

REAL ESTATE BOARD
MINUTES OF MEETING

May 4, 2017

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

Joseph Funkhouser, II, Chair
Lynn G. Grimsley
Lee Odems
Sharon Johnson
Steve Hoover
Margaret Davis
Ibrahim Moiz

Board members absent from the meeting: Sandee Ferebee, Vice-Chair
Libby Gatewood

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

Jay DeBoer, Director
Christine Martine, Executive Director
Deanda Shelton, Assistant Fair Housing Administrator
Jeffrey Williams, Board Administrator
Jim Chapman, Board Administrator
Emily Trent, Administrative Assistant
Doug Schroder, Director of Adjudication
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Investigator
Jessica Eldridge, Presiding Officer

Elizabeth Peay and Tom Payne from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 9:01 A.M.

Call to Order

A motion was made by Mr. Hoover and seconded by Ms. Johnson to approve the agenda. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Agenda

A motion was made by Ms. Johnson and seconded by Mr. Odems to adopt the following minutes: March 16, 2017, Fair Housing Sub-Committee Meeting, and March 16, 2017, Real Estate Board Meeting. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

There was no public comment.

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

In the matter of **Jose Cruz and Nancis Arguetta v. Nena Harrell, Uptown Village, LLC and United Land Corporation of America, File Number 2016-02602**, the case was deferred for further investigation.

In the matter of **Ronald Edward Jay v. Shahrzad Miller, File Number 2017-00539**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Shahrzad Miller, respondent, and Lawrence Miller, II, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Hoover to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **Shawana Brunner v. Foxwood Richmond, LLC, Amurcon Realty Company, Emily Bumgarner and Ann Carey, File Number 2017-00771**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Shawana Brunner, complainant, and Kim Daniel, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Grimsley to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Minutes

Public Comment

Fair Housing Administrator's Report

Jose Cruz and Nancis Arguetta v. Nena Harrell, Uptown Village, LLC and United Land Corporation of America, File Number 2016-02602

Ronald Edward Jay v. Shahrzad Miller, File Number 2017- 00539

Shawana Brunner v. Foxwood Richmond, LLC, Amurcon Realty Company, Emily Bumgarner and Ann Carey, File Number 2017-00771

In the matter of **Jonathan Adams v. Susan Elliott, Martins Landing II, and Partnership Property Management, File Number 2016-02600**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Johnson and seconded by Ms. Grimsley to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Jonathan Adams v. Susan Elliott, Martins Landing II, and Partnership Property Management, File Number 2016-02600

In the matter of **Virginia Real Estate Board v. Farmville, LLC, and Management Services Corporation of Charlottesville, REB File Number 2017-01777**, a motion was made by Ms. Johnson and seconded by Ms. Grimsley to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Virginia Real Estate Board v. Farmville, LLC, and Management Services Corporation of Charlottesville, REB File Number 2017-01777

In the matter of **Virginia Real Estate Board v. Sunchase Harrisonburg, LLC, and Management Services Corporation of Charlottesville, REB File Number 2017-01880**, a motion was made by Ms. Johnson and seconded by Mr. Hoover to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Virginia Real Estate Board v. Sunchase Harrisonburg, LLC, and Management Services Corporation of Charlottesville, REB File Number 2017-01880

In the matter of **File Number 2017-01506, Clotilda C. Whitlock**, 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. Clotilda C. Whitlock, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Ms. Whitlock's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01506, Clotilda C. Whitlock

In the matter of **File Number 2017-01516, Tonya E. Body**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding

File Number 2017-01516, Tonya E. Body

Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Johnson and seconded by Ms. Davis 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. Body's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2017-01708, Marisa Boone**, 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. Marisa Boone, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia* approve Ms. Boone's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01708, Marisa Boone

In the matter of **File Number 2017-01722, Francis L. Jung, Jr.**, 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. Hoover 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. Jung's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01722, Francis L. Jung, Jr.

In the matter of **File Number 2017-01744, Frederic Gryckiewicz, Jr.**, 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.

File Number 2017-01744, Frederic Gryckiewicz, Jr.

Frederic Gryckiewicz, Jr., applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Davis 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. Gryckiewicz's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2017-01714, Anthony Scott Gunn**, 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. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Gunn's application for a real estate broker's license as he did not provide sufficient evidence that he has equivalent experience to that which is required therefore he has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01714, Anthony Scott Gunn

In the matter of **File Number 2016-02573, Paul Kenneth Guthrie**, the Board reviewed the Consent Order as seen and agreed to by Mr. Guthrie. Joshua J. Coe, attorney for the respondent and Paul Kenneth Guthrie, respondent, were present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Guthrie admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Guthrie agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2016-02573, Paul Kenneth Guthrie

In the matter of **File Number 2016-02539, William C. Wells**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wells. A motion was made by Ms. Johnson and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Wells admits to a violation of §54.1-

File Number 2016-02539, William C. Wells

2133.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$750.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Wells agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Property Management and provide proof of attendance and successful completion within nine (9) months of the effective date of the order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2016-03314, Angus Arrington, IV**, 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. Grimsley to find a violation of 18 VAC 135-20-260.11.g (Count 2) of the Board's 2015 Regulations and a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 2015 Regulations. The Board closed Count 1 with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Johnson, Moiz and Odems.

File Number 2016-03314, Angus Arrington, IV

A motion was made by Ms. Johnson and seconded by Ms. Grimsley 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, and no monetary penalty for Count 3, for a total of \$500.00. Further, for the violation of Count 2, Arrington shall be placed on probation and required to complete two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in the classroom. Further, Arrington shall provide evidence acceptable to the Board that she successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education

hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Johnson, Moiz and Odems.

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

In the matter of **File Number 2016-02080, Paula Rae Atkins**, 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. Paula Rae Atkins, respondent, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Mr. Odems to find a violation of §54.1-2137.B (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-260.12.a (Count 2) of the Board's 2015 Regulations, a violation of §54.1-2131.A.4 (Count 3) of the *Code of Virginia*, and a violation of 18 VAC 135-20-260.11.g and m (Count 4) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

File Number 2016-02080, Paula Rae Atkins

A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00 for the violation contained in Count 1, \$1,650.00 for the violation contained in Count 2, \$450.00 for the violation contained in Count 3, and \$1,500.00 for the violation contained in Count 4, for a total of \$3,850.00. In addition, for the violations of Counts 2, 3, and 4, the Board imposes license revocation. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

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

In the matter of **File Number 2015-02940, Kimberle Alma Rizzo**, 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 2015-02940, Kimberle Alma Rizzo

motion was made by Ms. Grimsley and seconded by Mr. Odems to accept a violation of 18 VAC 135-20-180.B.1.b (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

A motion was made by Mr. Hoover and seconded by Ms. Grimsley to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$700.00 for the violation contained in Count 1, and \$1,500.00 for the violation contained in Count 2, for a total of \$2,200.00. In addition, for the violations of Counts 1 and 2, the Board amended the sanctions to include license revocation due to Rizzo's prior disciplinary record. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

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

In the matter of **File Number 2017-01649, Josephine A. Pascarella**, 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. Odems and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Pascarella's application for a real estate broker's license due to her previous disciplinary record. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

File Number 2017-01649, Josephine A. Pascarella

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

In the matter of **File Number 2017-01609, John Alvin Wynn**, 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. John Alvin Wynn, respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by

File Number 2017-01609, John Alvin Wynn

Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Wynn's application for a real estate broker's license as he did not provide sufficient evidence that he has equivalent experience to that which is required therefore he has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

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

In the matter of **File Number 2017-01691, Jevette Marie 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 Board member. Jevette Marie Smith, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Smith's application for a real estate broker's license as she did not provide sufficient evidence that she has equivalent experience to that which is required therefore she has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

File Number 2017-01691, Jevette Marie Smith

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

In the matter of **File Number 2016-02306, Linda Crostic Glunt, t/a Linda C. Glunt**, 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. Linda Crostic Glunt, respondent, was present and addressed the Board. A motion was made by Mr. Odems and seconded by Ms. Grimsley to find a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board's 2008 Regulations and a violation of 18 VAC 135-20-185.C.3 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Davis,

File Number 2016-02306, Linda Crostic Glunt, t/a Linda C. Glunt

Funkhouser, Grimsley, Hoover, Moiz and Odems.

A motion was made by Mr. Grimsley and seconded by Mr. Moiz to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$750.00 for the violation contained in Count 1, and \$1,450.00 for the violation contained in Count 2, for a total of \$2,200.00. In addition, for the violation of Count 2, Glunt shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in the classroom. Further, Glunt shall provide evidence acceptable to the Board that she successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

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

In the matter of **File Number 2017-01152, David Russell Kipper**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kipper. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Mr. Kipper admits to a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2015 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

File Number 2017-01152, David Russell Kipper

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

In the matter of **File Number 2017-00986, John Sylvester Finn, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Finn. A motion was made by Ms. Grimsley and seconded by Mr. Moiz to accept the proposed Consent Order offer wherein Mr. Finn admits to a violation of 18 VAC

File Number 2017-00986, John Sylvester Finn, Jr.

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 a monetary penalty of \$850.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,000.00. In addition, for the violation of Count 2, Finn agrees to complete two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) 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, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Moiz and Odems.

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

In the matter of **File Number 2015-02918, Real Estate Empower, Inc.**, 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. Grimsley and seconded by Ms. Davis to find a violation of 18 VAC 135-20-390.4 (Count 1) of the Board's 2008 Regulations and a violation of 18 VAC 135-20-390.1 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson and Moiz.

File Number 2015-02918, Real Estate Empower, Inc.

A motion was made by Mr. Moiz and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,000.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, for a total of \$2,500.00. In addition, for the violation of Counts 1 and 2, the Board withdraws Real Estate Empower, Inc's school approval. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson and Moiz.

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

In the matter of **File Number 2017-00528, Thomas Michael Kenny, t/a T. M. Kenny**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kenny. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Kenny admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.11.i (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$2,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$4,150.00. In addition, for the violation of Counts 1 and 2, Kenny agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and provide proof of attendance and successful completion with six (6) months of the effective date of the order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson and Moiz.

File Number 2017-00528, Thomas Michael Kenny, t/a T. M. Kenny

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

In the matter of **File Number 2016-02821, Gayle B. Short, Gayle Short**, the Board reviewed the Consent Order as seen and agreed to by Ms. Short. A motion was made by Ms. Johnson and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Short admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2015 Regulations, and agrees to \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$300.00. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson and Moiz.

File Number 2016-02821, Gayle B. Short, Gayle Short

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

In the matter of **File Number 2016-02444, Vera Smith Barnes**, the Board reviewed the Consent Order as seen and agreed to by Ms. Barnes. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Barnes admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for violation of Count 1, Barnes agrees to complete at least four (4) classroom Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson and Moiz.

File Number 2016-02444, Vera Smith Barnes

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

In the matter of **File Number 2014-03223, Seung Kuk Tak t/a Ted Tak**, 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. Hoover and seconded by Ms. Johnson to 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 Davis, Funkhouser, Hoover, Johnson, Moiz and Odems.

File Number 2014-03223, Seung Kuk Tak t/a Ted Tak

A motion was made by Ms. Johnson and seconded by Ms. Davis 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 2, for a total of \$1,000.00. In addition, for the violation of Count 1, Tak's license shall be placed on probation Tak shall be required to provide proof acceptable to the Board that he successfully has retaken and passed the salesperson's licensing examination within four (4) months of the effective

date of the order. Further, if Tak fails to provide such evidence to the Board in the four (4) month time period, it shall result in the suspension of Tak's license until he has complied. For violation of Count 2, Tak's license shall be placed on probation for one year under the following conditions:

1. Tak be required to retake the thirty (30) hour new licensee Board-approved curriculum. Such course(s) shall be completed in a classroom. Further, Tak shall provide evidence acceptable to the Board that he has successfully completed the course(s) within four (4) months of the effective date of this order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. Further, if Tak fails to comply with the thirty (30) hour education requirement in the four (4) month time period, it shall result in the suspension of Tak's license until he has complied.
2. Tak and his broker will provide quarterly reports to the Board that Tak is in compliance with the regulations of the Board.

The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Hoover, Johnson, Moiz and Odems.

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

In the matter of **File Number 2017-01104, Leigh Anne Losh**, the Board reviewed the Consent Order as seen and agreed to by Ms. Losh. A motion was made by Ms. Johnson and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Losh admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$700.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,850.00. In addition, for violation of Count 1, Losh 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

File Number 2017-01104, Leigh Anne Losh

date of the Order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2017-01092, Naima Quadir Dar**, the Board reviewed the Consent Order as seen and agreed to by Ms. Dar. A motion was made by Mr. Hoover and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Dar admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Dar 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(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01092, Naima Quadir Dar

In the matter of **File Number 2017-01063, Toby Ray Jordan**, the Board reviewed the Consent Order as seen and agreed to by Mr. Jordan. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Jordan admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$700.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, for violation of Count 1, Jordan 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

File Number 2017-01063, Toby Ray Jordan

date of the Order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2017-01042, Evonne Alison Creamer**, the Board reviewed the Consent Order as seen and agreed to by Ms. Creamer. A motion was made by Ms. Johnson and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Creamer admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$700.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$850.00. In addition, for violation of Count 1, Creamer agrees to complete at least three (3) classroom Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01042, Evonne Alison Creamer

In the matter of **File Number 2017-01036, Tammy Marie Knight**, the Board reviewed the Consent Order as seen and agreed to by Ms. Knight. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Knight admits two violations of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for each 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, Knight 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(s) must be completed in the classroom. It is acknowledged that

File Number 2017-01036, Tammy Marie Knight

satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

In the matter of **File Number 2017-01003, Rebecca S. Hale**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hale. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Hale admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$700.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, for violation of Count 1, Hale 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(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-01003, Rebecca S. Hale

In the matter of **File Number 2017-00877, Danita G. Jackson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Jackson. A motion was made by Ms. Johnson and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Jackson admits to a violation of §54.1-2315.A.2 (Count 1) of the *Code of Virginia*, and agrees to a monetary 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-00877, Danita G. Jackson

In the matter of **File Number 2017-00749, Daniel Lee White**, the Board reviewed the Consent Order as seen and agreed to

File Number 2017-00749, Daniel Lee

by Mr. White. A motion was made by Ms. Johnson and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. White admits to a violation of 18 VAC 135-20-180.A.1 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$950.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,100.00. On March 28, 2017, White provided documentation to substantiate compliance with the Board's regulation 18 VAC 135-20-180.A.1. Therefore, the Board waives imposition of the \$950.00 monetary penalty for violation of Count 1. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

White

In the matter of **File Number 2017-00654, Daniel Lee Oxenburg, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Oxenburg. A motion was made by Mr. Moiz and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Mr. Oxenburg admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.c (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1, \$700.00 for the violation contained in Count 2, \$1,350.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$2,650.00. Further, for the violation of Count 1, Oxenburg 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 with six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. In addition, for violation of Counts 2 and 3, Oxenburg 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(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-00654, Daniel Lee Oxenburg, Sr.

In the matter of **File Number 2017-00566, John Vernon Wright**, the Board reviewed the Consent Order as seen and agreed to by Mr. Wright. A motion was made by Mr. Hoover and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Wright admits to a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$950.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,100.00. In addition, for violation of Count 1, Wright 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(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-00566, John Vernon Wright

In the matter of **File Number 2017-00160, Sharon Hayes Baker, t/a Sharon Baker**, the Board reviewed the Consent Order as seen and agreed to by Ms. Baker. A motion was made by Mr. Odems and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Baker admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Baker agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and 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(s) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

File Number 2017-00160, Sharon Hayes Baker, t/a Sharon Baker

**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: May 4, 2017
(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


5-4-17
Date

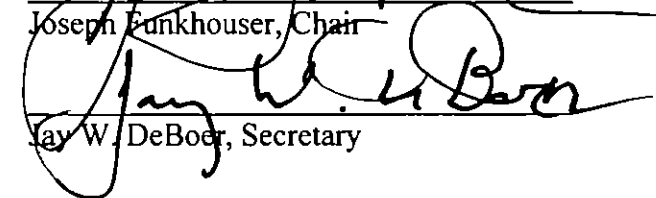
The Board reviewed the report from the May 3, 2017, Real Estate Board Education Committee meeting. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to approve the Education Committee meeting minutes. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Grimsley, Hoover, Johnson, Moiz and Odems.

Education

There being no further business, the Board adjourned at 10:29 A.M.

Adjourn


Joseph Funkhouser, Chair


Jay W. DeBoer, Secretary

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

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

1. Name: Lynn G. Grimsley
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 4, 2017
(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.

Lynn G. Grimsley
Signature

5/4/17
Date

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

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

1. Name: Margaret D. Davis
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 4, 2017
(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.

mm


Signature

5/4/16
Date

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

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

1. Name: Lee Odems
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 4, 2017
(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

5-4-2017

Date

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

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

1. Name: Steve Hoover
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 4, 2017
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

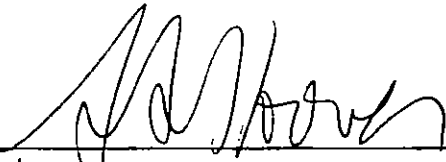
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

6. ~~1~~ I do not have a personal interest in any transactions taken at this meeting.


Signature

5/4/17
Date

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

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

1. Name: Sharon Johnson
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: May 4, 2017
(Date)

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

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

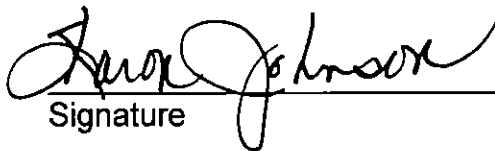
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

5/4/17

Date

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

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

1. Name: Ibrahim A. Moiz
(Name of Board Member)

2. Title: Board Member

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

4. Meeting/IFF Date: May 4, 2017
(Date)

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

N/A
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

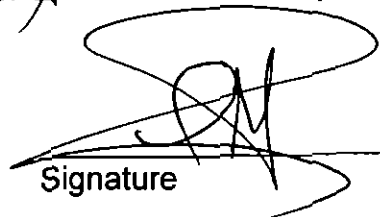
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

5/4/17
Date