

REAL ESTATE BOARD
MINUTES OF MEETING

March 15, 2012

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
Judith Childress, Vice-Chair
Sharon Johnson
Joseph "Joe" Funkhouser, II (arrived at 9:09 a.m.)
Carol Clarke
Sandra Ferebee
Nathaniel Brown (arrived at 9:18 a.m.)
Anh Tu Do

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
Deanda Shelton, Assistant Fair Housing Administrator
Earlyne Perkins, Legal Analyst
Kristin Clay, Legal Analyst
Kevin Hoeft, Education Administrator
Jeff Williams, Board 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 Childress, Clarke, Do, Ferebee, Johnson and Wells.

Agenda

A motion was made by Ms. Childress and seconded by Ms. Johnson to adopt the following minutes: December 8, 2011, Informal Fact-Finding Conference; December 9, 2011, Informal Fact-Finding Conference; January 19, 2012, Informal Fact-

Minutes

Finding Conference; January 20, 2012, Informal Fact-Finding Conference; January 26, 2012, Real Estate Board Meeting; February 2, 2012, Informal Fact-Finding Conference; and February 7, 2012, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Do, Ferebee, Johnson and Wells.

There was no public comment.

Board member Joe Funkhouser arrived at 9:09 A.M.

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

In the matter of **Teri Southall v. Liz Dubrule and Hercules Real Estate Services, Inc., REB File Number 2012-00920**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Grimes Creasey, 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 Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Board member Nate Brown arrived at 9:18 A.M.

In the matter of **Katherine and David Zichichi v. Sandra Henley, Donald Khoury and Henley Management Realty, Inc., REB File Number 2011-03039**, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Katherine and David Zichichi, complainants, and Sarah Bucovetsky, attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find reasonable cause that Henley Management Realty, Inc. discriminated against the complainants by imposing discriminatory terms and conditions on the rental of the dwelling based upon disability. The motion passed unanimously. Members voting "Yes" were Brown, Childress,

Public Comment

Arrival of Board Member

Fair Housing Administrators Report

Teri Southall v. Liz Dubrule and Hercules Real Estate Services, Inc., REB File Number 2012-00920

Arrival of Board Member

Katherine and David Zichichi v. Sandra Henley, Donald Khoury and Henley Management Realty, Inc., REB File Number 2011-03039

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

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause that Sandra Henley or Donald Khoury discriminated against the complainants by imposing discriminatory terms and conditions based upon disability. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause Sandra Henley, Donald Khoury or Henley Management Realty, Inc. discriminated against the complainants for refusal to make a reasonable accommodation and for refusal to rent based upon disability. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells. Mr. Brown abstained from voting in the matter.

In the matter of **Brenda Yancey v. Drucker & Falk, LLC, REB File Number 2012-00974**, a motion was made by Ms. Ferebee and seconded by Ms. Clarke 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 and Wells.

**Brenda Yancey v.
Drucker & Falk,
LLC, REB File
Number 2012-00974**

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the Fair Housing Sub-Committee minutes of January 26, 2012. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

**Fair Housing
Minutes**

In the matter of **File Number 2012-02002, Khuong Pham**, 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. Khuong Pham, applicant, and David Michaelski, witness, were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Pham's application for a real estate salesperson's license. The motion

**File Number 2012-
02002, Khuong Pham**

passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01999, Jerod Wilson**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Clarke and seconded by 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 Mr. Wilson's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Wilson 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 and Wells.

File Number 2012-01999, Jerod Wilson

In the matter of **File Number 2012-01269, Minerva Smith**, 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. Minerva Smith, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to remand the case to another Informal Fact-Finding Conference to consider new evidence. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-01269, Minerva Smith

In the matter of **File Number 2012-01270, Daysha Rose**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Rose's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Rose and her broker will provide

File Number 2012-01270, Daysha Rose

quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01271, Judith Brownlow**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress 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. Brownlow's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-01271, Judith Brownlow

In the matter of **File Number 2012-01846, Brian Olson**, 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. Brian Olson, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Olson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-01846, Brian Olson

In the matter of **File Number 2012-01845, Tierra Walker**, 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. Tierra Walker, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser 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. Walker's application for a real estate salesperson's license. The motion passed unanimously.

File Number 2012-01845, Tierra Walker

Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Mr. Wells turned the position of Chair over to Ms. Childress and recused himself from the meeting due to a potential conflict of interest.

In the matter of **File Number 2011-04948, Virginia Real Estate Transaction Recovery Act Claim of Billy Epperhardt & Four B's Enterprises, LLC (Claimant) and Terri Floyd Davidson (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to adopt the recommendation to approve payment in the amount of \$20,000.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Johnson.

Mr. Wells did not participate in the discussion or vote pertaining to this matter, due to a potential conflict of interest.

Mr. Wells returned and assumed the position of Chair.

In the matter of **File Number 2011-04366, Lee Ann Shelton-Matthews**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conferences, and the Summary of the Informal Fact-Finding Conferences of the presiding Board member. Lee Ann Shelton-Matthews, respondent, and Scott Konikoff, attorney for the respondent, were present and addressed the Board. 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 and find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find no violation in Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

Transfer of Chair

File Number 2011-04948, Virginia Real Estate Transaction Recovery Act Claim of Billy Epperhardt & Four B's Enterprises, LLC (Claimant) and Terri Floyd Davidson (Regulant)

Transfer of Chair

File Number 2011-04366, Lee Ann Shelton-Matthews

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. In addition, the Board imposes probation of Shelton-Matthews' license until such time as she provides evidence acceptable to the Board that she has attended and successfully completed three (3) hours of continuing education pertaining to Escrow. The course shall be completed in the classroom (no on-line courses). Shelton-Matthews must provide proof acceptable to the Board of the course completion within six (6) months of execution of the Order. If Shelton-Matthews does not complete the above education within the specified timeframe, Shelton-Matthews' license shall be suspended until she complies with the terms of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The Board is of the opinion that due to the nature and seriousness of the violation concerning the earnest money deposit (EMD) that the continuing education sanction is warranted in this matter. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

As the presiding Board member and 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 2011-01724, Donald Arthur Herrington**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Childress and seconded by Ms. 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 and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

File Number 2011-01724, Donald Arthur Herrington

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

Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

As the presiding Board member and 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 2011-02072, Donald Arthur Herrington**, 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. Do 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 and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

File Number 2011-02072, Donald Arthur Herrington

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 for the violation of Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee and Wells.

As the presiding Board member and 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 2012-00296, Lester D. Smathers**, 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. Childress 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

File Number 2012-00296, Lester D. Smathers

voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser and Wells.

A motion was made by Ms. Childress and seconded by Ms. Do to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser 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 2011-01461, Patricia Ann Holman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Holman. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Holman admits to 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 Regulation and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,400.00. For violation of Counts 1 and 2, Holman agrees to revocation of her license. Further, the Board shall waive imposition of the \$1,000.00 monetary penalty for Count 1 and shall waive the imposition of the \$1,250.00 monetary penalty for Count 2. Holman agrees to the imposition of the monetary penalties for both counts if, in the future, she makes application for and is granted a Virginia real estate license. In addition, for violation of Count 1, Holman 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. For violation of Count 2, Holman agrees to complete at least three (3) hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct, and at least two (2) hours of Board-approved continuing education pertaining to Real Estate Agency, and to 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

File Number 2011-01461, Patricia Ann Holman

any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser 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 2012-00685, Bonnie J. Rothschild**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rothschild. A motion was made by Ms. Childress and seconded by Ms. Do to accept the proposed Consent Order offer wherein Ms. Rothschild admits to 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 Regulation and agrees to no monetary penalty for the violation contained in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

File Number 2012-00685, Bonnie J. Rothschild

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 2012-00428, Sarah Catherine Gordon**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gordon. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Gordon 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, a violation of 18 VAC 135-20-180.C.4 (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations and agrees to no monetary penalty for the violation contained in Count 1, \$650.00 for the violation contained in Count 2, \$1,300.00 for the violation contained in Count 3, and no monetary penalty for the violation contained in Count 4, and \$150.00 in Board costs, for a total of \$2,100.00. In addition, Gordon agrees to surrender of her broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of the Order. Further, Gordon agrees to complete at least four (4)

File Number 2012-00428, Sarah Catherine Gordon

classroom hours of Board-approved continuing education in each of the following subject areas: Real Estate Contracts for violation of Count 1; Real Estate Agency for violation of Count 2, Escrow Management for violation of Count 3; and Broker Management and Supervision for violation of Count 4. Gordon further agrees to 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. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, 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 2012-00323, Pamela M. Toth**, the Board reviewed the Consent Order as seen and agreed to by Ms. Toth. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Toth 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 Regulation and agrees to no monetary penalty for the violation contained in Count 1 and Count 2, and \$150.00 in Board costs, for a total of \$150.00. In addition, for the violations of Counts 1 and 2, Toth 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 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, Funkhouser, Johnson and Wells.

File Number 2012-00323, Pamela M. Toth

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 2012-00026, David Wayne Lyne**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lyne. A motion was made by Mr. Funkhouser and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Lyne admits to a violation of 18 VAC 135-20-300.3 (Count 1) of the Board's 2008 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$150.00. In addition, for the violation of Count 1, Lyne 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 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, Funkhouser, Johnson and Wells.

File Number 2012-00026, David Wayne Lyne

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 2011-02645, Orlando Willy Pacheco**, 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. Johnson 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 135-20-180.C.2 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2011-02645, Orlando Willy Pacheco

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose

a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, and \$1,000.00 for the violation contained in Count 3, for a total of \$2,500.00. In addition, for the violation of Count 1, Count 2 and Count 3, the Board imposes revocation of license. Further, the Pacheco's license will be placed on probation and Pacheco is required to complete six (6) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such courses shall be completed in the classroom. Also, Pacheco shall provide evidence acceptable to the Board that Pacheco has successfully completed the courses within three (3) months of the effective date of the Order. The above-referenced continuing education hours will not count towards any education requirements, if applicable, for initial licensure, or for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

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 2012-00793, Shawnte Latarsha Grant**, the Board reviewed the Consent Order as seen and agreed to by Ms. Grant. A motion was made by Ms. Ferebee and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Grant admits to a violation 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

File Number 2012-00793, Shawnte Latarsha Grant

In the matter of **File Number 2012-00628, Sarah Catherine Gordon**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gordon. A motion was made by Ms. Johnson and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Gordon admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, and agrees to \$600.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$750.00. In addition, for the violation of Count 1, Gordon agrees to

File Number 2012-00628, Sarah Catherine Gordon

complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to 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 and Wells.

The Board recessed from 10:30 A.M. to 10:44 A.M.

The Board discussed the issue of a licensed Virginia broker downgrading to a Virginia salesperson's license. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to have the Board delegate to staff the authority to downgrade a Virginia broker's license to a Virginia salesperson's license if the licensee complies with the following requirements. The broker licensee must submit a Downgrade to Salesperson License application form with appropriate fee and a notarized Agreement for Salesperson Licensure by Downgrade form whereby the individual agrees to downgrade his license, to return his broker's license to the Board, and acknowledges if he wants to obtain a new broker's license, he will be required to pass the current broker exam, submit a new broker license application form with appropriate fee and provide proof he meets the current broker education and experience requirements or any other requirements at the time of application. This Agreement must be signed by the Board Chair before staff can issue the new salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Ms. Childress presented the March 14, 2012, Education Committee Report to the Board. The Board approved requiring a standard examination, as a condition for approval, for all Residential Standard Agency (RSA) Distance Learning courses pursuant to §54.1-2105.03A.4 of the Code of Virginia. The Board directed its Education Committee to address this matter at its next meeting on May 21, 2012, and requested the Committee review the exam questions included in the Virginia Association of Realtors Board-approved RSA Course (Course

Break

Administrative Issue

Education

Number 64123) as its starting point for approving the standard examination for all RSA distance learning courses. A motion was made by Ms. Ferebee and seconded by Ms. Childress to require a Board-approved standard examination for all RSA distance learning courses. *The motion passed unanimously.* Members voting “Yes” were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

A motion was made by Ms. Ferebee and seconded by Ms. Childress to request additional information from “pre-licensing instructor applicant Donald L. Coleman demonstrating proof of expertise in real estate law during the past three years.” The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

A motion was made by Ms. Childress and seconded by Ms. Ferebee to approve Previously-approved Post License Education Course Number 64164 (Land Use Issues – Professional Development Institute) which was added to the Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

A motion was made by Ms. Ferebee and seconded by Ms. Childress to accept the March 14, 2012, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.

Mr. Dixon gave the Board an update on agency matters. No action was taken by the Board.

Administrative Issues

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the settlement terms in File Number 2008-01319, Merdith L. Minter and File Number 2008-03449, Marie Ann Schulte. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Ferebee, Funkhouser, Johnson and Wells.


Ms. Martine gave the Board a legislative update. No action was taken by the Board.

There being no further business, the Board adjourned at 12:05 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: Sandra Ferebee
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 15, 2012
(Date)

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


(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

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



Signature

3. 15 - 2012
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: March 15, 2012
(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 Clarke
Signature

3/15/12
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: March 15, 2012
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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


Signature

3-15-12
Date

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

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

1. Name: Clifford L. Wells
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 15, 2012
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


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

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

or

I did not participate in the transaction.

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


Signature

3/15/12
Date

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

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

1. Name: Sharon P. Johnson
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 15, 2012
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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

Sharon P. Johnson
Signature

3/15/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Judith Childress
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 15, 2012
(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.

~~OF~~
~~IC~~ I did not participate in the transaction.

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

Judith Childress
Signature

03/15/12
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: March 15, 2012
(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.

Nathaniel Brown
Signature

3/15/2012
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: March 15, 2012
(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

 03/15/12
Date