~
780 ~~and bank statements shall be labeled "escrow" and the accounts shall be designated as~~
781 ~~"escrow" accounts with the financial institution where such accounts are established.~~

2. Funds to be deposited in the escrow account may include moneys that 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. Funds in an escrow account shall not be paid directly to the licensees of the firm. The fact that an escrow account contains money that 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 that 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 § 55.1-1200 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 that is to be held in the firm's escrow account shall be placed in such 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. If a principal broker or supervising broker, or an agent of such principal broker or supervising broker, receives an earnest money deposit that will not be held in the firm's escrow account, the principal broker or supervising broker shall ensure that the earnest money deposit is delivered to the escrow agent named in the contract by the end of the fifth business banking day following receipt of the deposit, unless otherwise agreed to in writing by the principals to the transaction. 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 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.~~

~~If a principal broker, supervising broker, or an agent of such licensee is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker, supervising broker, or agent 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 of the Code of Virginia.~~

~~If a single family residential dwelling unit is foreclosed upon, and at the date of the foreclosure sale there is a real estate purchase contract to buy such property and such contract provides that the earnest money 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, supervising broker, or agent of the licensee 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.~~

~~b. 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 12 (§ 55.1-1200 et seq.) of Title 55.1 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 a single-family residential dwelling unit is foreclosed upon and there is a tenant in the dwelling unit on the date of the foreclosure sale and the landlord is holding a security deposit of the tenant, the landlord shall handle the security deposit in accordance with 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.

c. Lease transactions: rent or escrow fund advances. Unless otherwise agreed in writing by all principals to the transaction, all 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, regardless of when received, and remain in that account until paid in accordance with the terms of the lease and the property management agreement, as applicable, except prepaid rent, which shall be treated in

882 ~~accordance with the prepaid rent provision of the Virginia Residential Landlord and~~
883 ~~Tenant Act, Chapter 12 (§ 55.1-1200 et seq.) of Title 55.1 of the Code of Virginia.~~

884 ~~d. Lease transactions: rent payments. If there is in effect at the date of the foreclosure~~
885 ~~sale a tenant in a residential dwelling unit foreclosed upon and the rent is paid to a~~
886 ~~licensee acting on behalf of the landlord pursuant to a properly executed property~~
887 ~~management agreement, the licensee may collect the rent in accordance with § 54.1-~~
888 ~~2108.1 A 4 of the Code of Virginia.~~

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

893 ~~b. Lease transactions. Unless otherwise agreed in writing by the principals to the lease~~
894 ~~or property management agreement, as applicable, a licensee shall not be entitled to~~
895 ~~any part of the security deposit or to any other money paid to the licensee in connection~~
896 ~~with any real estate lease as part of the licensee's commission except in accordance~~
897 ~~with the terms of the lease or the property management agreement, as applicable.~~
898 ~~Notwithstanding anything in this section to the contrary, unless the landlord has~~
899 ~~otherwise become entitled to receive the security deposit or a portion thereof, the~~
900 ~~security deposit shall not be removed from an escrow account required by the lease~~
901 ~~without the written consent of the tenant. Except in the event of a foreclosure, if a~~
902 ~~licensee elects to terminate the property management agreement with the landlord,~~
903 ~~the licensee may transfer any funds held in escrow on behalf of the landlord in~~
904 ~~accordance with § 54.1-2108.1 B 5 of the Code of Virginia. If a single-family residential~~
905 ~~dwelling unit is foreclosed upon, and at the date of the foreclosure sale there is a~~
906 ~~written property management agreement between a licensee and a 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.~~

~~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) 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 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 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.~~

18VAC135-20-181. Maintenance and management of escrow accounts.

A. Maintenance of escrow accounts.

1. General escrow account requirements. If money is to be held in escrow, each firm or sole proprietorship must maintain one or more federally insured escrow accounts into which all funds received in connection with a real estate transaction must be deposited.

a. The escrow account must be in the name by which the firm or sole proprietorship is licensed.

b. The principal broker will be held responsible for these accounts, including having signatory authority on these accounts.

c. The supervising broker and any other licensee with [escrow account signatory] authority may be held responsible for these accounts.

d. All such accounts, checks [,] and bank statements must be labeled "escrow" and the accounts must be designated as "escrow" accounts with the financial institution where such accounts are established.

e. The balance in the escrow accounts must be sufficient at all times to account for all funds that are designated to be held by the firm or sole proprietorship.

2. Escrow deposits.

a. All down payments, earnest money deposits, money received upon final settlement, application deposits, 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

953 transactions, money advanced by the broker's client or any other person must be
954 deposited into an escrow account, in accordance with relevant law, unless all
955 principals to the transaction have agreed otherwise in writing.

956 b. Funds to be deposited in the escrow account may include moneys that will ultimately
957 belong to the licensee in the escrow account, provided such money is separately
958 identified in the escrow account records and paid to the firm from the escrow account
959 when funds become due to the licensee. Funds in an escrow account must not be paid
960 directly to the licensees of the firm.

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

966 B. Handling and disbursement of funds from escrow accounts.

967 1. Purchase transactions.

968 a. Upon the ratification of a contract, an earnest money deposit received by the
969 principal broker or supervising broker or the broker's associates must be deposited,
970 handled, and disbursed in accordance with § 54.1-2108.2 of the Code of Virginia.

971 b. Unless otherwise agreed in writing by all principals to the transaction, a licensee will
972 not be entitled to any part of the earnest money deposit or to any other money paid to
973 the licensee in connection with any real estate transaction as part of the licensee's
974 commission until the transaction has been consummated.

975 2. Lease transactions:

a. Any application deposit, security deposit, rent, or other money paid to the licensee acting on behalf of a landlord client in connection with the lease must be deposited in an escrow account in accordance with § 54.1-2108.1 of the Code of Virginia.

b. Security deposits must be treated in accordance with the security deposit provisions of the Virginia Residential Landlord and Tenant Act, Chapter 12 (§ 55.1-1200 et seq.) of Title 55.1 of the Code of Virginia, unless exempted therefrom, in which case the terms of the lease or other applicable law will control.

c. Prepaid rent must be treated in accordance with the prepaid rent provisions of the Virginia Residential Landlord and Tenant Act, Chapter 12 (§ 55.1-1200 et seq.) of Title 55.1 of the Code of Virginia.

d. Escrow funds must remain in an escrow account until disbursed in accordance with the terms of the lease, the property management agreement, or the applicable statutory provisions.

e. Unless otherwise agreed in writing by the principals to the lease or property management agreement, as applicable, a licensee will 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.

f. 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.

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

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

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) must not be deducted from a deposit or down payment.

C. Escrow and foreclosure.

1. Purchase transactions. If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon, the principal broker or supervising broker must comply with the provisions of §§ 54.1-2108.1 A 1 and A 2 of the Code of Virginia.

2. Lease transactions.

a. If a single-family residential dwelling unit is foreclosed upon and there is a tenant in the dwelling unit on the date of the foreclosure sale and the landlord is holding a security deposit of the tenant, the landlord must handle the security deposit in accordance with § 54.1-2108.1 A 3 of the Code of Virginia.

b. 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.

1021 c. If a single-family residential dwelling unit is foreclosed upon, and at the date of the
1022 foreclosure sale there is a written property management agreement between a
1023 licensee and a landlord, the property management agreement must continue in
1024 accordance with § 54.1-2108.1 A 5 of the Code of Virginia.

1025 D. Improper maintenance of escrow funds includes:

1026 1. Accepting any note, nonnegotiable instrument, or anything of value not readily
1027 negotiable, as a deposit on a contract, offer to purchase, or lease without acknowledging
1028 its acceptance in the agreement;

1029 2. Commingling the funds of any person by a principal or supervising broker or the broker's
1030 employees or associates or any licensee with the broker's own funds, or those of the
1031 broker's corporation, firm, or association. If escrow funds are used to purchase a certificate
1032 of deposit, the pledging or hypothecation of such certificate, or the absence of the original
1033 certificate from the direct control of the principal or supervising broker, will constitute
1034 commingling;

1035 3. Failing to deposit escrow funds in an account designated to receive only such funds as
1036 required by subdivision A 1 of this section; and

1037 4. Failing to have sufficient balances in an escrow account at all times for all funds that
1038 are designated to be held by the firm or sole proprietorship as required by this chapter.

1039 **18VAC135-20-185. Maintenance and management of financial records.**

1040 ~~A. A complete record of~~ The principal broker must maintain financial records regarding any
1041 real estate transactions conducted under the authority of the principal broker's Virginia license
1042 shall be maintained in the principal broker's place of business, or in a designated branch office.
1043 ~~When the principal broker's office is located outside of Virginia and the firm has a branch office in~~
1044 ~~Virginia, a copy of these records shall be maintained in the Virginia office~~ Such records must be

1045 readily accessible from the broker's place of business. These The records shall show, in addition
1046 to any other requirements of the regulations, the following information must contain:

1047 ~~from~~ 1. From whom money was received;

1048 ~~the~~ 2. The date of receipt;

1049 ~~the~~ 3. The place of deposit;

1050 ~~the~~ 4. The date of deposit; and, after the transaction has been completed, the

1051 5. The final disposition of the funds; and

1052 6. Any other information required in this chapter.

1053 When a principal broker's office is located outside of Virginia and the firm has a branch office
1054 in Virginia, a copy of these records must be readily accessible in the Virginia office.

1055 B. The principal broker ~~shall~~ must maintain a bookkeeping or recordkeeping system which
1056 ~~shall~~ that must accurately and clearly disclose full compliance with the requirements outlined in
1057 this section. Accounting records which ~~that~~ are in sufficient detail to provide necessary information
1058 to determine such compliance ~~shall~~ must be maintained.

1059 C. ~~Actions constituting improper recordkeeping by a~~ A principal broker or supervising broker
1060 ~~include~~ must maintain and retain the following records:

1061 ~~1. Failing to retain~~ Each brokerage agreement must be retained for a period of three years
1062 from the date of execution, ~~each brokerage agreement, each~~ disclosure and consent to
1063 dual agency or dual representation, and ~~each~~ disclosure and consent to designated
1064 agency or designated representation must be retained for three years from the date of
1065 execution. ~~Each disclosure of a brokerage relationship to an unrepresented party shall be~~
1066 ~~retained for three years from the date provided to the party;~~

~~2. Failing to retain for a period of three years from the date of closing or from ratification, if the All documents pertaining to a transaction fails to close, including [] a complete and legible copy of each executed contract of sale, any executed release from contract, any executed lease agreement, any executed property management agreement, and each settlement statement related to a real estate transaction, and unrepresented party in disclosure in the broker's control or possession unless prohibited by law; Such records must be retained for three years from the date of closing or from ratification if the transaction fails to close.~~

~~3. Failing to maintain a A complete and accurate record of such receipts and their disbursements for moneys received on behalf of others. Such records must be retained for a period of three years from the date of the closing or termination of [the a] sales transaction [], or [the] termination of a lease or conclusion of the licensee's involvement in [the a] lease; and~~

~~4. Failing to maintain any records required by this section for three years.~~

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 disseminated in any manner and by any means of communication to consumers for any purpose related to licensed real estate activity.~~

~~"Contact information" means telephone number or web address.~~

~~"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. A. 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.~~

~~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.~~

1114 ~~b. The licensee shall make timely written requests for updates reflecting material~~
1115 ~~changes to the listing status or property descriptions when a third party electronic~~
1116 ~~media listing service controls the website displaying the listing information.~~

1117 ~~D. Other advertising.~~

1118 ~~1. For sale and for lease signs placed on the property shall include but not be limited to~~
1119 ~~the firm's name and the firm's primary or branch office telephone number.~~

1120 ~~2. Business cards shall include but not be limited to the licensee's name, the firm name,~~
1121 ~~and contact information.~~

1122 ~~E. The following activities shall be prohibited:~~

1123 ~~1. Implying that property listed by a licensee's firm and advertised by the firm or licensee~~
1124 ~~is for sale, exchange, rent or lease by the owner or by an unlicensed person;~~

1125 ~~2. Failing to include a notice in all advertising that the owner is a real estate licensee if the~~
1126 ~~licensee owns or has any ownership interest in the property advertised;~~

1127 ~~3. Failing to include the firm's licensed name on any sign displayed outside each place of~~
1128 ~~business;~~

1129 ~~4. Failing to obtain the written consent of the seller, landlord, optionor or licensor prior to~~
1130 ~~advertising a specific identifiable property; and~~

1131 ~~5. Failing to identify the type of services offered when advertising by general description~~
1132 ~~a property not listed by the party making the advertisement~~

B. Advertising disclosure.

1133 1. All advertising by a firm or affiliated licensee must contain a clear, legible, and
1134 conspicuous advertising disclosure, which must include (i) the firm's name and (ii) the
1135 office contact information. The office contact information and any additional required

information will be specified by the principal or supervising broker in the firm's written policies.

2. All advertising by an affiliated licensee must be done under the policies of a principal or supervising broker.

3. Any property information provided in any advertising must be consistent with the property condition and the property's current contract status.

4. 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.

18VAC135-20-220. Disclosure of brokerage relationships.

A. Purchase transactions.

1. ~~Unless disclosure has been previously made by a licensee, a~~ A licensee ~~shall~~ must disclose whom the licensee represents to an actual or prospective buyer or seller who is not the client of the licensee and who is not represented by another licensee and with whom the licensee has substantive discussions about a specific property ~~or properties,~~ the person whom the licensee represents pursuant to a brokerage agreement, as that term is defined in § 54.1-2130 pursuant to § 54.1-2138 A of the Code of Virginia.

2. Except as otherwise provided in subdivision 3 of this subsection, such disclosure ~~shall~~ must be made in writing at the earliest practical time, but in no event later than the time specific real estate assistance is first provided. Any disclosure complying with the provisions of § 54.1-2138 A of the Code of Virginia ~~shall~~ will be deemed in compliance with this disclosure requirement.

3. A licensee acting as a dual or designated agent or as a dual or designated representative ~~shall~~ must obtain the written consent of all clients to the transaction at the

earliest practical time. Such consent ~~shall~~ will be presumed to have been given by a client who signs a disclosure complying with the provisions of §§ 54.1-2139, 54.1-2139.01, and 54.1-2139.1 of the Code of Virginia. Such disclosure ~~shall~~ must be given to, and consent obtained from, (i) the buyer not later than the time an offer to purchase is presented to the licensee who will present the offer to the listing agent or seller, and (ii) the seller not later than the time the offer to purchase is presented to the seller.

4. Any disclosure required by this subsection may be given in combination with other disclosures or information, but, if so, the disclosure must be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box or as otherwise provided by § 54.1-2138 of the Code of Virginia.

B. Lease transactions.

1. Unless disclosure has been previously made by a licensee, a licensee ~~shall~~ must disclose to an actual or prospective landlord or tenant who is not the client of the licensee and who is not represented by another licensee, that the licensee has a brokerage relationship with another party or parties to the transaction. Such disclosure ~~shall~~ must be in writing and included in the application for lease or the lease itself, whichever occurs first. If the terms of the lease do not provide for such disclosure, the disclosure ~~shall~~ must be made in writing not later than the signing of the lease.

2. This disclosure requirement ~~shall~~ will not apply to lessors or lessees in single or multi-family residential units for lease terms of less than two months.

18VAC135-20-225. Audits.

~~A. Procedures for voluntary compliance, self audit, or third-party audit; broker immunity.~~

~~1. A principal broker or supervising broker may conduct, or may have another person conduct, an audit of the practices, policies, and procedures of his firm or sole~~

1184 ~~proprietorship in accordance with § 54.1-2111.1 of the Code of Virginia. The methods and~~
1185 ~~findings of the audit shall be documented as described in this subsection.~~

1186 ~~2. A principal broker or supervising broker shall notify the board in writing within 30 days~~
1187 ~~following the conclusion of a self audit, or within 30 days from the receipt of the final report~~
1188 ~~of a third party audit, of any matter he believes to constitute noncompliance with the~~
1189 ~~provisions of Real Estate Board regulations or law. The principal broker or supervising~~
1190 ~~broker shall also submit (i) a statement that such noncompliance has been remediated or~~
1191 ~~(ii) a plan to correct such noncompliance within 90 days. Failure to comply with these~~
1192 ~~requirements may result in loss of immunity from regulatory enforcement action.~~

1193 ~~3. A principal broker or supervising broker shall sign and date any report made pursuant~~
1194 ~~to subdivision 2 of this subsection. Such report, properly submitted, shall provide immunity~~
1195 ~~from enforcement against the principal broker or supervising broker by the board for the~~
1196 ~~matters reported in the report.~~

1197 ~~4. Immunity from enforcement action provided by this section shall not apply if the~~
1198 ~~noncompliance with provisions of Real Estate Board regulations or law by the principal~~
1199 ~~broker or supervising broker was intentional or was the result of gross negligence by the~~
1200 ~~principal broker or supervising broker, including any actions by an unlicensed employee~~
1201 ~~negotiating the provisions of a rental agreement as prohibited under § 54.1-2103 C of the~~
1202 ~~Code of Virginia.~~

1203 ~~5. Immunity from enforcement action provided by this section shall apply only to the~~
1204 ~~principal broker and supervising broker who conduct an audit and submit a voluntary~~
1205 ~~compliance plan in accordance with this section and shall not extend to any other broker~~
1206 ~~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.~~ A. Procedures for mandatory audit.

1. A principal broker or supervising broker ~~shall~~ must 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~~ must 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~~ must examine and document all matters regarding the compliance by the firm or sole proprietorship with law and regulation regarding:

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;

1230 g. Distribution of information on new or changed statutory or regulatory requirements;
1231 h. Proper documentation of required disclosures; and
1232 i. Such other matters as necessary to ensure the competence of licensees to comply
1233 with this chapter and Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of
1234 Virginia.

1235 3. If at the conclusion of a mandatory audit the principal broker or supervising broker or
1236 third party believes there is noncompliance with the provisions of the Real Estate Board
1237 board regulations or law, the principal broker or supervising broker may use the
1238 procedures for voluntary compliance described in subsection A B of this section.

1239 ~~Upon request by any investigator, or by another agent of the board, a broker shall cooperate~~
1240 ~~in the provision of records and documents pursuant to 18VAC135-20-240 within 10 days of receipt~~
1241 ~~of the request, and for other requests by the board and its agents pursuant to 18VAC135-20-250,~~
1242 ~~within 21 days of receipt~~ B. Procedures for voluntary compliance, self-audit, or third-party audit;
1243 broker immunity.

1244 1. A broker will have immunity from board discipline for matters self-reported when the
1245 following conditions are met:

1246 a. A principal broker or supervising broker has conducted, or had another person
1247 conduct, an audit of the practices, policies, and procedures of the firm or sole
1248 proprietorship in accordance with § 54.1-2111.1 of the Code of Virginia.

1249 b. The principal broker or supervising broker has signed the report conducted in
1250 accordance with this subsection.

1251 c. A principal broker or supervising broker notifies the board in writing within 30 days
1252 following the conclusion of a self-audit, or within 30 days from the receipt of the final
1253 report of a third-party audit, of any matter the principal broker or supervising broker

believes to constitute noncompliance with the provisions of board regulations or law [] and submits (i) a statement that such noncompliance has been remediated or (ii) a plan to correct such noncompliance within 90 days.

2. Immunity from enforcement action provided by this section will not apply if the noncompliance with provisions of 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 [], including any actions by an unlicensed employee negotiating the provisions of a rental agreement as prohibited under § 54.1-2103 C of the Code of Virginia [].

3. Immunity from enforcement action provided by this section will apply only to the principal broker and supervising broker who conducts an audit and submits a voluntary compliance plan in accordance with this section [], and will not extend to any other broker or salesperson who may not be in compliance with board regulations or law.

4. Failure to complete the voluntary compliance program within 90 days from the date of plan submission will result in the loss of immunity from regulatory enforcement action. Repeated instances of a violation found as a result of a subsequent 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.

18VAC135-20-240. Provision of records information to the board.

A. 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 board must produce to the board or any of its the board's 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~~ the board's agents. The board may extend such time frame upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

B. A licensee must respond to any other inquiry by the board or the board's agents within 21 days.

18VAC135-20-250. Response to any inquiry of the board. (Repealed.)

~~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~~ Obtaining or attempting to obtain, renew, reinstate, or maintain a license or certification by false or fraudulent representation;

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.~~ 3. Signing an experience verification form without direct supervision or actual knowledge of the applicant's activities as defined in § 54.1-2100 of the Code of Virginia or unreasonably refusing to sign an experience verification form;

~~6.~~ 4. Having been convicted or found guilty regardless of the manner of adjudication in any jurisdiction of the United States of a misdemeanor involving fraudulent [and or] dishonest acts, sexual offense, non-marijuana 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~~ will 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;~~

~~7. 5. 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~~ described in subdivision ~~6~~ 4 of this section;

~~8. 6. Having had a license as a real estate broker or real estate salesperson~~ a professional or occupational license that was suspended, revoked, or surrendered in connection with a disciplinary action or that has been the subject of discipline in any jurisdiction;

~~9. 7. Failing to inform the board in writing within 30 days of a disciplinary action as stated~~ described in subdivision ~~8~~ 6 of this section;

~~10. 8. 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 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;~~

9. Knowingly providing false, misleading, or incomplete information to an inquiry by the board or any of its agents;

10. Violating, inducing another to violate, cooperating with another to violate, or combining or conspiring with or acting as agent, partner, or associate for another to violate any of the provisions of Chapter 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.) or 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, or any of the regulations of the board;

11. ~~Actions constituting failing~~ Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public, ~~including~~ 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, 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;

~~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. d.~~ A broker failing to have signatory authority on all accounts;

~~f. e.~~ A broker failing to account for or remit any moneys coming into a licensee's the broker's possession that belong to another;

~~g. f.~~ A licensee failing to submit to the broker in a timely manner, all ~~earnest money deposits~~ escrow money, contracts, ~~listing~~ brokerage and other representation agreements, deeds of lease, or leasing agreements, disclosures, and any other documents for which the broker has oversight responsibility;

~~h. g.~~ A licensee ~~negotiating leases for a~~ performing regulated activities for any third party ~~through an unlicensed firm or without a principal broker,~~ except for entities in which the licensee has an ownership interest, outside the licensee's brokerage firm or sole proprietorship;

~~i. h.~~ A licensee operating an unlicensed firm or acting as a principal broker;

- 1348 ~~j. i.~~ A licensee practicing real estate with an inactive or expired license;
- 1349 ~~k. j.~~ A licensee knowingly providing the broker with an earnest money deposit check
- 1350 from an account with insufficient funds;
- 1351 ~~l. k.~~ A licensee ~~allowing unsupervised~~ providing access to a ~~home~~ property without the
- 1352 owner's authorization; ~~m. A licensee failing to inform the broker of a transaction;~~ and
- 1353 ~~n. i.~~ A licensee submitting unauthorized altered copies of a contract to the broker; and
- 1354 12. ~~Actions constituting engaging~~ Engaging in improper, fraudulent, or dishonest conduct,
- 1355 ~~including which includes~~ the following:
- 1356 a. A licensee attempting to divert commission from the firm or sole proprietorship and
- 1357 direct payment to a licensee or an unlicensed individual who is not a party to the
- 1358 transaction;
- 1359 b. A licensee fabricating or altering any document with the intent to mislead;
- 1360 c. A licensee signing any documents on a client's behalf without first obtaining a client's
- 1361 the proper written permission or legal authorization to sign ~~said~~ the documents on the
- 1362 client's behalf;
- 1363 d. A licensee making an ~~earnest money~~ escrow deposit payable to ~~himself~~ the licensee
- 1364 or negotiating the check without written authority;
- 1365 e. A licensee knowingly misrepresenting ownership of a property;
- 1366 f. A licensee submitting copies of the same earnest money deposit check for inclusion
- 1367 with multiple offers;
- 1368 g. A licensee entering into agreements to be compensated for real estate services
- 1369 ~~while the licensee's~~ without an active license ~~is inactive;~~

- 1370 h. A licensee representing in offers that the licensee received ~~the~~ an earnest money
1371 deposit when the licensee has not received such deposit or knows the ~~check~~ payment
1372 is worthless; ~~and~~
- 1373 i. A licensee misrepresenting who is holding ~~the earnest money~~ an escrow deposit;
1374 and
- 1375 j. A licensee sitting for an examination for a license the licensee already obtained or
1376 taking an examination on behalf of another.

1377 **18VAC135-20-270. Conflict of interest.**

1378 Actions constituting a conflict of interest include:

- 1379 1. Being active with a real estate broker other than the licensee's principal broker, without
1380 the written consent of the principal broker; and
- 1381 2. Acting for more than one client in a transaction governed by the provisions of §§ 54.1-
1382 2139, 54.1-2139.01, and 54.1-2139.1 of the Code of Virginia without first obtaining the
1383 written consent of all clients; ~~and 3. Performing regulated activities as a standard agent,~~
1384 ~~limited service agent, or independent contractor for any client outside the licensee's~~
1385 ~~brokerage firm(s) or sole proprietorship(s).~~

1386 **18VAC135-20-280. Improper brokerage commission financial transactions and dealings.**

1387 Actions resulting in an improper brokerage commission A. Improper financial transactions and
1388 dealings include:

- 1389 1. Offering to pay or, ~~paying a transaction-based fee, fees, or other~~ providing valuable
1390 consideration to any person not licensed in this or any jurisdiction for services that require
1391 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~~ 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.~~ 4. 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.~~ 5. Making a listing contract or lease which provides for a "net" return to the ~~seller/lessor~~ seller or lessor, leaving the licensee free to sell or lease the property at any price ~~he~~ the licensee can obtain in excess of the "net" price named by the ~~seller/lessor~~ seller or lessor.

B. Actions constituting improper dealing include [knowingly] offering real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized

1415 representative, or on any terms other than those authorized by the owner or the owner's
1416 authorized representative.

1417 **18VAC135-20-290. ~~Improper dealing.~~ (Repealed.)**

1418 ~~Actions constituting improper dealing include:~~

1419 ~~1. Offering real property for sale or for lease without the knowledge and consent of the~~
1420 ~~owner or the owner's authorized representative, or on any terms other than those~~
1421 ~~authorized by the owner or the owner's authorized representative;~~

1422 ~~2. Placing a sign on any property without the consent of the owner of the property or the~~
1423 ~~owner's authorized representative; and~~

1424 ~~3. Causing any advertisement for sale, rent, or lease to appear in any format or medium~~
1425 ~~without including in the advertisement the name of the firm or sole proprietorship.~~

1426 **18VAC135-20-300. ~~Misrepresentation/omission~~ Misrepresentation or omission.**

1427 ~~Actions constituting misrepresentation or omission, or both, include:~~

1428 ~~1. Using "bait and switch" tactics by advertising or offering real property for sale or rent~~
1429 ~~with the intent not to sell or rent at the price or terms advertised, unless the advertisement~~
1430 ~~or offer clearly states that the property advertised is limited in specific quantity or for a~~
1431 ~~specified time period and the licensee did in fact have at least that quantity for sale or rent~~
1432 ~~at that price or terms at the time of advertising, including listing status and condition of~~
1433 ~~property;~~

1434 ~~2. Failure by Failing as a licensee representing a seller or landlord as a standard agent to~~
1435 ~~disclose in a timely manner to a prospective purchaser or tenant all material adverse facts~~
1436 ~~pertaining to the physical condition of the property ~~which~~ that are actually known by the~~
1437 ~~licensee;~~

1438 3. Failing as a licensee to tender promptly to the ~~buyer and seller~~ client or unrepresented
1439 party every written offer, every written counteroffer, and every written rejection to
1440 purchase, option, or lease obtained on the property involved;

1441 4. ~~Failure by~~ Failing as a licensee ~~acting as an agent~~ to disclose in a timely manner to the
1442 licensee's client all material facts related to the property or concerning the transaction
1443 when the failure to so disclose would constitute failure by the licensee to exercise ordinary
1444 care ~~as defined in the brokerage agreement~~;

1445 5. ~~Notwithstanding the provisions of subdivision 4 of this section, a licensee acting as a~~
1446 ~~dual representative shall not disclose~~ Failing to provide in a timely manner to all principals
1447 to the transaction written notice of any material changes to the transaction;

1448 6. Disclosing to one client represented in the dual representation confidential information
1449 relating to the transaction obtained during the representation of another client in the same
1450 dual representation unless otherwise provided by law when acting as a dual agent or dual
1451 representative;

1452 ~~6. 7.~~ Failing to include the complete terms and conditions of the real estate transaction,
1453 including ~~but not limited to~~ any lease, property management agreement, or offer to
1454 purchase;

1455 ~~7. 8.~~ Failing to include in any application, lease, or offer to purchase identification of all
1456 those holding any deposits;

1457 ~~8. 9.~~ Knowingly making any false statement or report, or willfully misstating the value of
1458 any land, property, or security for the purpose of influencing in any way the action of any
1459 lender upon:

1460 a. Applications, advance discounts, purchase agreements, repurchase agreements,
1461 commitments, or loans;

b. Changes in terms or extensions of time for any of the items listed in ~~this~~ subdivision
§ 9 a of this section 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 § ~~[subdivision]~~ 9 a of this section without the prior written consent of the
principals to the transaction;

~~9.~~ 10. Knowingly making any material misrepresentation; and

~~10.~~ 11. 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]~~ leases, 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.~~ 2. 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~~ the broker's authorized agent; provided, however, if the transaction is closed by
a settlement agent other than the licensee or ~~his~~ the licensee's broker, and if the
disbursement of moneys received by the licensee is disclosed on the applicable settlement

1485 statement, the licensee ~~shall~~ will not be required to provide the separate statement of
1486 receipts and disbursements; and

1487 4. 3. Refusing or failing without just cause to surrender to the rightful owner, upon demand,
1488 any document or instrument ~~which~~ that the licensee possesses.

1489 **18VAC135-20-340. Effect of disciplinary action on subordinate licensees.**

1490 Action by the board resulting in the revocation, suspension, or denial of renewal of the license
1491 of any principal broker or sole proprietor ~~shall~~ will automatically result in an order that the licenses
1492 of any and all individuals active with the affected firm be returned to the board until such time as
1493 ~~they~~ the licenses are reissued upon the written request of a sole proprietor or principal broker
1494 pursuant to 18VAC135-20-170 B.

1495 **18VAC135-20-345. Effect of disciplinary action on certificates, approvals, and concurrent**
1496 **licenses.**

1497 The board ~~shall~~ will suspend, revoke [REDACTED] or deny renewal of existing concurrent broker
1498 licenses when the board suspends, revokes, or denies renewal of another broker's license held
1499 by the same individual. The board will suspend, revoke, or deny renewal of existing instructor
1500 certificates and instructor approval when the board suspends, revokes, or denies renewal of a
1501 license held by the same individual.

1502 **18VAC135-20-350. Definitions. (Repealed.)**

1503 ~~The following words and terms when used in this part, unless a different meaning is provided~~
1504 ~~or is plainly required by the context, shall have the following meanings:~~

1505 ~~"Accredited university, college, community college, or other school or educational institution,"~~
1506 ~~as used in § 54.1-2105 B 1 a of the Code of Virginia, means those accredited institutions of higher~~
1507 ~~learning approved by the Virginia Council of Higher Education or listed in the Transfer Credit~~

1508 Practices of Designated Educational Institutions, published by the American Association of
1509 Collegiate Registrars and Admissions Officers.

1510 "Class hour/clock hour" means 50 minutes.

1511 "Equivalent course" means any course encompassing the basic educational curriculum of
1512 Virginia courses and approved by the board.

1513 "Proprietary school" means (i) a privately owned school, (ii) a real estate professional
1514 association, or (iii) a related entity, which is not under the authority of the Department of
1515 Education, but approved by the Real Estate Board to teach real estate courses.

1516 "Provider" means an accredited university, college, community college or high school offering
1517 adult distributive education courses, or a proprietary school.

1518 **18VAC135-20-360. Proprietary school standards, instructor qualifications and course**
1519 **requirements Certification of proprietary schools.**

1520 A. Every applicant to the Real Estate Board board for a proprietary school certificate shall
1521 must meet the standards provided in subsection A of § 54.1-2105.02 of the Code of Virginia by
1522 submitting a CPA-certified (i) letter attesting to the applicant's net worth or (ii) a balance sheet or
1523 financial statement certified to be accurate by the applicant. Such applicant shall must show a
1524 minimum net worth of \$2,000.

1525 B. Every applicant to the Real Estate Board for certification as an instructor for prelicense
1526 education must meet two of the qualifications outlined in subdivisions 1 through 6 of this
1527 subsection.

1528 1. A baccalaureate degree, an active Virginia real estate broker's license, and two
1529 consecutive years of discipline-free active real estate experience immediately prior to
1530 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;~~

~~3. 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);~~

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

~~5. 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 teacher qualifications, or at least five years of teaching experience in an accredited public, private, or parochial school or an accredited junior college, college, or university; and~~

~~6. 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. The board may waive the requirements of subdivisions 1 through 6 of this subsection upon review of proof of experience in related fields of real estate. The board has discretion to deny an applicant who has been the subject of a disciplinary action.~~

~~G. 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 and will teach only in the area of the applicant's expertise. Such applicants will be required to furnish proof of expertise, possibly including 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. 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 courses 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 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. 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 of the Code of Virginia.~~

~~F. Approval of prelicense, continuing education, and post license education courses shall expire on December 31 three years from the year in which the approval was issued, as indicated on the approval document.~~

~~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 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 continuing education or post license education courses shall electronically transmit course completion data to the board in an approved format within five business days of the completion of each individual course. The transmittal will include each student's name, license~~

1604 number, or social security number; the date of successful completion of the course; the school's
1605 code; and the board's code.

1606 **18VAC135-20-361. Certification of instructors.**

1607 A. Every applicant to the board for certification as an instructor for prelicense education must
1608 meet two of the qualifications outlined in subdivisions 1 through 7 of this subsection:

	<u>Prerequisite Credential</u>	<u>Education</u>	<u>Experience</u>
<u>1.</u>	<u>Active real estate broker license</u>	<u>Baccalaureate degree or higher</u>	<u>Two consecutive years of active real estate experience immediately prior to application.</u>
<u>2.</u>	<u>Active real estate broker license</u>	<u>N/A</u>	<u>Five consecutive years of active real estate experience immediately prior to application.</u>
<u>3.</u>	<u>A professional designation that has been approved by the board.</u>	<u>N/A</u>	<u>N/A</u>
<u>4.</u>	<u>Fully designated membership of the Real Estate Educators Association holding the Designated Real Estate Instructor (DREI) designation.</u>	<u>N/A</u>	<u>N/A</u>
<u>5.</u>	<u>Valid teaching credential issued by the Commonwealth of Virginia, or any other state with qualifications that are equal to or exceed Virginia teacher qualifications.</u>	<u>N/A</u>	<u>N/A</u>
<u>6.</u>	<u>N/A</u>	<u>N/A</u>	<u>At least five years of teaching experience in the real estate field [redacted] or at an accredited university, college, community college, or other school or educational institution, or their equivalent.</u>

7.	<u>Attorney member of the Virginia State Bar who is engaged in the field of real estate-related law.</u>	<u>N/A</u>	<u>N/A</u>
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1609 The board may waive the requirements of subdivisions 1 through 7 of subsection A upon
1610 review of proof of substantially equivalent qualifications.

1611 B. Every applicant to the board for certification as an instructor for continuing education and
1612 post-license education must have expertise in a specific field of real estate with at least three
1613 years of active experience in that field in the five years immediately preceding the date of
1614 application and must teach only in the area of such applicant's expertise. Such applicants must
1615 furnish proof of expertise. [Proof of expertise may include (i) educational transcripts; (ii)
1616 professional certificates; (iii) no more than three letters of reference; (iv) a resume; or (v) any other
1617 type of documentation that verifies an applicant's experience.]

1618 C. The board has discretion to deny an applicant who has been the subject of a disciplinary
1619 action.

1620 **18VAC135-20-362. Approval of courses.**

1621 A. Prelicense courses must be acceptable to the board, be taught by a certified prelicense
1622 instructor, and are required to have a monitored, final written assessment. All courses offered by
1623 an approved provider must include a mechanism designed to ensure reasonably that licensees
1624 are actively engaged for each class hour. Schools applying for approval to offer prelicense
1625 education courses must [(i) electronically] submit an application on a form prescribed by the
1626 board [and ; (ii)] gain approval by the board prior to initially offering the course [;] and [(iii)]
1627 supply the following information:

1628 1. Course syllabus;

1629 a. All Principles and Practices of Real Estate courses must include the topic areas
1630 specified in 18VAC135-20-400.

1631 b. All requests to offer broker courses must include a course syllabus acceptable to
1632 the board.

1633 2. Name of the course text and any research materials used for study assignments;

1634 3. Description of any research assignments;

1635 4. Copies of proficiency assessments, tests, or quizzes; and

1636 5. Information about recordkeeping for the type of course delivery.

1637 B. Continuing education and post-license education course requirements.

1638 1. Schools applying for approval to teach continuing education and post-license education
1639 courses must submit an application on a form prescribed by the board and gain approval
1640 by the board prior to initially offering the course.

1641 2. All courses offered by an approved provider must include a mechanism designed to
1642 ensure reasonable that licensees are actively engaged for each class hour.

1643 3. Correspondence and other distance learning courses offered by an approved provider
1644 must include appropriate testing procedures to verify completion of the course, including
1645 requiring licensees who complete correspondence or other distance learning courses to
1646 file a notarized affidavit certifying compliance with the course requirements with the
1647 education provider or with the licensee's own records.

1648 4. The board will approve courses and the number of hours approved for each course
1649 based on the relevance of the subject to the performance of the duties set forth in § 54.1-
1650 2100 of the Code of Virginia.

1651 5. Course content must be specific to the current laws and regulations of Virginia where
1652 applicable.

1653 C. Approval of prelicense, continuing education, and post-license education courses, as well
1654 as post-license and continuing education instructors, will expire three years from the last day of
1655 the month in which the approval was granted by the board.

1656 D. All schools must establish and maintain a record for each student. The record must include:

- 1657 1. The student's name and address;
1658 2. The course name and clock hours attended;
1659 3. The course syllabus or outline;
1660 4. The name of the instructor;
1661 5. The date of successful completion; and
1662 6. The board's course code.

1663 Records must be available for inspection during normal business hours by authorized
1664 representatives of the board. Schools must maintain all student and class records for a minimum
1665 of five years.

1666 E. All schools must provide each student with a certificate of course completion or other
1667 documentation that the student may use as proof of course completion. Such documentation must
1668 contain:

- 1669 1. The student's name;
1670 2. School name;
1671 3. Course name;
1672 4. Course approval number;
1673 5. Course completion date;
1674 6. Hours of credit completed; and

1675 7. A statement that the course is "Approved by the Real Estate Board."

1676 F. All providers of prelicense, continuing education, or post-license education courses must
1677 electronically transmit course completion data to the board in an approved format and method
1678 within five business days of the completion of each individual course.

1679 [G. All schools must appropriately update their course materials to reflect changes in
1680 applicable law or regulation when those changes take effect. Such changes do not require
1681 separate approval.]

1682 **18VAC135-20-370. Fees. (Repealed.)**

1683 ~~A. The application fee for an original certificate for a proprietary school shall be \$265.~~

1684 ~~B. The renewal fee for proprietary school certificates expiring every two years from the last~~
1685 ~~day of the month in which they were issued shall be \$135.~~

1686 ~~C. If the requirements for renewal of a proprietary school certificate, including receipt of the~~
1687 ~~fee by the board, are not completed within 30 days of the expiration date noted on the certificate,~~
1688 ~~a reinstatement fee of \$205 is required. A certificate may be reinstated for up to one year following~~
1689 ~~the expiration date with payment of the reinstatement fee. After one year, the certificate may not~~
1690 ~~be reinstated under any circumstances and the applicant must meet all requirements and apply~~
1691 ~~as a new applicant. If the renewal requirements are not completed within 30 days of the expiration~~
1692 ~~date noted on the proprietary school approval, the proprietary school shall no longer offer board-~~
1693 ~~approved courses.~~

1694 ~~D. The application for an original prelicense education instructor certificate shall be \$265.~~

1695 ~~E. The renewal fee for a prelicense instructor certificate expiring every two years from the last~~
1696 ~~day of the month in which it was issued shall be \$115.~~

~~F. If the requirements for renewal of an instructor certificate, including receipt of the fee by the board, are not completed within 30 days of the expiration date on the certificate, a reinstatement fee of \$170 is required. A certificate may be reinstated for up to one year following the expiration date with payment of the reinstatement fee. After one year, the certificate may not be reinstated under any circumstances and the applicant must meet all requirements and apply as a new applicant.~~

~~G. The board in its discretion may deny renewal of a certificate for the same reasons it may deny initial approval.~~

~~18VAC135-20-380. Posting school certificate of approval and instructor certificates.~~
(Repealed.)

~~Copies of school certificates of approval and instructor certificates, if applicable, must be available at the location a course is taught.~~

18VAC135-20-390. Withdrawal of approval.

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

1. The school, instructors, 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 that 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.

1720 4. The school, through an agent or otherwise, advertises its the school's services in a
1721 fraudulent, deceptive, or misrepresentative manner.

1722 5. Officials, instructors, or designees of the school sit for a real estate licensing
1723 examination for any purpose other than to obtain a license as a broker or salesperson.

1724 6. A school or instructor fails to ensure the timely and accurate electronic transmission of
1725 course completion data.

1726 **18VAC135-20-400. Course content of real estate principles and practices.**

1727 The following ~~shall~~ must be included in the four-semester-hour or six-quarter-hour course
1728 ~~which shall not have less than~~. Such course must be at least 60 class hours:

1729 1. Economy and social impact of real estate,

1730 2. Real estate market and analysis,

1731 3. Property rights,

1732 4. Contracts,

1733 5. Deeds,

1734 6. Mortgages and deeds of trust,

1735 7. Types of mortgages,

1736 8. Leases,

1737 9. Liens,

1738 10. Home ownership,

1739 11. Real property and title insurance,

1740 12. Investment,

1741 13. Taxes in real estate,

- 1742 14. Real estate financing₁
- 1743 15. Brokerage agreements and agency contract responsibilities₁
- 1744 16. Real estate marketing₁
- 1745 17. Real property management₁
- 1746 18. Search, examination, and registration of title₁
- 1747 19. Title closing₁
- 1748 20. Appraisal of residential and income producing property₁
- 1749 21. Planning subdivision developments and condominiums₁
- 1750 22. Regulatory statutes₁
- 1751 23. Housing legislation₁
- 1752 24. Fair housing statutes, and
- 1753 25. Real Estate Board regulations₁

1754 **18VAC135-20-410. Broker courses.**

1755 A. Brokerage ~~shall~~ must be a required specific course with three semester hours or six quarter
1756 hours, but ~~not less than~~ at least 45 class hours, constituting a complete course.

1757 B. "Related subjects," as referred to in § 54.1-2105 of the Code of Virginia, ~~shall~~ must be real
1758 estate related ~~and shall include, but are not limited to,~~ including courses in property management,
1759 land planning and land use, business law, real estate economics, and real estate investments.

1760 C. No more than 45 class hours of broker-related courses ~~shall~~ will be accepted in lieu of
1761 specific broker courses set forth in § 54.1-2105 of the Code of Virginia.

1762 ~~D. Schools intending to offer equivalent broker courses must submit to the board for approval~~
1763 ~~a copy of the syllabus of the particular course with a cover letter requesting approval.~~

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

In addition to the duties of supervising brokers set forth in § 54.1-2110.1 of the Code of Virginia, supervising brokers must:

1. Provide supervision of brokerage services in a timely manner.
2. Undertake reasonable steps to ensure only licensees undertake activities requiring a license, to include such activities described in 18VAC135-20-335 A.
3. Provide adequate supervision over all unlicensed individuals or entities associated with the firm or the firm's licensees, to include such activities described in 18VAC135-20-335 B.
4. Respond in a timely manner to inquiries from the public, cooperating brokers, and licensees affiliated with the supervising broker's firm regarding existing or contemplated transactions.

18VAC135-20-335. Activities to be performed by licensees; activities permitted to be performed by non-licensees.

A. The following activities may only be performed by an individual or business entity licensed in accordance with this chapter:

1. Showing property;
2. Holding an open house;
3. Answering questions on listings, title, financing, closing, contracts, brokerage agreements, and legal documents;

4. Discussing, explaining, interpreting, or negotiating a contract, listing, lease agreement, or property management agreement with anyone outside the firm; and
5. Negotiating or agreeing to any commission, commission split, management fee, or referral fee.

B. The following activities may be performed by an unlicensed individual or entity:

1. Performing general clerical duties, including answering the phones, responding by electronic media, and providing information shown on the listing;
2. Submitting listings and changes to MLS;
3. Following up on loan commitments after contracts have been ratified;
4. Having keys made for listings;
5. Computing commission checks;
6. Placing signs on properties;
7. Acting as a courier service;
8. Scheduling appointments;
9. Recording and depositing escrow funds;
10. Accepting security deposits, periodic rent, and other payments as contracted for in a rental agreement.
11. Preparing contract forms for approval of the licensee and supervising broker;
12. Accepting and signing broker-approved rental agreements, state or federal required disclosures, and any documents required for compliance with Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 related to a rental transaction;

13. Preparing promotional materials and advertisements for approval of the licensee and supervising broker;
14. Assembling closing documents;
15. Obtaining required public information from governmental entities;
16. Monitoring license and personnel files;
17. Ordering routine repairs as directed by licensee; and
18. Performing any other activities undertaken in the regular course of business for which a license is not required.

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

Real Estate Board

Summary of Comments General Review of Virginia Real Estate Board Licensing Regulations

Following is the summary of comments received during the public comment period (August 25, 2025, to October 24, 2025) regarding the Board's regulatory action for the General Review of Virginia Real Estate Board Licensing Regulations (18 VAC 135-20). The comments below represent the comments received on the proposed regulation. During the public comment period, the Board received comments from two (2) commenters.

	Regulation *#	Summary of Comment(s)	Draft Board Response
	Commenter		
1	20-10	The commenter expressed concern regarding several definitions in 18VAC135-20-10 that may cause confusion or conflict with existing law.	The Board appreciates the commenter's thorough review and feedback regarding the definitions in 18VAC135-20-10.
	Erin Kormann - Virginia REALTORS (Town Hall)	The commenter raised concern that the term "digital advertising" within "contact information" is undefined, which could confuse both consumers and licensees. Additionally, the commenter observed that the term "moral turpitude" is used throughout the regulations but must be removed due to new legislation effective July 1, 2025. Lastly, the commenter objected to the inclusion of "assignor" and "assignee" in the definition of "principal to a transaction," explaining that once an assignor transfers rights, they are no longer a principal and that the addition of these terms could further confuse licensees amid ongoing issues related to assignment and wholesaling practices.	The Board determined that providing a definition of the term "digital advertising" is unnecessary. The common meaning of this term is applicable. OR The Board revised the regulation to include a definition for the term "digital advertising" to better guide licensees on disclosure and advertising requirements. The regulation was amended effective November 5, 2025, to remove provisions allowing the Board to refuse a license on the basis of crimes involving moral turpitude. The proposed new term "moral turpitude" was removed from the final regulation.

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

			The Board removed the reference to “assignor or assignee” from the definition of “principal to a transaction” to reduce potential for confusion. OR The Board elected to keep the reference to “assignor or assignee” in the definition of “principal to a transaction.” The Board determined that amending the definition as proposed is not likely to cause confusion.
2	20-10	The commenters expressed concern regarding the introduction of the term “in good standing” in the definition of “active” in 18VAC135-20-10, noting that “in good standing” is not defined in the regulation.	Thank you for your comments. The Board appreciates your engagement. The Board determined that providing a definition of the term “in good standing” is unnecessary. The common meaning of this term is applicable.
	Erin Kormann - Virginia REALTORS Sarah Louppe Petcher (Town Hall)		
3	20-30	The commenter expressed concern regarding the continued use of the term “moral turpitude” in 18VAC135-20-30 (Qualifications for Individual Licensure), noting that recent legislation prohibits the use of this term.	Thank you for your comment. The Board appreciates your engagement. The regulation was amended effective November 5, 2025, to remove provisions allowing the Board to refuse a license on the basis of crimes involving moral turpitude.
	Erin Kormann - Virginia REALTORS (Town Hall)		
4	20-55		

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	Sarah Louppe Petcher (Town Hall)	The commenter expressed concern regarding the wording in 18VAC135-20-55, specifically the phrase “a broker seeking to exchange the broker’s license.” The commenter suggested replacing “the” with “their.”	Thank you for your comment. The Board appreciates your engagement. The Board determined that the proposed language is clear and understandable.
5	20-165 Erin Kormann - Virginia REALTORS Sarah Louppe Petcher (Town Hall)	The commenters expressed concern regarding the proposed language in 18VAC135-20-165, which requires supervising brokers to “respond in a timely manner to inquiries from the public, cooperating brokers, and licensees.” Both commenters noted that the phrase “timely manner” is vague and could lead to confusion, inconsistent enforcement, or an increase in frivolous complaints from consumers who feel responses were delayed. They suggested that the regulation instead use language such as “act with reasonable diligence and promptness” or “respond within a reasonable time” to incorporate the well-established legal standard of reasonableness, which provides clearer expectations and flexibility.	Thank you for your comment. The Board appreciates the commenters’ thoughtful feedback regarding the phrase “timely manner” as it is used in 18VAC135-20-165. The Board determined that this standard of conduct is better addressed in the Board’s prohibited acts in 18VAC135-20-260 under the “failure to safeguard the interests of the public” prohibited act. The prohibited will be revised to proscribe failing to respond in a timely manner to inquiries if such failure negatively impacts a transaction. OR The Board determined that the proposed language is clear and enforceable.
6	20-170		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	Erin Kormann - Virginia REALTORS (Town Hall)	The commenter expressed concern regarding 18VAC135-20-170.B.1 related to the discharge or termination of active status. The commenter noted that the regulation should clarify that termination becomes effective upon notification to the Board, rather than upon processing by the Board. The commenter explained that delays in processing could expose licensees to continued liability under a problematic broker or, conversely, expose brokers to liability if a problematic licensee remains listed under their supervision during the delay.	Thank you for your comment. The Board appreciates the commenter's input regarding the timing of termination. The Board understands the concern that delays in processing could create unintended liability for brokers or licensees. The Board deemed that there is not a need for clarification regarding the termination process. The date that the termination occurs is that date indicated on the notification provided to the Board, not the date that the Board received the notice of termination. Department staff will log the date of termination indicated on the notification into the Department's licensing system.
7	20-181 Erin Kormann - Virginia REALTORS Sarah Louppe Petcher (Town Hall)	The commenters expressed concern regarding inconsistent terminology in 18VAC135-20-181.A.1.c, which addresses the maintenance and management of escrow accounts. Both commenters noted that the regulation uses the term "escrow account authority", which is not used elsewhere in the section. They recommended replacing it with "signatory authority" to maintain consistency throughout the regulations and avoid confusion.	Thank you for your comment. The Board appreciates the commenters' careful review and agrees that consistent terminology improves clarity and regulatory compliance. The term "escrow account authority" is replaced with "signatory authority" to ensure consistency within the section and across related regulatory provisions.
8	20-181		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	Sarah Louppe Petcher (Town Hall)	The commenter expressed concern regarding the use of the term “the broker’s associates” in 18VAC135-20-181.B.1.a, which addresses the handling of earnest money deposits. The commenter noted that “associates” is not a defined term in the regulations and could create confusion about who is included—whether it refers to the title company designated in the contract, salespersons, or other brokers and licensees affiliated with the firm. The commenter recommended using consistent and clearly defined terminology throughout the regulations to avoid misinterpretation.	Thank you for your comment. The Board appreciates the commenter’s observation regarding the undefined use of the term “broker’s associates.” The Board amended the final regulation to provide a definition of the term “broker’s associates.” OR The Board replaced the term “broker’s associates” with a term that aligns with existing defined terms.
9	20-185 Erin Kormann - Virginia REALTORS (Town Hall)	The commenter expressed concern that the language in 18VAC135-20-185.C regarding the maintenance and management of records is confusing. The commenter suggested rewording the section to clearly specify retention periods for various types of documents, including brokerage agreements, disclosures, and transaction-related records, to improve clarity and ensure consistent compliance.	Thank you for your comment. In consideration of the comment, the Board amended the final regulation to more clearly specify the retention period for the various documents described in 18VAC135-20-185.C.
10	20-190		The Board thanks the commenter.

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	Sarah Louppe Petcher (Town Hall)	The commenter expressed concern regarding 18VAC135-20-190.A.3, noting that the requirement to update a property's contract status is often dependent on actions controlled by third parties. They suggested adding the same clarifying sentence included in subdivision A.4 to the end of subdivision A.3 to acknowledge this limitation and reduce potential confusion or unintended liability for licensees.	The Board amended the final regulation to add a provision to subdivision A.3 that is similar to the provision in subdivision A.4 regarding advertising under the control of a third party. OR The Board determined that the provision in subdivision A.4 regarding advertising controlled by a third party is sufficient to address the concern raised by the commenter.
11	20-260 Erin Kormann - Virginia REALTORS Sarah Louppe Petcher (Town Hall)	The commenters expressed concern regarding language in 18VAC135-20-260.11.g, that includes a provision regarding entities in which a licensee has an ownership interest from the prohibition on performing regulated activities outside the broker's firm or sole proprietorship. Commenters indicated that (i) the language is complicated and difficult to understand; and (ii) appears contrary to provisions of § 54.1-21032(D) of the Code of Virginia and 18VAC135-20-155.B in the regulation which provide that a licensee must follow applicable statute and regulation even when regulated activities by a licensee are taken in the licensee's personal capacity. The commenters (i) questioned whether the provision allows a salesperson or broker to act as a property manager through an entity in which they have an ownership interest, even if the entity itself does not hold a firm license; and (ii) requested that the distinction between what a licensee can do when they have an	The Board appreciates the commenter's feedback. The Board amended the final regulation to remove the provision regarding entities in which a licensee has an ownership interest from the prohibited conduct described in 18VAC13520-260.11.g. After review, the Board determined that this provision is inconsistent with applicable statute.

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

		ownership interest and what constitutes “personal capacity” be clarified.	
12	20-280	The commenter expressed concern regarding 18VAC135-20-280 (Improper Financial Transactions and Dealings), noting that subdivision A.2 is unclear about when a licensee may be paid by a closing agent and could be misinterpreted to allow payment for activities such as negotiating contracts or showing property. The commenter recommended clarifying the language to specify payment “at the time of the transaction.”	Thank you for your comment. The Board appreciates the commenter’s input on the proposed changes to this section. Regarding the provisions of subdivision A.2, the Board amended the final regulation to restore the provision specifying payment “at the time of the transaction.” OR Regarding the provisions of subdivision A.2, the Board determined that the proposed language is clear and understandable.
	Erin Kormann - Virginia REALTORS (Town Hall)		
13	20-280		

DRAFT CONTINGENT ON BOARD REVIEW AND APPROVAL

	Erin Kormann - Virginia REALTORS Sarah Louppe Petcher (Town Hall)	The commenters expressed concern regarding the proposed language in 18VAC135-20-280.B, noting that (i) the language is overly broad and could create a violation for a licensee who reasonably believed they had the owner's authorization, even if the licensee was unknowingly involved in a fraudulent transaction; and (ii) could place excessive liability on licensees by requiring them to verify identities without adequate tools. The commenters suggested rewording the provision to focus on knowingly acting without the owner's consent or outside authorized terms.	The Board appreciates the commenters' suggestions to clarify 18VAC135-20-280(B). The Board amended the final regulation to add the word "knowingly" to these provisions as recommended by the commenters.
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2026 Real Estate Board Meeting Dates

Date	Time	Board	Rm
Thurs, January 22, 2026	10:00 AM	Real Estate	BR4
Thurs, March 12, 2026	10:00 AM	Real Estate	BR2
Thurs, May 14, 2026	10:00 AM	Real Estate	BR2
Thurs, July 16, 2026	10:00 AM	Real Estate	BR2
Thurs, September 10, 2026	10:00 AM	Real Estate	BR2
Tues, November 10, 2026	10:00 AM	Real Estate	BR4

Meeting Dates Are Subject To Change

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