

REAL ESTATE BOARD

TENTATIVE AGENDA

Thursday, July 11, 2019 - 10:00 a.m.

2nd Floor – Board Room 4

Department of Professional and Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

(804) 367-8526

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Approval of Agenda
2. Approval of Minutes:
 - A. May 30, 2019, Fair Housing Sub-Committee Meeting
 - B. May 30, 2019, Real Estate Board Regulatory Review Committee
 - C. May 30, 2019, Real Estate Board Meeting

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORTS

3. Fair Housing Administrator's Report
4. Litigation update

V. FAIR HOUSING CASES

1. James Walker v. East Beach Marina Apartments, LLC and SL Nusbaum Realty Company
REB File Number: 2019-02361
HUD File Number: 03-19-1650-8
2. Cathryn Collins D'Arcy v. Northampton Village II Assoc. LLC, Northampton Village III Assoc. LLC, Weinstein Management Co. Inc. and Lauren Taylor
REB File Number: 2019-02316
HUD File Number: 03-19-2253-8
{*Conciliation: Disability*}
3. Deirdre Gatling v. Cristie Braemer and The Real Estate Group, LLC
REB File Number: 2019-02598
HUD File Number: 03-19-2393-8
{*Conciliation: Retaliation*}
4. Joshua Reese v. Nicholas E. Dellenger and Johnston Evangeline Munson, EST ET AL
REB File Number: 2019-02199
HUD File Number: 03-19-1831-8
{*Conciliation: Disability*}

- Michelle Krasniak v. Aimco Maple Bay LLC and OP Property Management, LLC
REB File Number: 2018-02133
HUD File Number: 03-18-8580-8
{*Conciliation: Disability*}

VI. REAL ESTATE CASES

- File Number 2019-02117 – Robert L. Rogers
IFF by Eldridge – Licensing
Appointment – Robert L. Rogers, applicant
- File Number 2019-02115 – Jennifer Lynn Myers
IFF by Eldridge – Licensing
Appointment – Jennifer Lynn Myers, applicant
- File Number 2019-02116 – Brian Paul Heck
IFF by Eldridge – Licensing
- File Number 2019-02182 – Shequandra Latifah Boone
IFF by Eldridge – Licensing
- File Number 2019-03006 – Linda Joan Bruno
IFF by Johnson – Licensing
- File Number 2018-03361 – Roxana Nava Rojas
IFF by Gatewood – Disciplinary
- File Number 2018-02493 – Ramech Lashkarbhai Beladia dba Ramsey Baladia
IFF by Gatewood & Odems – Disciplinary
- File Number 2019-00638 – Tony Perez
Pre-IFF Consent Order by Odems – Disciplinary
- File Number 2019-01140 – Nina Sherelle Norman
Pre-IFF Consent Order by Odems – Disciplinary
- File Number 2018-03370 – Justin T. Tungol
Pre-IFF Consent Order by Grimsley – Disciplinary
- File Number 2019-01206 – Leah Marie Hedrick
Pre-IFF Consent Order – Disciplinary
- File Number 2019-01253 – Pauline C. Thompson
Pre-IFF Consent Order – Disciplinary
- File Number 2019-01473 – Mary Margaret Self
Pre-IFF Consent Order – Disciplinary
- File Number 2019-01512 – Jeffrey James Babb
Pre-IFF Consent Order – Disciplinary

- DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
15. File Number 2019-01657 – Angela Young Lyttle
Pre-IFF Consent Order – Disciplinary
 16. File Number 2019-00802 – Jessica Michelle Bogert
Pre-IFF Consent Order – Disciplinary
 17. File Number 2019-00836 – Catherine Haertlein Giambalvo
Pre-IFF Consent Order – Disciplinary
 18. File Number 2019-01031 – Jeffrey Scott Sawyer
Pre-IFF Consent Order – Disciplinary
 19. ~~File Number 2018-02143 – Dominion Properties Virginia, LLC
Pre-IFF Consent Order by Paul Orlando, CIC Board – Disciplinary~~

VII. ADMINISTRATIVE ISSUES

- Resolution

VIII. EDUCATION

- July 10, 2019, Education Committee Report

IX. OLD BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, September 12, 2019

** 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.

Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

**REAL ESTATE BOARD FAIR HOUSING SUB-COMMITTEE
MEETING MINUTES**

May 30, 2019

On Thursday, May 30, 2019 at 9:45 a.m., the Real Estate Board Fair Housing sub-committee met at the Department of Professional and Occupational Regulation. Board members Lynn Grimsley and Mayra Pineda attended on behalf of the Real Estate Board. Lizbeth Hayes, Deanda Shelton, and Dominica McGowen attended on behalf of the Fair Housing Office. R. Thomas Payne attended on behalf of the Office of the Attorney General.

The meeting was called to order at approximately 9:45 a.m. by Lynn Grimsley. Staff advised board members of the number of cases currently under investigation and in intake. The board members and staff briefly discussed the cases on the agenda.

Ms. Grimsley adjourned the meeting at approximately 9:50 a.m.

Steven Hoover, Chair

Mary Broz, Secretary

DRAFT AGENDA
Materials contained herein
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VIRGINIA REAL ESTATE BOARD
COMMITTEE MEETING

May 30, 2019

The Regulatory Review Committee of the Real Estate Board held a meeting on Thursday, April 4, 2019, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Members were present for the meeting:

Sharon Johnson
Maggie Davis
Libby Gatewood
Kit Hale
Boyd Smith

DPOR Staff Members present for all or part of the meeting included:

Christine Martine, Executive Director
Jim Chapman, Board and Regulatory Administrator
Matt McCabe, Program and Special Projects Analyst

Ms. Johnson called the meeting to order at 12:46 p.m.

The Regulatory Review Committee discussed proposed changes to regulations 18 VAC 135-20-101 Qualification for renewal; continuing education requirements, 18 VAC 135-20-170 Maintenance of licenses, 18 VAC 135-20-180 Maintenance and Management of Escrow Accounts and 18 VAC 135-20-185 Maintenance and Management of Financial Records.

There being no further business or public comment, the meeting adjourned at 2:37 p.m.

Steve Hoover, Chair

Mary Broz-Vaughan, Acting Secretary

COPY TESTE:

Custodian of Record

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Materials contained in this agenda
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are proposed topics for discussion and are not to be construed as regulation or official Board position.

REAL ESTATE BOARD
MINUTES OF MEETING

May 30, 2019

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

Steve Hoover, Chair
Libby Gatewood
Lynn Grimsley
Sharon Johnson
Margaret Davis
Mayra Pineda
Candice Bower

Board member absent from the meeting: Lee Odems, Vice-Chair
Ibrahim Moiz

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

Mary Broz-Vaughan, Acting Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Jim Chapman, Board Administrator
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant
Karen Taylor, Fair Housing Investigator
Loraine Schroeder, Fair Housing Investigator
Dominica McGowen, Fair Housing Investigator

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

Mr. Hoover called the meeting to Order at 10:05 A.M.

Call to Order

A motion was made by Ms. Gatewood and seconded by Ms. Davis to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood,

Agenda

Grimsley, Hoover, Johnson and Pineda.

A motion was made by Ms. Johnson and seconded by Ms. Davis to adopt the April 4, 2019, Fair Housing Sub-Committee Meeting; April 4, 2019, Real Estate Board Regulatory Review Committee, and April 4, 2019, Real Estate Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

Lawrence Marshall, II, attorney, spoke about Ernest Money Deposits (EMD) and current issues with third party EMD holders such as title companies. No action was taken by the Board.

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

Tom Payne gave the Board a litigation update.

In the matter of **Loretta Carney v. Community Housing Partners Corporation and Holly Court Apartments Corporation, REB File Number 2019-00469**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Eric Chapman, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause the respondents discriminated against the complainant by failing to make a reasonable accommodation or that the respondents discriminated against the complainant by intimidation, harassment, coercion or retaliation based upon disability. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **Isaac Gallardo Recano v. CJEHN Alpha LLC dba 11 Central Apartments and S. L. Nusbaum Realty Co., REB File Number 2019-01048**, a motion was made by Ms. Grimsley and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

Minutes

Public Comment

Fair Housing Administrator's Report

Litigation Update

Loretta Carney v. Community Housing Partners Corporation and Holly Court Apartments Corporation, REB File Number 2019- 00469

Isaac Gallardo Recano v. CJEHN Alpha LLC dba 11 Central Apartments and S. L. Nusbaum Realty Co., REB File Number 2019-01048

In the matter of **Cathryn Collins D’Arcy v. Northampton Village II Assoc. LLC, Northampton Village III Assoc. LLC, Weinstein Management Co Inc., Laura Taylor, Jessica Givens, and Nicole LNU, REB File Number 2019-02316**, the case was deferred.

**Cathryn Collins
D’Arcy v.
Northampton Village
II Assoc. LLC,
Northampton Village
III Assoc. LLC,
Weinstein
Management Co
Inc., Laura Taylor,
Jessica Givens, and
Nicole LNU, REB
File Number 2019-
02316**

In the matter of **File Number 2019-01692, Wanda Iloni Branch**, 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. Wanda Iloni Branch, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Gatewood to accept the recommendation contained in the Summary of the Informal Fact-Finding to deny Ms. Branch’s application for a salesperson’s license based upon the record. After review of the facts, the information obtained at the IFF, and in consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, the Board denies the application based upon review of the facts and the nature and seriousness of the crime. The Board determined it could not protect the health, safety and welfare of the public and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

**File Number 2019-
01692, Wanda Iloni
Branch**

In the matter of **File Number 2018-02936, Dawn Nita McKenzie**, the Board reviewed the record which consisted of the Notice, the Report of Findings, including exhibits, and the Recommendation. Lawrence Marshall, II, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

**File Number 2018-
02936, Dawn Nita
McKenzie**

A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the recommendation to impose a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. In addition, for the violation of Count 1, McKenzie shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in the classroom. Further, McKenzie 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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2019-00305, Courtney Daniel Moore**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moore. Lawrence Marshall, II, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Moore admits to a violation of 18 VAC 135-20-155 (Count 1) of the Board's 2015 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, Moore 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(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-00305, Courtney Daniel Moore

In the matter of **File Number 2018-03053, Courtney Daniel Moore**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moore. Lawrence Marshall, II, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms.

File Number 2018-03053, Courtney Daniel Moore

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Davis to accept the proposed Consent Order offer wherein Ms. Moore admits to a violation of 18 VAC 135-20-155 (Count 1) of the Board's 2015 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, Moore 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(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2019-00476, Gage H. Cole, dba Gage Cole**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cole. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the proposed Consent Order offer wherein Mr. Cole admits to a violation of 18 VAC 135-20-260.12 (Count 1) of the Board's 2015 Regulations, 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. Further, for violation of Count 1, Cole agrees to provide to the Board, on a quarterly basis for a period of one (1) year and in a form acceptable to the Board, a written statement from Cole and his principal broker that Cole is in compliance with the regulations of the Real Estate Board. In addition, for the violation of Count 1, Cole agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-00476, Gage H. Cole, dba Gage Cole

In the matter of **File Number 2019-01894, Reginald Greene,**

File Number 2019-

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. Reginald Greene, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Mr. Greene's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

**01894, Reginald
Greene**

In the matter of **File Number 2019-01905, Jennifer Barner**, 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. Jennifer Barner, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia* approve Ms. Barner's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

**File Number 2019-
01905, Jennifer
Barner**

In the matter of **File Number 2019-01962, Zachary Colin Fitzgerald**, 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. Grimsley and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the application for a salesperson license subject to a one year Agreement for Licensure. A substitute motion was made by Ms. Davis and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead deny Mr. Fitzgerald's application for a salesperson's license based upon the record. After review of the facts, the information obtained at the IFF, and in consideration of the criteria contained in §54.1-204.B of the

**File Number 2019-
01962, Zachary Colin
Fitzgerald**

Code of Virginia, the Board denies the application based upon review of the facts and the nature and seriousness of the crime and the relationship of the crime to the purpose for requiring a license to engage in the occupation. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2019-01984, Veno Baum-Dahman**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Ms. Baum-Dahman’s application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-01984, Veno Baum-Dahman

In the matter of **File Number 2019-02118, Michael Gene Chang**, 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 Ms. Gatewood to accept the recommendation contained in the Summary of the Informal Fact-Finding to deny Mr. Chang’s application for a salesperson’s license based upon the record. After review of the facts, the information obtained at the IFF, the Board denies the application based upon review of the facts, and concerns regarding creditability and non-disclosure of past disciplinary actions and agreed it would be negligent to grant a license. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-02118, Michael Gene Chang

In the matter of **File Number 2018-02728, Jevette Marie Smith**, 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. Johnson to find a violation of 18 VAC 135-20-260.11.m (Count 1) of the Board’s 2015 Regulations, and a violation of

File Number 2018-02728, Jevette Marie Smith

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18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

A motion was made by Ms. Grimsley and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, for violation of Count 1, Smith shall be placed on probation and required 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(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. In addition, for violation of Count 2, Smith shall be placed on probation and required to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2019-00214, John Junior Scalise dba John Scalise**, 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. John Junior Scalise, respondent, and Eric Sallee, witness, were present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the recommendation to find no violation of §54.1-2132.A.4 of the *Code of Virginia* and close the file. The motion passed unanimously. Members voting "Yes" were

File Number 2019-00214, John Junior Scalise dba John Scalise

Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2018-03056, Donald Paul Jones, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Jones. A motion was made by Ms. Johnson and seconded by Ms. Gatewood to accept the proposed Consent Order offer wherein Mr. Jones admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2015 Regulations, and 18 VAC 135-20-155 (Count 2) of the Board's 2015 Regulations, and agrees to \$500.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, Jones agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, three (3) hours pertaining to Real Estate Contracts; and
- For violation of Count 2, three (3) hours pertaining to Ethics and Standards of Conduct.

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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2018-02268, Donald Paul Jones, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Jones. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the proposed Consent Order offer wherein Mr. Jones admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2015 Regulations, and 18 VAC 135-20-155 (Count 2) of the Board's 2015 Regulations, and agrees to \$500.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, Jones agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of

File Number 2018-03056, Donald Paul Jones, III

File Number 2018-02268, Donald Paul Jones, III

attendance and successful completion to the Board within six (6) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, three (3) hours pertaining to Real Estate Contracts; and
- For violation of Count 2, three (3) hours pertaining to Ethics and Standards of Conduct.

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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2018-02715, C. David Martin**, the Board reviewed the Consent Order as seen and agreed to by Mr. Martin. A motion was made by Ms. Grimsley and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Martin admits to a violation of 18 VAC 135-20-260.11.h and 18 VAC 135-20-260.11.i (Count 1) of the Board’s 2015 Regulations, and a violation of 18 VAC 135-20-260.12 (Count 2) of the Board’s 2015 Regulations, and agrees to \$1,700.00 for the violation contained in Count 1, and \$2,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$4,350.00. Further, for violation of Counts 1 and 2, Martin agrees to a two (2) year probation of his license as of the effective date of the Order. During the two (2) year probation, Martin agrees to comply with the regulations of the Real Estate Board and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Martin and his principal broker that Martin is in compliance with the regulations of the Real Estate Board. If Martin violates any terms of the probation, his license may be revoked, pending review by the Board. In addition, Martin agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, four (4) hours pertaining to Legal Updates; and

File Number 2018-02715, C. David Martin

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- For violation of Count 2, three (3) hours pertaining to Ethics and Standards of Conduct.

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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2018-03303, Cornell L. Urquhart**, the Board reviewed the Consent Order as seen and agreed to by Mr. Urquhart. Cornell L. Urquhart, respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Urquhart admits to a violation of 18 VAC 135-20-300.4 (Count 1) of the Board’s 2015 Regulations, and agrees to \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for the violation of Count 1, Urquhart 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 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. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2018-03303, Cornell L. Urquhart

In the matter of **File Number 2019-02031, Virginia Real Estate Transaction Recovery Act Claim of Barry E. Peterson (Claimant) and Kristi Susann Wargo, t/a Kristi Wargo (Regulant)**, the Board reviewed the record, which consisted of the claim review file, notification, and the Recovery Fund claim form and Claim Review. Barry Peterson, claimant, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Ms. Grimsley to adopt the recommendation to approve payment amending the amount to \$16,110.63. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-02031, Virginia Real Estate Transaction Recovery Act Claim of Barry E. Peterson (Claimant) and Kristi Susann Wargo, t/a Kristi Wargo (Regulant)

DRAFT AGENDA
Materials contained herein are preliminary and should not be construed as regulatory or official Board position.

In the matter of **File Number 2018-02057, Regina MacSine Lewis, t/a Regina Lewis**, the Board reviewed the record which consisted of the Notice, the Report of Findings, including exhibits, and the Recommendation. A motion was made by Ms. Johnson and seconded by Ms. Pineda to accept a violation of 18 VAC 135-20-260.12 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson and Pineda.

A motion was made by Ms. Bower and seconded by Ms. Davis to impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, for a total of \$1,500.00. The Board also imposes the following sanctions: for the violation of Count 1, license revocation is imposed. In addition, for violation of Count 1, Lewis shall be placed on probation and required to complete two (2) classroom hours of Board-approved continuing education pertaining to Legal Updates and three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in the classroom. Further, Lewis 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 Bower, Davis, Grimsley, Hoover, Johnson and Pineda.

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

In the matter of **File Number 2016-00415, Dianne Marie Tillage-Brooks**, 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. Bower to find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.7 (Count 3) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.1 (Count 4) of the Board's 2015 Regulations. The motion passed

File Number 2018-02057, Regina MacSine Lewis, t/a Regina Lewis

File Number 2016-00415, Dianne Marie Tillage-Brooks

unanimously. Members voting “Yes” were Bower, Davis, Grimsley, Hoover, Johnson and Pineda.

A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$850.00 for the violation contained in Count 3, \$1,200.00 for the violation contained in Count 4, for a total of \$2,050.00. In addition, for the violations of Counts 1, 2, 3 and 4, the Board imposes license revocation. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Grimsley, Hoover, Johnson and Pineda.

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

In the matter of **File Number 2018-03045, Donald Ray Breckenridge**, 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. Bower to find a violation of 18 VAC 135-20-300.6 (Count 1) of the Board’s 2015 Regulations, and a violation of §54.1-2132.A.4 (Count 2) of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Hoover, Johnson and Pineda.

File Number 2018-03045, Donald Ray Breckenridge

A motion was made by Ms. Johnson and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$650.00 for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, for a total of \$1,150.00. In addition, for the violation contained in Count 1, Breckenridge shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in a classroom. Further, Breckenridge shall provide evidence acceptable to the Board that he has 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. In addition, for the violation of Count 2, Breckenridge shall be placed on

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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 a classroom. Further, Breckenridge shall provide evidence acceptable to the Board that he has 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 Bower, Davis, Hoover, Johnson and Pineda.

As the presiding Board member and the Board member who reviewed the file, Ms. Grimsley and Ms. Gatewood did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-02156, Glenn Stuart Smith**, 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. Glenn Stuart Smith, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Davis to find a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.7 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Hoover, Johnson and Pineda.

File Number 2018-02156, Glenn Stuart Smith

A motion was made by Ms. Bower and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$850.00 for the violation contained in Count 2, for a total of \$850.00. The Board also imposes the following sanctions: for violation of Count 1, the Board imposes license revocation. In addition, for the violation in Count 2, Smith shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates. Such course(s) shall be completed in a classroom. Further, Smith shall provide evidence acceptable to the Board that he has 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 Bower, Davis, Gatewood, Hoover, Johnson and Pineda.

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

Mr. Hoover turned the position of Chair over to Ms. Grimsley and recused himself from the meeting.

In the matter of **File Number 2019-01326, Jennifer Lynn Caison**, the Board reviewed the Consent Order as seen and agreed to by Ms. Caison. A motion was made by Ms. Johnson and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Ms. Caison admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board’s 2015 Regulations, and agrees to \$100.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$250.00. The motion passed unanimously. Members voting “Yes” were Bower, Davis, Gatewood, Grimsley, Johnson and Pineda.

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

Mr. Hoover returned and assumed the position of Chair.

In the matter of **File Number 2019-01020, C. Brown Pearson, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pearson. A motion was made by Ms. Grimsley and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Pearson admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board’s 2015 Regulations, and agrees to \$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, Pearson agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Consent Order. The courses must be completed in the classroom.

- For violation of Count 1, two (2) hours pertaining to Property Management; and
- For violation of Count 2, two (2) hours pertaining to Real

Transfer of Chair

File Number 2019-01326, Jennifer Lynn Caison

Transfer of Chair

File Number 2019-01020, C. Brown Pearson, III

Estate Agency.

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 Bower, Davis, Gatewood, Grimsley, Hoover and Pineda.

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 2019-00399, Carmeline I. Moody, t/a Carm Moody**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moody. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Ms. Moody admits to a violation 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 the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Moody 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 of all required course(s) 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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-00399, Carmeline I. Moody, t/a Carm Moody

In the matter of **File Number 2019-01030, Deeanna Lashelle Green t/a Deeanna Green**, the Board reviewed the Consent Order as seen and agreed to by Ms. Green. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the proposed Consent Order offer wherein Ms. Green 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 135-20-300.6 (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 1, \$650.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,300.00. In addition,

File Number 2019-01030, Deeanna Lashelle Green t/a Deeanna Green

for violation of Count 1, Green 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(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

In the matter of **File Number 2019-01363, Bryn Daniel Merrey**, the Board reviewed the Consent Order as seen and agreed to by Mr. Merrey. A motion was made by Ms. Gatewood and seconded by Ms. Davis to accept the proposed Consent Order offer wherein Mr. Merrey admits to a violation of 18 VAC 135-20-260.11.c (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-190.B (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 1, \$300.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Counts 1 and 2, Merrey agrees to complete at least eight (8) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(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 Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

File Number 2019-01363, Bryn Daniel Merrey

In the matter of **File Number 2019-01452, James Mitchell Abrams**, the Board reviewed the Consent Order as seen and agreed to by Mr. Abrams. A motion was made by Ms. Grimsley and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Abrams admits to a violation of 18 VAC 135-20-260.11.b (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-185.B (Count 2) of the Board's 2015 Regulations, and agrees to a monetary

File Number 2019-01452, James Mitchell Abrams

penalty of \$1,450.00 for the violation of Count 1, and \$950.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$2,550.00. In addition, for violation of Count 1, Abrams agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and at least three (3) 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 or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

The Board considered the request of Jennifer Watkins to appoint her to carry on the business of Katherine Watkins, who was the broker of Watkins Property Management dba Kay Watkins, Inc. for 180 days in order to close out the real estate business of Watkins Property Management dba Kay Watkins, Inc. in accordance with § 54.1-2109 of the *Code of Virginia*. A motion was made by Ms. Gatewood and seconded by Ms. Bower to allow Jennifer Watkins, to close out the real estate business of Watkins Property Management dba Kay Watkins, Inc. in accordance with § 54.1-2109 of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

The Board reviewed the report from the May 29, 2019, Real Estate Board Education Committee meeting. A motion was made by Ms. Grimsley and seconded by Ms. Gatewood to accept the Education Committee meeting report. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Gatewood, Grimsley, Hoover, Johnson and Pineda.

There being no further business, the Board adjourned at 11:23 A.M.

Steve Hoover, Chair

Administrative Issues

Education

Adjourn

Mary Broz-Vaughan, Acting Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Commonwealth of Virginia



REAL ESTATE BOARD

RESOLUTION IN MEMORY OF

Alexander Mikail Gusev

WHEREAS, **Alexander Mikail Gusev** faithfully and diligently served as a licensed Real Estate Salesperson in the Commonwealth of Virginia from April 2, 2013 to May 31, 2019; and

WHEREAS, **Alexander Mikail Gusev** endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the Real Estate Board is grateful for the dedication and service of **Alexander Mikail Gusev** to the citizens of the Commonwealth; and

WHEREAS, the Real Estate Board expresses sympathy in the passing of **Alexander Mikail Gusev** which occurred on May 31, 2019;

NOW THEREFORE BE IT RESOLVED, this eleventh day of July 2019, that the Real Estate Board expresses utmost regard and respect for **Alexander Mikail Gusev** and his professional legacy; and, so that all may know of the Board's expression of condolences, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of **Alexander Mikail Gusev**.

Steven Hoover, Chair

Mary Broz-Vaughan, Acting Secretary

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound.

When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.