

REAL ESTATE BOARD
MINUTES OF MEETING

March 17, 2011

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

Byrl Taylor, Chair
Carol Clarke
Clifford L. Wells
Sandra Ferebee
Judith L. Childress
Sharon Johnson
Nathaniel Brown (arrived at 9:30 a.m.)
Jorge G. Lozano

Board member not present: Joseph Funkhouser

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Nick Christner, Deputy Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Deanda Shelton, Fair Housing Assistant Administrator
Earlyne Perkins, Legal Analyst
Kristin Becker, Legal Analyst
Kevin Hoefl, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Byrl Taylor called the meeting to order at 9:08 A.M.

Call to Order

A motion was made by Mr. Wells and seconded by Ms. Clarke to approve the agenda. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

Agenda

A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the following minutes: January 25, 2011, Informal Fact-Finding Conference; January 26, 2011, Informal Fact-

Minutes

Finding Conference; January 26, 2011, 10:30 A.M., Informal Fact-Finding Conference (Disciplinary); January 26, 2011, 3:00 P.M., Informal Fact-Finding Conference (Disciplinary); January 26, 2011, Regulatory Review Committee Meeting; January 27, 2011, Informal Fact-Finding Conference; January 27, 2011, Real Estate Board Meeting; February 2, 2011, 9:00 A.M., Informal Fact-Finding Conference (Disciplinary); February 2, 2011, Informal Fact-Finding Conference (Licensing); February 2, 2011, 1:00 P.M. Informal Fact-Finding Conference (Disciplinary); and February 8, 2011, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

There was no public comment.

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

In the matter of **Delmy L. Hernandez v. Virginia Realty Company, Thomas Gale and Penny Ruperti, REB File Number 2010-01862**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation from the Office of the Attorney General. A motion was made by Ms. Clarke and seconded by Ms. Childress to defer the case until the May 12, 2011, Board meeting. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **Melody Moran v. Richard Limroth, Landlord, and Signature Properties, LLC, REB File Number 2011-02759**, a motion was made by Ms. Clarke and seconded by Mr. Wells to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the Fair Housing Sub-Committee minutes of January 27, 2011. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

Public Comment

Fair Housing Administrators Report

Delmy L. Hernandez v. Virginia Realty Company, Thomas Gale and Penny Ruperti, REB File Number 2010-01862

Melody Moran v. Richard Limroth, Landlord, and Signature Properties, LLC, REB File Number 2011-02759

Fair Housing Minutes

In the matter of **File Number 2011-03102, Michael Staub**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Michael Staub, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Staub's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2011-03102, Michael Staub

In the matter of **File Number 2011-03151, Richard Capers**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clarke and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Capers's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2011-03151, Richard Capers

In the matter of **File Number 2011-03120, Tricia Bender**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Tricia Bender, applicant, appeared and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Bender's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Bender and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2011-03120, Tricia Bender

Ms. Taylor turned the position of Chair over to Ms. Johnson and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2011-03095, Joe D. Mann**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clarke, and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Mann's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano and Wells.

File Number 2011-03095, Joe D. Mann

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03096, Tiffany Henshaw**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Tiffany Henshaw, applicant, appeared and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Henshaw's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Henshaw and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano and Wells.

File Number 2011-03096, Tiffany Henshaw

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03099, Matthew D. Hart**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Matthew Hart, applicant, was present and addressed the Board.

File Number 2011-03099, Matthew D. Hart

A motion was made by Ms. Clarke, and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Hart's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano and Wells.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor returned and assumed the position of Chair.

In the matter of **File Number 2010-03278, Adam Stoll**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Stoll, applicant, was present and addressed the Board. A motion was made by Ms. Clarke, and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the real estate broker's license as he did not provide proof that he has been actively engaged as a salesperson/broker for 36 of the last 48 months but instead issue Mr. Stoll a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

Board member Nate Brown arrived at 9:30 A.M.

In the matter of **File Number 2011-03281, David Ward**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clarke and seconded by Ms. Johnson to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Ward's application for a real estate salesperson's license and not require Ward and his broker to provide quarterly reports to the Board. The motion passed

Transfer of Chair

File Number 2010-03278, Adam Stoll

Arrival of Board Member

File Number 2011-03281, David Ward

unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03279, Margaret Henley**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Margaret Henley, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Henley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

File Number 2011-03279, Margaret Henley

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03098, Lorielle M. Haastrup-Akintunde**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, approve Ms. Haastrup-Akintunde's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

File Number 2011-03098, Lorielle M. Haastrup-Akintunde

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03097, Stefena Bennett**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number 2011-03097, Stefena Bennett

Stefena Bennett, applicant, was present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Bennett's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

As the presiding Board member, Mr. Wells did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-02473, Paul D. Janney**, the Board reviewed the Consent Order as seen and agreed to by Mr. Janney. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Janney admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Janney agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Short Sales and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

File Number 2011-02473, Paul D. Janney

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

In the matter of **File Number 2010-03614, Gloria E. Berry**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's

File Number 2010-03614, Gloria E. Berry

2008 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 4) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, and \$800.00 for the violation contained in Count 4, for a total of \$6,300.00. In addition, the Board imposes revocation of license for the violation of Count 1, Count 2, Count 3 and Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, and Taylor.

As the presiding Board member and as the member who reviewed the file, Mr. Wells and Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-05933, Steven E. Richter**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

File Number 2010-05933, Steven E. Richter

A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,000.00 for the violation contained in Count 1, and \$2,000.00 for the violation contained in Count 2, for a total of \$4,000.00. In addition, the Board imposes revocation of license for the violation of Count 1 and Count 2.

The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

As the presiding Board member, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-02155, Eve Thompson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Thompson. A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Thompson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, Thompson agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

File Number 2011-02155, Eve Thompson

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-05986, Denise A. Whitt**, the Board reviewed the Consent Order as seen and agreed to by Ms. Whitt. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Whitt admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$750.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$900.00. In addition, Whitt agrees to complete at least two (2) classroom hours of Board-approved education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours

File Number 2010-05986, Denise A. Whitt

will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Clarke, Ferebee, Lozano and Wells. Members voting "No" were Brown, Childress and Taylor.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-04702, David Allen Bradshaw**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bradshaw. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Bradshaw admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and agrees a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,900.00. In addition, for violation of Count 1, Bradshaw agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. For violation of Count 2, Bradshaw agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. Bradshaw agrees to provide proof of attendance and successful completion of said courses within six (6) months of the effective date of this order. These courses must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

File Number 2010-04702, David Allen Bradshaw

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2011-03101, Larry A. Wittig**, the Board reviewed the Consent Order as seen and agreed to

File Number 2011-03101, Larry A.

by Mr. Wittig. A motion was made by Mr. Wells and seconded by Ms. Childress to reject the terms of the Consent Order as proposed. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

Wittig

A motion was made by Ms. Clarke and seconded by Mr. Wells to make a counter offer for a Consent Order wherein Mr. Wittig admits to a violation of 18 VAC 135-20-185.B (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Wittig agrees to probation of his license until Wittig completes two (2) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision. Such course(s) shall be completed in a classroom. Further, Wittig shall provide evidence acceptable to the Board that Wittig has successfully completed the course(s) within three (3) months of the effective date of the order. Also, for violation of Count 1, Wittig agrees to probation of his license until Wittig completes three (3) classroom hours of Board-approved continuing education pertaining to Ethics. Such course(s) shall be completed in a classroom. Further, Wittig shall provide evidence acceptable to the Board that Wittig has successfully completed the course(s) within three (3) months of the effective date of this order. Wittig understands that the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. If Mr. Wittig does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-05568, Adrienne Szabo**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Wells and seconded by Ms. Clarke to

File Number 2010-05568, Adrienne Szabo

accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty and the following sanctions: Probation of Szabo's license for three (3) years under the following terms: Szabo, and her principal broker, will provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. In addition, Szabo shall be required to complete four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Ethics and Standards of Conduct. Such course(s) must be completed in a classroom. Further, Szabo shall provide evidence acceptable to the Board that she has successfully completed the course(s) within three (3) months of the effective date of this order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Lozano, Taylor and Wells.

As the Board member who reviewed the file, Ms. Johnson did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-05640, Ruben Rojas**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2010-05640, Ruben Rojas

A motion was made by Mr. Wells and seconded by Ms.

Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violation contained in Count 1. The Board also imposes the following sanction: revocation of Rojas's license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Lozano, Taylor and Wells. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violation contained in Count 2. The Board also imposes the following sanction: revocation of Rojas's license for the violation of Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Lozano, Taylor and Wells.

As the presiding Board member, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2010-05212, Julie Huffman Hamann**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mark Obenshain, attorney for the respondent, Julie Huffman Hamann, respondent, and Donna McCormick, witness were present and addressed the Board.

File Number 2010-05212, Julie Huffman Hamann

At 10:22 A.M., Ms. Johnson offered a motion which was seconded by Mr. Wells, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of deliberation on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by §2.2-3711.A.28 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Steven Jack, Mark Courtney, Christine Martine and Gordon Dixon.

Closed Session

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

26. File Number 2010-05212, Julie Huffman Hamann

At 10:48 A.M., a motion was made by Mr. Wells and seconded by Mr. Lozano that the Board reconvene in open

session.

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

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

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

VOTE: 7-0

AYES: Brown, Childress, Ferebee, Johnson, Lozano, Taylor and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Clarke.

ABSENT DURING THE MEETING: Funkhouser.

In the matter of **File Number 2010-05212, Julie Huffman Hamann**, a motion was made by Mr. Wells and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead offer a Consent Order offer wherein Ms. Huffman-Hamann admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-280.2 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,000.00 for the violation of Count 1, \$1,500.00 for the violation of Count 2, as well as \$150.00 in Board costs for a total of \$3,650.00. The Board also imposes the following sanctions: As to Count 1, Hamann agrees she shall provide evidence acceptable to the Board within ninety (90) days of the effective date of this order that

Certification

File Number 2010-05212, Julie Huffman-Hamann

she has successfully completed the following classroom hours of Board-approved continuing education: sixteen (16) hours pertaining to Property Management; eight (8) hours pertaining to Real Estate Contracts; eight (8) hours pertaining to Ethics and Standards of Conduct; and eight (8) hours pertaining to Fair Housing. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license; As to Count 2, Hamann agrees she shall have yearly independent audit inspections of the escrow accounts for a period of three (3) years. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Ferebee, Johnson, Lozano, Taylor and Wells.

As the presiding Board member, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

Ms. Taylor turned the position of Chair over to Ms. Johnson and recused herself from the meeting.

In the matter of **File Number 2010-05471, Lourdes Ortiz-Bonilla**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Wells.

A motion was made by Mr. Wells and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. The Board also imposes the following sanction(s): revocation of Ortiz-Bonilla's license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Wells.

As the presiding Board member, Ms. Taylor did not participate in the discussion or vote pertaining to this matter.

Transfer of Chair

File Number 2010-05471, Lourdes Ortiz-Bonilla

Ms. Taylor returned and assumed the position of Chair.

In the matter of **File Number 2011-01786, Michael Barrett**, the Board reviewed the Consent Order as seen and agreed to by Mr. Barrett. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Barrett admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Barrett agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2011-00853, Virginia Real Estate Transaction Recovery Act Claim of Charles E. Smith (Claimant) and See The Lake Realtors, Inc. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Charles E. Smith, claimant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Ferebee to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the claim pursuant to Title §54.1, Chapter 21, Article 2, of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2011-00852, Virginia Real Estate Transaction Recovery Act Claim of Charles E. Smith (Claimant) and Carol Myers (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Charles E. Smith, claimant, was present and addressed the Board. A

Transfer of Chair

File Number 2011-01786, Michael Barrett

File Number 2011-00853, Virginia Real Estate Transaction Recovery Act Claim of Charles E. Smith (Claimant) and See The Lake Realtors, Inc. (Regulant)

File Number 2011-00852, Virginia Real Estate Transaction Recovery Act Claim of Charles E. Smith (Claimant) and

motion was made by Ms. Johnson and seconded by Ms. Childress to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the claim. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor. Member voting "No" was Wells.

Carol Myers
(Regulant)

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve payment in the amount of \$3,864.50. The Board finds there is language in the order that supports the conclusion that the court found that the conduct of Myers involved improper or dishonest conduct. Upon payment of the claim, the license of Myers, will be revoked pursuant to Title §54.1, Chapter 21, Article 2, of the *Code of Virginia*. Pursuant to §54.1-2116(C), payments may be reduced on a prorated basis based upon the number of claims received. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2010-04559, Virginia Real Estate Transaction Recovery Act Claim of Charles E. Smith (Claimant) and Keith Myers (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Charles E. Smith, claimant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the payment as presented. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2010-
04559, Virginia Real
Estate Transaction
Recovery Act Claim
of Charles E. Smith
(Claimant) and Keith
Myers (Regulant)

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to amend the recommendation and approve payment in the amount of \$3,864.50. The Board finds there is language in the order that supports the conclusion that the court found that the conduct of Myers involved improper or dishonest conduct. Upon payment of the claim, the license of Myers, will be revoked pursuant to Title §54.1, Chapter 21, Article 2, of the *Code of Virginia*. Pursuant to §54.1-2116(C), payments may be reduced on a prorated basis based upon the number of claims received. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee,

Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2010-04787, Virginia Real Estate Transaction Recovery Act Claim of Gerald Ray (Claimant) and Colonial Properties I, Inc. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the claim pursuant to §54.1-2114.A of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Lozano and Taylor.

File Number 2010-04787, Virginia Real Estate Transaction Recovery Act Claim of Gerald Ray (Claimant) and Colonial Properties I, Inc.

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

In the matter of **File Number 2011-00723, Virginia Real Estate Transaction Recovery Act Claim of Thomas Brickman (Claimant) and Athans, Inc. t/a St. John’s Realty (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. Kevin Schell, attorney for the Respondent was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve payment in the amount of \$2,490.50, but hold payment for a period of one year for possible proration pursuant to §54.1-2116.C in anticipation of further claims. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2011-00723, Virginia Real Estate Transaction Recovery Act Claim of Thomas Brickman (Claimant) and Athans, Inc. t/a St. John’s Realty (Regulant)

In the matter of **File Number 2010-01594, Virginia Real Estate Transaction Recovery Act Claim of Kim Dorothy Kokko (Claimant) and S. Charles Volpe (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to adopt the recommendation to approve payment in the amount of \$3,481.20. Upon payment of this claim, the license of Volpe will be revoked pursuant to Title §54.1, Chapter 21, Article 2, of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Brown,

File Number 2010-01594, Virginia Real Estate Transaction Recovery Act Claim of Kim Dorothy Kokko (Claimant) and S. Charles Volpe (Regulant)

Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2011-03104, Willie Farmer**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Willie Farmer, applicant, and Linda Bass, witness, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Farmer's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Farmer and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

File Number 2011-03104, Willie Farmer

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Wells to accept the March 16, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

Education

The Board discussed whether to grant broker pre-license education credit to broker licensees in the states of Delaware and Oklahoma and in the District of Columbia who apply for a Virginia broker license by reciprocity. The Board determined the broker pre-license education completed by reciprocal applicants from these jurisdictions is "comparable in content and duration and scope" to the broker pre-license education required by the Board in Section 54.1-2105.B.3 of the Code of Virginia. A motion was made by Ms. Ferebee and seconded by Ms. Childress to accept the broker pre-license education completed by broker license reciprocal applicants from Delaware, Oklahoma and the District of Columbia toward the Board's 180 classroom hour broker pre-license education requirement. Broker license reciprocal applicants from these states who do not meet the Board's 180 classroom hour broker pre-license education requirement must make up the difference in hours by completing a Board-

**Broker Pre-license
Education for Broker
License Reciprocal
Applicants**

approved Real Estate Brokerage pre-license education course, and, if necessary, additional Board-approved broker pre-license education courses. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

Ms. Johnson gave the Board a report on the Real Estate Regulatory Review Committee. No action was taken by the Board.

**Administrative
Issues**

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to hold Board elections during the July 14, 2011, Real Estate Board meeting. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Ferebee, Johnson and Lozano. Members voting "No" were Childress, Taylor and Wells.

The Board recessed from 12:30 P.M. to 12:45 A.M.

Break

Board member training was conducted by Deputy Director, Mark Courtney.

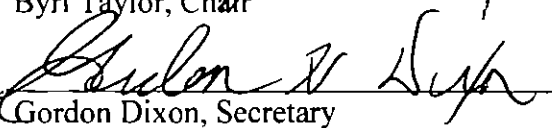
Administrative Issues

There being no further business, the Board adjourned at 1:20 P.M.

Adjourn



Byrl Taylor, Chair



Gordon Dixon, Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jorge G. Lozano
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

W/B
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

W/B

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

W/B

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature J. Lozano Date _____

*This is not applicable to me
3/17/2011*

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

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

1. Name: Carol Clarke
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Carol J. Clarke
Signature

3/17/11
Date

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

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

1. Name: Byrl Taylor
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

3-17-11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Sandra Ferebee
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

3-17-11
Date

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

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

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

3/17/2011
Date

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

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

1. Name: Sharon P. Johnson
(Name of Board Member)

2. Title: Board Member

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

4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Sharon P. Johnson
Signature

3/17/11
Date

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

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

1. Name: Judith Childress
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

03/17/11
Date

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

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

1. Name: Clifford L. Wells
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 17, 2011
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


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

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

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

3/17/11
Date