

REAL ESTATE BOARD  
MINUTES OF MEETING

July 14, 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:

Sharon Johnson, Vice-Chair  
Carol Clarke  
Clifford L. Wells  
Sandra Ferebee  
Judith L. Childress  
Anh Tu Do  
Joe Funkhouser (arrived at 9:17 a.m.)  
Nathaniel Brown (arrived at 9:35 a.m.)  
Jorge G. Lozano

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

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

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

Sharon Johnson called the meeting to order at 9:06 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Ms. Clarke and seconded by Mr. Wells to adopt the following minutes: April 26, 2011, Informal Fact-Finding Conference; May 4, 2011, Informal Fact-Finding Conference; May 10, 2011, Informal Fact-Finding Conference; May 11, 2011, Informal Fact-Finding Conference; May 12,

**Minutes**

2011, Informal Fact-Finding Conference; May 12, 2011, Real Estate Board Meeting; May 17, 2011, Informal Fact-Finding Conference; May 17, 2011, Recovery Fund Informal Fact-Finding Conference; May 18, 2011, Informal Fact-Finding Conference; May 25, 2011, Informal Fact-Finding Conference; May 26, 2011, Informal Fact-Finding Conference; June 2, 2011, Informal Fact-Finding Conference; June 15, 2011, Informal Fact-Finding Conference and June 28, 2011, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Do, Ferebee, Johnson, Lozano, 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 **Holly Burdell and Larry Barfield v. Cindy Hornsby, The Hornsby Homefront, LLC, and Calebs Realty, REB File Number 2010-04087**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, statement from the respondents, and Official Consultation from the Office of the Attorney General. Cindy Hornsby, respondent, was present and addressed the Board.

Board member Joe Funkhouser arrived at 9:17 A.M.

At 9:18 A.M., Ms. Clarke 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: Tom Payne, Angela Keefe-Thomas and Liz Hayes.

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

**Fair Housing Case 2. File Number 2010-04087, Holly Burdell and Larry Barfield v. Cindy Hornsby, The**

**Public Comment**

**Fair Housing  
Administrators  
Report**

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

**Arrival of Board  
Member**

**Closed Session**

### **Hornsby Homefront LLC and Calebs Realty**

At 9:34 A.M., a motion was made by Ms. Clarke and seconded by Ms. Childress 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: 8-0

AYES: Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano, and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Brown.

ABSENT DURING THE MEETING: None.

In the matter of **Holly Burdell and Larry Barfield v. Cindy Hornsby, The Hornsby Homefront, LLC, and Calebs Realty, REB File Number 2010-04087**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, statement from the respondents, and Official Consultation from the Office of the Attorney General. A motion was made by Ms. Clarke and seconded by Mr. Wells to find reasonable cause the respondents discriminated against the complainants for refusal to rent, and making discriminatory statements based upon familial status. The motion passed by majority vote. Members voting "Yes"

### **Certification**

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

were Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano, and Wells.

Member voting "No" was Childress.

A motion was made by Ms. Clarke and seconded by Mr. Wells to find no reasonable cause the respondents discriminated against the complainants for discriminatory terms and conditions. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano, and Wells.

Board member Nate Brown arrived at 9:35 A.M.

In the matter of **Yvonne Reeves and Rochelle Reeves v. Melissa Stamper, Carey Campbell, Tanya Thompson and Community Housing Partners, LLC, REB File Number 2011-03571**, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigative Report, Complainant's letter to the Board and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Mr. Wells to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano, and Wells.

In the matter of **Lisa Mullins v. Leigh Burnley, Barbra Blackburn, and Keller Williams Realty North Stafford, REB File Number 2010-01237**, a motion was made by Ms. Clark and seconded by Ms. Ferebee to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

A motion was made by Ms. Clarke and seconded by Mr. Wells to approve the Fair Housing Sub-Committee minutes of May 12, 2011. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

In the matter of **File Number 2011-04146, Amy Longerbeam**, 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

**Arrival of Board Member**

**Yvonne Reeves and Rochelle Reeves v. Melissa Stamper, Carey Campbell, Tanya Thompson and Community Housing Partners, LLC, REB File Number 2011-03571**

**Lisa Mullins v. Leigh Burnley, Barbra Blackburn, and Keller Williams Realty North Stafford, REB File Number 2010-01237**

**Fair Housing Minutes**

**File Number 2011-04146, Amy Longerbeam**

Informal Fact-Finding Conference of the presiding officer. Amy Longerbeam, 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 Ms. Longerbeam's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

In the matter of **File Number 2011-04235, Teresa Kane**, 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. Teresa Kane, applicant, was present and addressed the Board. 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Kane's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-04235, Teresa Kane**

In the matter of **File Number 2011-04144, Bennie Baskerville**, 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 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. Baskerville's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Baskerville and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-04144, Bennie Baskerville**

In the matter of **File Number 2010-04145, Cynthia Stephens**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal

**File Number 2010-04145, Cynthia Stephens**

Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Cynthia Stephens, 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 Ms. Stephens' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

In the matter of **File Number 2011-04236, Nancy 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. 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 Ms. Hart's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Ms. Hart and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-04236, Nancy Hart**

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

**Transfer of Chair**

In the matter of **File Number 2011-04581, Sandra Akers**, 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. Sandra Akers, applicant, 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 to approve Ms. Akers' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells.

**File Number 2011-04581, Sandra Akers**

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 2011-04442, Craig R. McLaurin**, 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 reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the application for a real estate broker's license, and instead deny Mr. McLaurin's application for a real estate broker's license based upon the record. The Board determined that McLaurin has not completed the required pre-license education and failed to show equivalent education in four specific courses of real estate brokerage, real estate finance, real estate appraisal and real estate law, to that which is required; therefore, the request for an education waiver is denied. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells.

**File Number 2011-04442, Craig R. McLaurin**

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 2011-04443, Julie Hamann**, 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. Julie Hamann, applicant, was present and addressed the Board. 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 to approve Ms. Hamann's application for a real estate broker's license with the following amended conditions: 1) Hamman must continue to meet the conditions imposed in Count 2 of the Consent Order, File # 2010-05212 which states, Hamann agrees she shall have semi-yearly independent audit inspections of the escrow accounts for a period of three (3) years; 2) The continuing education courses imposed in Count 1 of the Consent Order, File #2010-05212, will not count towards any continuing education requirements for her broker's license; 3) Any and all other conditions deemed necessary by the Board with a correction to the transcript on page 5, line 19 to 16 hour property management course instead of 26. The motion passed

**File Number 2011-04443, Julie Hamann**

unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Lozano and Wells.

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

Ms. Johnson returned and assumed the position of Chair.

In the matter of **File Number 2011-04033, Alan Delforn**, 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. Childress, and seconded by Ms. Ferebee 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. Delforn a real estate salesperson's license with a correction to the fourth paragraph of Summary of the Informal Fact-Finding Conference that both classes were completed on October 25, 2010 instead of September. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Lozano.

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 2011-04030, Imran Awan**, 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. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Awan's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Lozano.

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

**Transfer of Chair**

**File Number 2011-04033, Alan Delforn**

**File Number 2011-04030, Imran Awan**



In the matter of **File Number 2011-02411, Kathleen M. Carmichael**, the Board reviewed the Consent Order as seen and agreed to by Ms. Carmichael. A motion was made by Ms. Childress and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Carmichael admits to a violation of §54.1-2131.A.4 (Count 1) of the Code of Virginia, and 18 VAC 135-20-190.D.4 (Count 2) of the 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,450.00. Also, Carmichael agrees to probation of her license, for a period of one (1) year, which requires that she and her principal broker report to the Board semi-annually that Carmichael is in compliance with the rules and regulations of the Board. In addition, for violation of Count 1, Carmichael agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Agency. Further, for violation of Count 2, Carmichael agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Carmichael agrees to provide proof of attendance and successful completion of the above-referenced courses to the Board within six (6) months of the effective date of the 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, Do, Ferebee, Funkhouser, Johnson and Lozano.

**File Number 2011-02411, Kathleen M. Carmichael**

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 2011-01795, Joyce Marie Gaines**, 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. 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 135-20-280.2 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2)

**File Number 2011-01795, Joyce Marie Gaines**

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 135-20-250 (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 5) of the Board's 1999 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 6) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Lozano.

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* to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, \$1,000.00 for the violation contained in Count 6, for a total of \$9,500.00. In addition, the Board imposes revocation of license for the violation of Count 1, Count 2, Count 3, Count 4, Count 5 and Count 6. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Lozano.

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 2010-03648, Anthony Joseph Albanese**, 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. Cheryl Bailey, complainant, was present and addressed the Board. 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 135-20-260.10 (Count 1) of the Board's 2003 Regulations, four violations of 18 VAC 135-20-300.6 (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-240 (Count 5) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano

**File Number 2010-03648, Anthony Joseph Albanese**

and Wells.

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 to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, and \$500.00 for the violation contained in Count 5, for a total of \$4,500.00. In addition, the Board imposes revocation of license for the violation of Count 1. In addition, Albanese's license will be placed on probation. While on probation, Albanese shall be required to retake the salesperson sixty (60) hour Board-approved Principles of Real Estate prelicense education course. The course shall be completed in the classroom (no on-line courses). Albanese shall provide evidence acceptable to the Board that he has successfully completed the course within six (6) months of the effective date of the order. If Albanese does not complete the above education within the specified timeframe, Albanese's license shall be suspended until he complies with this term. The above-referenced course 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, Do, Ferebee, Funkhouser, Johnson, Lozano 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 2011-02509, Edwin L. Soto**, 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 Mr. Funkhouser 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-02509, Edwin L. Soto**

A motion was made by Ms. Ferebee and seconded by Ms.

Childress 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. In addition, the Board imposes revocation of license for the violation of Count 1. In addition, Soto's license is placed on probation until such time as he provides evidence acceptable to the Board that he has successfully retaken the salesperson sixty (60) hour Board-approved Principles of Real Estate prelicense education course. The course shall be completed in the classroom (no on-line courses). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano 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 2011-00666, Pamela Daniels Overbey**, 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. Lindsay Ward, witness, was present and addressed the Board. 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 135-20-300.9 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-180.B.1.a (Count 3) of the Board's 2008 Regulations. The motion passed by majority vote. Members voting "Yes" were Brown, Do, Funkhouser, Johnson and Wells. Members voting "No" were Childress, Ferebee and Lozano.

**File Number 2011-00666, Pamela Daniels Overbey**

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 to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose

a monetary penalty of \$500.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

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 impose a \$500.00 monetary penalty, for a total of \$2000.00. In addition, Overbey's license will be placed on probation until such time as she provides evidence acceptable to the Board that she has attended and successfully completed twenty-four (24) classroom hours of continuing education which include: eight (8) hours pertaining to short sales; eight (8) hours pertaining to contacts; and eight (8) hours pertaining to legal updates. In addition, Overbey shall provide evidence acceptable to the Board that she has successfully completed the course(s) within four (4) months of the effective date of the order. The above-referenced continuing education hours will not count towards any Board required education requirements, if applicable, for renewal, reinstatement, or activation of a license. Also, if Overbey fails to complete the twenty-four (24) classroom hours education requirement in the four (4) month time period, Overbey's license shall be suspended until she has complied with the term. Further, Overbey's license shall be placed on probation for a period of one (1) year. While on probation, Overbey and her broker will provide quarterly reports to the Board that she is in compliance with the rules and regulation of the Board. Members voting "Yes" were Brown, Childress, Do, Ferebee, Funkhouser, Johnson, Lozano 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 2011-00867, Betty Holmes**, 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 Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file and find no violation of Count 1 and no violation of Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

**File Number 2011-00867, Betty Holmes**

Do, Ferebee, Funkhouser, Johnson, Lozano 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 2011-02714, Kevin H. Turner**, the Board reviewed the Consent Order as seen and agreed to by Mr. Turner. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Turner admits to a violation of 18 VAC 135-20-160.D.4 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-160.D.2.1 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 3) of the Board's 2008 Regulations, and agrees a monetary penalty of \$500.00 for the violation contained in Count 1, \$100.00 for the violation contained in Count 2, and \$1,500.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,250.00. In addition, Turner agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Broker Management and Supervision 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, Clarke, Ferebee, Funkhouser, Johnson, Lozano, Taylor and Wells.

**File Number 2011-02714, Kevin H. Turner**

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

In the matter of **File Number 2011-02547, Shirley A. Langridge**, the Board reviewed the Consent Order as seen and agreed to by Ms. Langridge. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Langridge 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) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1 and 2, as well as \$150.00 in Board costs, for a total of \$150.00. In addition, Langridge agrees to the voluntary surrender of her

**File Number 2011-02547, Shirley A. Langridge**

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

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

In the matter of **File Number 2011-00765, Deborah Ann Riston**, the Board reviewed the Consent Order as seen and agreed to by Ms. Riston. Robert L. Harris, Jr., attorney for the respondent, and Deborah Ann Riston, respondent, were present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Riston admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board's 2008 Regulations, and agrees 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, Riston 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 of 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, Do, Ferebee, Johnson, Lozano and Wells.

**File Number 2011-00765, Deborah Ann Riston**

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

In the matter of **File Number 2011-04060, James Sherwood Strum, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Strum. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Strum admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 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, Strum agrees to enter into an Agreement for Licensure which requires that he and his

**File Number 2011-04060, James Sherwood Strum, Jr.**

principal broker report to the Board quarterly, that he is in compliance with the rules and regulations of the Board, for a period of one (1) year. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Johnson, Lozano and Wells.

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

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

In the matter of **File Number 2011-00708, Alma E. Preciado**, 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 135-20-260.6 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Lozano and Wells.

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 to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, the Board imposes revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Lozano and Wells.

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

In the matter of **File Number 2010-05654, Susan Henley Meiggs**, 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

**Transfer of Chair**

**File Number 2011-00708, Alma E. Preciado**

**File Number 2010-05654, Susan Henley Meiggs**



to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file and find no violation of Count 1, and no violation of Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano 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 2011-01799, Patrice Mukenge Muya**, 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. Patrice Mukenge Muya, respondent, was present and addressed the Board. 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 135-20-180.B.1.a (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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano, and Wells.

**File Number 2011-01799, Patrice Mukenge Muya**

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 find no violation of Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano, and Wells.

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 to impose a monetary penalty of \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells.

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 impose a monetary penalty of \$1,000.00 for the violation

contained in Count 2, for a total of \$1,500.00. In addition, Muya's license shall be placed on probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed sixteen (16) classroom hours of continuing education which is to include: four (4) hours pertaining to contracts; four (4) hours pertaining to escrow; four (4) hours pertaining to ethics; and four (4) hours pertaining to agency. In addition, Muya shall provide evidence acceptable to the Board that he has successfully completed the course(s) within four (4) months of the effective date of the order. The above-referenced continuing education hours will not count towards any Board required education requirements, if applicable, for renewal, reinstatement, or activation of a license. Also, if Muya fails to complete the sixteen (16) classroom hour education requirement in the four (4) month time period, Muya's license shall be suspended until he has complied with the term. Further, Muya's license shall be placed on probation for a period of one (1) year. While on probation, and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulation of the Board. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano 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 2011-03566, Roberta Louise Johnson**, 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. Roberta Louise Johnson, respondent, was present 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 find a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells.

**File Number 2011-03566, Roberta Louise Johnson**

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 to impose no monetary penalty for the violation contained in Count 1, Count 2 or Count 3. The Board also imposes the following sanctions: suspension of Johnson's license until the following conditions has been satisfied: Johnson provides evidence acceptable to the Board that she has successfully retaken the salesperson sixty (60) hour Board-approved Principles of Real Estate prelicense education course. Such course(s) shall be completed in a classroom. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, after the above term of suspension has been satisfied, Johnson's license is placed on probation for three (3) years. While on probation, Johnson and her broker will provide quarterly reports to the Board that she is in compliance with the rules and regulations of the Board. If Johnson fails to comply with the above terms, Johnson's license shall be suspended until such time as she complies with the terms of the order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser, 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 2011-03531, Monica Julissa Lambert**, the Board reviewed the Consent Order as seen and agreed to by Ms. Lambert. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Lambert 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) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1 and 2, as well as \$150.00 in Board costs, for a total of \$150.00. In addition, Lambert agrees to the revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Do, Ferebee, Funkhouser, Lozano and Wells.

**File Number 2011-03531, Monica Julissa Lambert**

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 2011-02960, Carol Norman Leggett**, the Board reviewed the Consent Order as seen and agreed to by Ms. Leggett. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Leggett admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2008 Regulations, and agrees to 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. The motion passed by majority vote. Members voting "Yes" were Brown, Do, Ferebee, Funkhouser, Lozano and Wells. Members voting "No" were Childress and Clarke.

**File Number 2011-02960, Carol Norman Leggett**

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

Ms. Johnson returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2011-03013, Terrance Scott Williams**, the Board reviewed the Consent Order as seen and agreed to by Mr. Williams. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Williams 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, for violation of Count 1, Williams 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 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, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-03013, Terrance Scott Williams**

In the matter of **File Number 2007-01647, Gary Steven Youngling**, 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

**File Number 2007-01647, Gary Steven Youngling**

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 135-20-310.1 (Count 1) of the Board's 1999 Regulations; a violation of 18 VAC 135-20-300.4 (Count 2) of the Board's 2003 Regulations; a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations; and a violation of §54.1-2131.A.4 (Count 5) of the *Code of Virginia*, and find no violation in (Count 3). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

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 to impose a monetary penalty of \$350.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

A motion was made by Ms. Childress to accept the sanction contained in the Summary of the Informal Fact-Finding Conference for the violation contained in Count 2, with no second the motion failed. 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 impose a monetary penalty of \$500.00 for the violation contained in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference for revocation of license for the violation contained in Count 4. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

A motion was made by Mr. Wells and seconded by Ms. Ferebee to impose no monetary penalty for the violation contained in Count 4, instead Youngling's license shall be placed on probation for a period of one (1) year. While on probation, Youngling and his broker will provide quarterly

reports to the Board that he is in compliance with the rules and regulations of the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

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 to impose a monetary penalty of \$500.00 for the violation contained in Count 5, for a total of \$1,350.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells. The Board also imposes the following sanctions: for the violation of Count 1, Youngling's license shall be placed on probation. While on probation, Youngling shall be required to complete four (4) classroom hours of Board approved continuing education pertaining to Real Estate Contracts. Youngling shall provide evidence acceptable to the Board that he has attended and successful completed the course within three (3) months of the effective date of the order. Further, for the violation of Count 5, Youngling's license shall be placed on probation. While on probation, Youngling shall be required to complete four (4) classroom hours of Board approved continuing education pertaining to Ethics and Standards of Conduct. Youngling shall provide evidence acceptable to the Board that he has attended and successful completed the course within three (3) months of the effective date of the order. 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, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

In the matter of **File Number 2011-03066, Augusto Arostegui**, the Board reviewed the Consent Order as seen and agreed to by Mr. Arostegui. A motion was made by Mr. Wells and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Arostegui admits to a violation of 18 VAC 135-20-260.7 (Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-260.8 (Count 2) of the Board's 2003 Regulations and agrees to no monetary penalty for the violation contained in Count 1, \$450.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$600.00. In

**File Number 2011-03066, Augusto Arostegui**

addition, for violation of Count 1, Arostegui agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course 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, Do, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2011-03182, Ivan Marcelo Parada**, the Board reviewed the Consent Order as seen and agreed to by Mr. Parada. A motion was made by Mr. Wells and seconded by Ms. Ferebee to reject the proposed Consent Order offer and instead offer a Consent Order wherein Mr. Parada 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, for violation of Count 1, Parada agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Escrow Management and 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 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. If Mr. Parada 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, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

**File Number 2011-03182, Ivan Marcelo Parada**

In the matter of **File Number 2011-03207, Karen Dodd Zink**, the Board reviewed the Consent Order as seen and agreed to by Ms. Zink. A motion was made by Mr. Wells and seconded by Ms. Ferebee to reject the proposed Consent Order offer and instead offer a Consent Order wherein Ms. Zink 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

**File Number 2011-03207, Karen Dodd Zink**

penalty of \$250.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$400.00. In addition, for violation of Count 1, Zink agrees to complete at least four (4) 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. If Ms. Zink 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, Do, Ferebee, Funkhouser, Johnson, Lozano and Wells.

In the matter of **File Number 2011-02643, Virginia Real Estate Transaction Recovery Act Claim of Francis Hoerner (Claimant) and Lourdes Ortiz-Bonilla (Regulant)** the Board reviewed the record, which consisted of the claim review file, the transcript and exhibits from the Informal Fact-Finding Conference and Summary. Barry R. Diamond, Esq., attorney for the claimant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Lozano.

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 2011-02031, Virginia Real Estate Transaction Recovery Act Claim of John M. Gerald (Claimant) and Terri Floyd Davidson (Regulant)** the Board reviewed the record, which consisted of the claim review file, the transcript and exhibits from the Informal Fact-Finding Conference and Summary. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve payment in the amount of \$14,370.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson

**File Number 2011-02643, Virginia Real Estate Transaction Recovery Act Claim of Francis Hoerner (Claimant) and Lourdes Ortiz-Bonilla (Regulant)**

**File Number 2011-02031, Virginia Real Estate Transaction Recovery Act Claim of John M. Gerald (Claimant) and Terri Floyd Davidson (Regulant)**



and Lozano.

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

The Board recessed from 11:30 A.M. to 11:45 A.M.

In the matter of **File Number 2011-04237, Bradley McKnight**, 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 Mr. Wells and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. McKnight's application based upon the record. After reviewing the facts, the extent and nature of the crimes, the Board thoroughly considered the record, Summary of the IFF and the Recommendation. The Board considered the recentness of McKnight's involvement in the commission of a crimes, of which three of his crimes were committed during the timeframe McKnight states he worked in the real estate industry. In addition, the Board considered McKnight's rehabilitation efforts and the fact that McKnight's most recent alcohol-related offense occurred only six months ago and the relationship of the crimes to the purpose for requiring a license. The Board is of the opinion the crimes are related to the occupation or profession, and as such, the purpose to protect the health, safety and welfare of the public is significant enough to deny the license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Johnson, Lozano, Taylor and Wells.

In the matter of **File Number 2008-00746, Judy Horne**, a motion was made by Ms. Ferebee and seconded by Mr. Wells to adopt the Order from the Court of Appeals to vacate the Board's Final Order and Opinion in File Number 2008-00746. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Johnson, Lozano, Taylor and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Ferebee to adopt the following resolution to honor the years of dedicated service by former Board Member Byrl P. Taylor to the Board:

### **Break**

### **File Number 2011-04237, Bradley McKnight**

### **Administrative Issues**

### **Resolution**

## RESOLUTION IN HONOR OF

### Byrl P. Taylor

WHEREAS, **Byrl P. Taylor**, has faithfully and diligently served as a member of the Real Estate Board since 2003; and

WHEREAS, **Byrl P. Taylor**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Byrl P. Taylor**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

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

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this fourteenth day of July, 2011 that **Byrl P. Taylor** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

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

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

The Board revisited its March 17, 2011, decision to deny six online continuing education course applications with ARELLO Distance Education Certification (DEC) because a disproportionate amount of course time was allocated to quiz/final exam materials. On March 17, 2011, the Board indicated that an online course should consist of no more than 25% of quiz/final exam materials to ensure that a minimally acceptable amount of course content is covered in the course. A motion was made by Ms. Johnson and seconded by Mr. Wells to require that new online course applications consist of

### Education

no more than 40% of quiz/final exam materials to ensure that a minimally acceptable amount of course content is covered in the course. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells. This decision applies only to new online course applications received by the Board. The Board recommends that a Board member attend and bring up this matter at the 2011 ARELLO Conference in Baltimore.

The Board discussed whether to grant broker pre-license education credit to broker licensees in the states of Arizona and Florida who apply for a Virginia broker license by reciprocity. The Board determined the broker pre-license education completed by reciprocal applicants from Arizona is "comparable in content and duration and scope" to the broker pre-license education required by the Board. A motion was made by Mr. Wells and seconded by Ms. Ferebee to accept the 90 hours of broker pre-license education completed by broker license reciprocal applicants from Arizona toward the Board's 180 classroom-hour broker pre-license education requirement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells. Broker license reciprocal applicants from Arizona must make up the difference in hours by completing a Board-approved 45-hour Real Estate Brokerage pre-license education course and another Board-approved 45-hour Broker Pre-license education course.

The Board determined the 72 hours of broker pre-license education and the 60 hours of broker post license education completed by reciprocal applicants from Florida is "comparable in content and duration and scope" to the broker pre-license education required by the Board. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the 132 hours of broker pre-license and post-license education completed by broker license reciprocal applicants from Florida toward the Board's 180 classroom-hour broker pre-license education requirement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Lozano and Wells. Broker license reciprocal applicants from Florida must make up the difference in hours by completing a Board-approved 45-hour Real Estate Brokerage pre-license education course and another Board-approved 45-hour Broker Pre-license education course.

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the July 13, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Johnson, Lozano, Taylor and Wells.

Mr. Dixon opened the floor for nominations for the position of Chair of the Real Estate Board. Carol Clarke nominated Sharon Johnson for the position of Chair. Nate Brown nominated Clifford Wells for the position of Chair. With no other nominations, the nominations were closed. Members voting for Sharon Johnson for Chair were Johnson, Clarke, and Ferebee. Members voting for Clifford Wells for Chair were Brown, Childress, Funkhouser, Lozano and Wells. Anh Tu Do abstained from voting in the matter. Clifford Wells was named Chair of the Real Estate Board by majority vote.

### New Business

Mr. Dixon opened the floor for nominations for the position of Vice-Chair of the Real Estate Board. Clifford Wells nominated Judith Childress for the position of Vice-Chair. With no other nominations, Judith Childress was named Vice-Chair by acclamation.

At 12:12 P.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 consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne.

### Closed Session

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

#### **-Legal Matters**

At 12:43 P.M., a motion was made by Ms. Clarke and seconded by Ms. Ferebee 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

### Certification

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: 9-0

AYES: Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson, Lozano, and Wells.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None.

There being no further business, the Board adjourned at 12:45 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: Sharon P. Johnson  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: July 14, 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

7-14-11  
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: July 14, 2011  
(Date)
5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

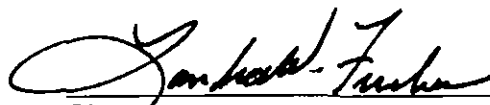
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

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

7-14-11  
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: July 14, 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

7/12/11  
Date



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

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

1. Name: Joe Funkhouser  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: July 14, 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

7-14-11  
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: July 14, 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 F. Clarke  
Signature

7/14/11  
Date

**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: July 14, 2011  
(Date)

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

NONE  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

NONE

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

N/A

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.

J. Lozano  
Signature

7/17/2011  
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: July 14, 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

Date 7/14/11

**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: July 14, 2011  
(Date)

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

\_\_\_\_\_

(Agenda Item)

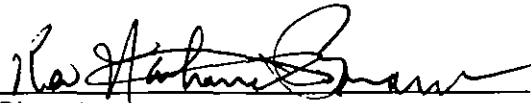
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

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

July 14, 2011  
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: July 14, 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

07/14/11  
Date