

REAL ESTATE BOARD
MINUTES OF MEETING

November 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:

Clifford L. Wells, Chairman
Sharon Johnson
Anh Tu Do
Carol Clarke
Sandra Ferebee
Nathaniel Brown (arrived at 9:12 a.m.)

Board member not present: Judith L. Childress
 Joe Funkhouser
 Jorge G. Lozano

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

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

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

Mr. Wells called the meeting to order at 9:08 A.M.

Call to Order

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

Agenda

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to adopt the following minutes: September 13, 2011, Informal Fact-Finding Conference; September 16, 2011, Informal Fact-Finding Conference; September 21, 2011, Real

Minutes

Estate Board Meeting. The motion passed unanimously. Members voting "Yes" were Clarke, Do, Ferebee, Johnson and Wells.

There was no public comment.

Deanda Shelton, Assistant Fair Housing Administrator, updated the Board on the current Fair Housing case load.

Board member Nate Brown arrived at 9:13 A.M.

In the matter of **Laurice Hunter v. John Hadjikakos and Boardwalk Realty and Development, a Division of Hadji Enterprises, Inc., REB File Number 2012-00179**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Laurice Hunter, complainant, was present and addressed the Board.

In the matter of **Myshanniece Clashawn Tabron v. F & W Management, Cynthia Sims and Macario Flores Laines, REB File Number 2011-04402**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Brian Creasy, attorney for the respondents, and Myshanniece Clashawn Tabron, complainant, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **The Estate of LaMeisha Young v. Edgewood Management Corporation and Erica Warden, REB File Number 2011-04466**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Katherine Barrett, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

Public Comment

**Fair Housing
Administrators
Report**

**Arrival of Board
Member**

**Laurice Hunter v.
John Hadjikakos and
Boardwalk Realty
and Development, a
Division of Hadji
Enterprises, Inc.,
REB File Number
2012-00179**

**Myshanniece
Clashawn Tabron v.
F & W Management,
Cynthia Sims and
Macario Flores
Laines, REB File
Number 2011-04402**

**The Estate of
LaMeisha Young v.
Edgewood
Management
Corporation and
Erica Warden, REB
File Number 2011-
04466**

In the matter of **Joyce Brown v. Wesley G. Wilmer, REB File Number 2011-02814**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Wesley G. Wilmer, respondent, was present and addressed the Board.

**Joyce Brown v.
Wesley G. Wilmer,
REB File Number
2011-02814**

In the matter of **Shirley Thomas v. Aurelia Vaughn, Jennifer Grant, and JRK Residential America, LLC, REB File Number 2011-03816**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Rachael Deane, H.O.M.E., complainant's representative, and Shirley Thomas, complainant, were present and addressed the Board.

**Shirley Thomas v.
Aurelia Vaughn,
Jennifer Grant, and
JRK Residential
America, LLC, REB
File Number 2011-
03816**

In the matter of **Laurice Hunter v. John Hadjikakos and Boardwalk Realty and Development, a Division of Hadji Enterprises, Inc., REB File Number 2012-00179**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Alicia Fulkerson, attorney for the respondent, and John Hadjikakos, respondent, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

**Laurice Hunter v.
John Hadjikakos and
Boardwalk Realty
and Development, a
Division of Hadji
Enterprises, Inc.,
REB File Number
2012-00179**

In the matter of **Shirley Thomas v. Aurelia Vaughn, Jennifer Grant, and JRK Residential America, LLC, REB File Number 2011-03816**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. J. C. Cancelleri, attorney for the respondents, was present and addressed the Board.

**Shirley Thomas v.
Aurelia Vaughn,
Jennifer Grant, and
JRK Residential
America, LLC, REB
File Number 2011-
03816**

In the matter of **Joyce Brown v. Wesley G. Wilmer, REB File Number 2011-02814**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause 1) that the respondent subjected the complainant to discriminatory terms and conditions based on

**Joyce Brown v.
Wesley G. Wilmer,
REB File Number
2011-02814**

her race or sex 2) that the respondent refused to continue to rent to the complainant based on her race or sex and 3) that the respondent retaliated against complainant because she exercised her fair housing rights. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **Shirley Thomas v. Aurelia Vaughn, Jennifer Grant, and JRK Residential America, LLC, REB File Number 2011-03816**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General.

Shirley Thomas v. Aurelia Vaughn, Jennifer Grant, and JRK Residential America, LLC, REB File Number 2011-03816

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to find no reasonable cause that the respondents, Aurelia Vaughn and Jennifer Grant, discriminated against the complainant by refusing to make a reasonable accommodation with regard to the request to transfer to another apartment and to terminate the lease as both were acting within the scope of their employment. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to find reasonable cause that the respondent, JRK Residential America, LLC, discriminated against the complainant by refusing to make a reasonable accommodation based on disability when it failed to permit complainant to terminate her lease immediately. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to find no reasonable cause that the respondent JRK Residential America, LLC, discriminated against the complainant based on refusal to make reasonable accommodations on request to transfer based on disability. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **Housing Opportunities Made Equal v. Aurelia Vaughn, Jennifer Grant, and JRK Residential America, LLC, REB File Number 2011-03817**, the Board reviewed the record which consisted of the Final Investigative

Housing Opportunities Made Equal v. Aurelia Vaughn, Jennifer

Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Ferebee and seconded by Mr. Brown to find reasonable cause that JRK Residential America, LLC discriminated against the complainant for refusal to make reasonable accommodations as requested by Ms. Thomas with complainant's assistance based upon disability. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Johnson and Wells.

Grant, and JRK Residential America, LLC, REB File Number 2011-03817

A motion was made by Ms. Clarke and seconded by Mr. Brown to find no reasonable cause that Jennifer Grant or Aurelia Vaughn discriminated against the complainant for refusal to make a reasonable accommodation based upon disability because both were acting within the scope of their employment. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **Holly Burdell and Larry Barfield v. Cindy Hornsby, The Hornsby Homefront, LLC, and Callebs Realty, Inc., REB File Number 2010-04087**, a motion was made by Ms. Clarke and seconded by Ms. Ferebee to refer the matter to the Office of the Attorney General on December 18, 2011, for enforcement, if no payment is made by the respondent regarding the agreed conciliation. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

Holly Burdell and Larry Barfield v. Cindy Hornsby, The Hornsby Homefront, LLC, and Callebs Realty, Inc., REB File Number 2010-04087

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the Fair Housing Sub-Committee minutes of September 21, 2011. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

Fair Housing Minutes

In the matter of **File Number 2012-00206, Kenneth Martin**, 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. Kenneth Martin, 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 and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Martin's application for a real estate

File Number 2012-00206, Kenneth Martin

salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **File Number 2012-00505, William Amaya**, 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 accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Amaya's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Johnson and Wells.

File Number 2012-00505, William Amaya

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

In the matter of **File Number 2012-00506, Vuong Q. Dang**, 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 Board member. 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 and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Dang's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Dang and his broker will provide quarterly reports to the Board. As a condition of the agreement for licensure, Dang's license will be suspended if he does not comply with any of the terms until he appears before the Board to explain the reason for non-compliance. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Johnson and Wells.

File Number 2012-00506, Vuong Q. Dang

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

In the matter of **File Number 2012-00107, Anjolle Monique Scott**, the Board reviewed the Consent Order as seen and agreed to by Ms. Scott. Ms. Scott, respondent, was present and addressed the Board. A motion was made by Ms. Clarke

File Number 2012-00107, Anjolle Monique Scott

and seconded by Ms. Do to accept the proposed Consent Order offer wherein Ms. Scott admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the 2008 Regulations and agrees to a monetary penalty of \$650.00 in Count 1, as well as \$150.00 in Board costs for a total of \$800.00. In addition, for the violation of Count 1, Scott agrees to complete at least four (4) classroom hours of Board-approved continuing 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 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, Clarke, Do, Ferebee 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 2011-04694, Olisaemeka Brian Akpati**, the Board reviewed the Consent Order as seen and agreed to by Mr. Akpati. A motion was made by Ms. Clarke and seconded by Ms. Do to accept the proposed Consent Order offer wherein Mr. Akpati admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Counts 1 and 2, Akpati agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and at least two (2) classroom hours of Board-approved continuing 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 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, Clarke, Do, Ferebee and Wells.

File Number 2011-04694, Olisaemeka Brian Akpati

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 2011-04880, Thomas Clayton Hickey**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hickey. Thomas Clayton Hickey, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Hickey admits to 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) and agrees to no monetary penalty in Count 1, \$1,500.00 for the violation contained in Count 2, and \$150.00 in Board costs for a total of \$1,650.00. In addition, for the violation of Count 1, Hickey agrees to one (1) year probation of his license as of the effective date of this order. During this one (1) year period, Hickey agrees to the following terms: (1) Hickey shall comply with the rules and regulations of the Real Estate Board; (2) Hickey shall not be in violation of any local, state, or federal laws or regulations; and (3) Hickey and his supervising broker shall provide to the Board, on a quarterly basis, a written statement and supporting documentation showing compliance with the terms listed above. In addition, for violation of Count 2, Hickey agrees to complete at least six (6) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within three (3) months of the effective date of this order. The course must be completed in the classroom. Hickey further agrees that failure to complete the above-referenced continuing education requirements shall result in revocation of his license for violation of Count 2. 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, Clarke, Do, Ferebee, Johnson and Wells.

File Number 2011-04880, Thomas Clayton Hickey

In the matter of **File Number 2011-04950, Gaston A. Prudencio**, the Board reviewed the Consent Order as seen and agreed to by Mr. Prudencio. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Prudencio admits to a

File Number 2011-04950, Gaston A. Prudencio

violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 in Count 1, \$1,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, for violation of Count 1, Prudencio agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within three (3) months of the effective date of this order. The course must be completed in the classroom. Further, for violation of Count 2, Prudencio agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and to provide proof of attendance and successful completion within three (3) months of the effective date of this order. The course 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, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **File Number 2011-04908, Heather Roth Hagerman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hagerman. Heather Roth Hagerman, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Hagerman 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 \$300.00 in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

File Number 2011-04908, Heather Roth Hagerman

In the matter of **File Number 2011-04484, William Ashley West, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. West. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. West admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$500.00

File Number 2011-04484, William Ashley West, Sr.

for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, West agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Johnson and Wells.

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

In the matter of **File Number 2011-04285, Marilyn Victoria Sundy**, the Board reviewed the Consent Order as seen and agreed to by Ms. Sundy. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Sundy admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,100.00 in Count 1, as well as \$150.00 in Board costs for a total of \$1,250.00. The motion passed by majority vote. Members voting "Yes" were Clarke, Do, Johnson and Wells. Member voting "No" was Brown.

File Number 2011-04285, Marilyn Victoria Sundy

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

In the matter of **File Number 2011-02715, Ann W. High**, the matter was deferred to the January 26, 2012 Board meeting.

File Number 2011-02715, Ann W. High

In the matter of **File Number 2011-01514, Peter Tang Tang**, the matter was deferred to the January 26, 2012 Board meeting.

File Number 2011-01514, Peter Tang Tang

In the matter of **File Number 2011-03987, Peter Tang Tang**, the matter was deferred to the January 26, 2012 Board meeting.

File Number 2011-03987, Peter Tang Tang

Mr. Wells turned the position of Chair over to Ms. Johnson and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2011-02080, Joyce Ann Leckie**, 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. Joyce Ann Leckie, respondent, was present and addressed the Board. A motion was made by Ms. Clarke 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, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-250 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

File Number 2011-02080, Joyce Ann Leckie

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 to impose no monetary penalty for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, and \$2,000.00 for the violation contained in Count 3, for a total cost of \$2,800.00. In addition, for the violations of Count 1, 2 and 3 the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

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 2011-02928, David Wayne Hess**, 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. Ferebee 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 135-20-260.1 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

File Number 2011-02928, David Wayne Hess

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 to impose revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

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 2011-03732, James Thomas High, III**, 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. Ferebee 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 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-185.B (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

File Number 2011-03732, James Thomas High, III

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 to impose no monetary penalty for the violation contained in Count 1, a monetary penalty of \$750.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, and \$1,500.00 for the violation contained in Count 5, for a total cost of \$5,750.00. In addition, for the violations of Count 1, 2, 3, 4 and 5, the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

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 2010-04776, Randolph Smith**

File Number 2010-

Morrison, 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. Randolph Smith Morrison, respondent, was present and addressed the Board. A motion was made by Ms. Clarke 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 135-20-210.B (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-220.A.1 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-270.2 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-270.2 (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-280.2 (Count 5) of the Board's 2008 Regulations, six violations of 18 VAC 135-20-220.B.1 (Count 6) of the Board's 2008 Regulations, six violations of 18 VAC 135-20-270.3 (Count 7) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.1 (Count 8) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

**04776, Randolph
Smith Morrison**

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 to impose no monetary penalty for the violations contained in Counts 1, 3, 4, 5, 6, 7 and 8. In addition, for the violation of Count 3, 4, 5, 6, 7 and 8, the Board imposes revocation of license. Further, for the violation of Count 1, Morrison's license will be placed on probation. While on probation, Morrison shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency, and three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such courses shall be completed in the classroom. Morrison shall provide evidence acceptable to the Board that he has attended and successfully completed the courses within three (3) months of the effective date of the Order. If Morrison does not complete the above education within the specified timeframe, Morrison's license shall be suspended until he complies with the terms of this Order. The above-referenced continuing education courses will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license. In addition, for the violation of Count 8, Morrison's license will be placed on

probation. While on probation, Morrison shall be required to retake and pass the salesperson's licensing examination and provide proof to the Board within six (6) months of the effective date of the order. If Morrison does not provide the Board with acceptable proof of passing the examination within the specified timeframe, Morrison's license shall be suspended until he complies with the terms of the order. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee and Johnson.

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 2011-04058, Kayvan Mehrbakhsh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Mehrbakhsh. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Mehrbakhsh admits to a violation of 18 VAC 135-20-290.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$350.00. In addition, for violation of Count 1, Mehrbakhsh agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Ferebee and Johnson.

File Number 2011-04058, Kayvan Mehrbakhsh

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

Mr. Wells returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2010-03104, Myra S. Arendt**, the Board reviewed the Consent Order as seen and agreed to by Ms. Arendt. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Arendt admits to a violation of §54.1-

File Number 2010-03104, Myra S. Arendt

2133.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$600.00. In addition, for violation of Count 1, Arendt agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Property Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **File Number 2012-00099, Anne Denise Albright**, the Board reviewed the Consent Order as seen and agreed to by Ms. Albright. A motion was made by Ms. Ferebee and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Albright admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. The motion passed by majority vote. Members voting "Yes" were Clarke, Do, Ferebee, Johnson and Wells. Member voting "No" was Brown.

File Number 2012-00099, Anne Denise Albright

A motion was made by Ms. Ferebee and seconded by Ms. Johnson to reconsider File Number 2012-00099, Anne Denise Albright. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

In the matter of **File Number 2012-00099, Anne Denise Albright**, the Board reviewed the Consent Order as seen and agreed to by Ms. Albright. A motion was made by Ms. Ferebee and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Albright admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. The motion passed by majority vote. Members voting "Yes" were Clarke, Do, Ferebee, Johnson and Wells. Member voting "No" was Brown.

In the matter of **File Number 2011-04986, Miguel Angel Calvo**, the Board reviewed the Consent Order as seen and agreed to by Mr. Calvo. A motion was made by Ms. Ferebee and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Calvo admits to a violation of 18 VAC 135-20-180.B.1.a 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, Calvo agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Ferebee, Johnson and Wells.

File Number 2011-04986, Miguel Angel Calvo

In the matter of **File Number 2011-03888, Susanne Azizi Haas**, the Board reviewed the Consent Order as seen and agreed to by Ms. Haas. Susanne Azizi Haas, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Haas admits to a violation of 18 VAC 135-20-310.2 of the Board's 1999 Regulations, a violation of §54.1-2132.A.4 (Count 2) of the *Code of Virginia*, and a violation of §54.1-2132.A.4 (Count 3) of the *Code of Virginia* and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, and \$400.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,550.00. In addition, Haas agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Ferebee,

File Number 2011-03888, Susanne Azizi Haas

Johnson and Wells.

In the matter of **File Number 2011-04595, Juan Manuel Piniella**, the Board reviewed the Consent Order as seen and agreed to by Mr. Piniella. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Piniella admits to a violation of 18 VAC 135-20-180.B.1.a of the Board's 2008 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. In addition, Piniella agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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, Clarke, Do, Ferebee, Johnson and Wells.

File Number 2011-04595, Juan Manuel Piniella

In the matter of **File Number 2011-04951, Ging-Hwang Felicia Tsoa**, the Board reviewed the Consent Order as seen and agreed to by Ms. Tsoa. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Tsoa admits to a violation of 18 VAC 135-20-180.1.a 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, Tsoa agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and 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 this order. The 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, Clarke, Do, Ferebee, Johnson and Wells.

File Number 2011-04951, Ging-Hwang Felicia Tsoa

The Board recessed from 10:55 A.M. to 11:10 A.M.

Break

Ms. Ferebee presented the Education Committee Report to the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the November 16, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

Education

Kevin Hoeft, Education Administrator, gave a report from the October 18, 2011, Real Estate Advisory Council Meeting. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the October 18, 2011, Real Estate Advisory Report. The motion was withdrawn.

New Business

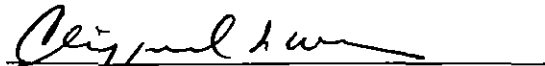
A motion was made by Ms. Ferebee and seconded by Ms. Clarke to refer the recommendations from Real Estate Advisory Report back to the Real Estate Advisory Council for further study. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Johnson and Wells.

The Board members completed Conflict of Interest Training.

Conflict of Interest Training

There being no further business, the Board adjourned at 1:13 P.M.

Adjourn


Clifford Wells, Chair


Gordon Dixon, Secretary

**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: November 17, 2011
(Date)

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

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

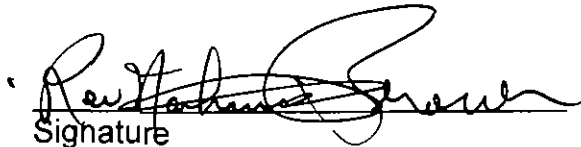
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

11/17/2011
Date

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: November 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

11/17/11
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: November 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

11/17/11
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: November 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.

Clifford L. Wells
Signature

11/17/11
Date

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

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

1. Name: Anh Tu Do
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: November 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.

Anh Tu Do
Signature

11/17/11
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: November 17, 2011
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

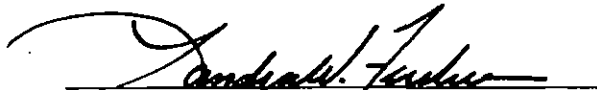
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

11-17-11
Date