REAL ESTATE BOARD MINUTES OF MEETING

September 12, 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 Lee Odems, Vice-Chair Lynn Grimsley Margaret Davis Mayra Pineda Candice Bower Ibrahim Moiz Sharon Johnson

Board members absent from the meeting: Libby Gatewood

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

Mary Broz-Vaughan, Director
Christine Martine, Executive Director
Deanda Shelton, Assistant Fair Housing Administrator
Jim Chapman, 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 Mr. Odems and seconded by Ms. Grimsley to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

<u>Agenda</u>

A motion was made by Ms. Grimsley and seconded by Mr. Minutes

Odems to adopt the July 11, 2019, Fair Housing Sub-Committee Meeting minutes, and July 11, 2019, Real Estate Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

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 Jean Morris v. Chesterfield Square Mutual Homes, Inc., Drucker & Falk, LLC, and Sonya Collins, REB File Number 2019-02327, the case was deferred.

In the matter of Abduhlaq Qayumi v. Catina Jones, Icon Realty Group, LLC, Richmond Redevelopment & Housing Authority and Elaine Key, REB File Number 2019-03062, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Abduhlag Qayumi, complainant, Brett Herbert, attorney for Richmond Redevelopment & Housing Authority and Elaine Key, Catina Jones, respondent, and Lawrence Marshall, II, attorney for Catina Jones, were 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 refusing to sell to him or by offering discriminatory terms and conditions based upon religion. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of John L. Johnson, Jr. v. Elana Preston, Virginia Commonwealth Realty Corp. and Housing Development Corporation of Hampton Roads, REB File Number 2019-01542, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to find no reasonable cause the respondents discriminated against the complainant by imposing

Public Comment

Fair Housing
Administrator's
Report

Jean Morris v.
Chesterfield Square
Mutual Homes, Inc.,
Drucker & Falk,
LLC, and Sonya
Collins, REB File
Number 2019-02327

Abduhlaq Qayumi v.
Catina Jones, Icon
Realty Group, LLC,
Richmond
Redevelopment &
Housing Authority
and Elaine Key, REB
File Number 201903062

John L. Johnson, Jr.
v. Elana Preston,
Virginia
Commonwealth
Realty Corp. and
Housing
Development
Corporation of

discriminatory terms and conditions or making a discriminatory statement based upon disability. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of Joshua Reese v. Nicholas E. Dellenger and Johnston Evangeline Munson, EST ET AL, REB File Number 2019-02199, 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

In the matter of Steven Armstrong and Lobita Armstrong v. Management Services Corporation of Charlottesville and Glade Creek Station, LP, REB File Number 2019-03123, 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

passed unanimously. Members voting "Yes" were Bower,

Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of Cheryl Gillison v. Summerdale LP, Ripley Heatwole Company, Inc., Tawanna Simms, and Colethia Robinson, REB File Number 2019-02657, 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of Kiera Teel v. Partnership 25, LP and S. L. Nusbaum Realty Co., REB File Number 2020-00178, 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of Simone Sanfelici and Claudia Bellan v. Dana Henderson, R. C. Evans Management Group, Inc. and The Park at Salisbury, LP, REB File Number 2019-03141, a motion was made by Ms. Grimsley and seconded by Ms.

Hampton Roads, REB File Number 2019-01542

Joshua Reese v.
Nicholas E. Dellenger
and Johnston
Evangeline Munson,
EST ET AL, REB
File Number 201902199

Steven Armstrong
and Lobita
Armstrong v.
Management
Services Corporation
of Charlottesville
and Glade Creek
Station, LP, REB
File Number 201903123

Cheryl Gillison v.
Summerdale LP,
Ripley Heatwole
Company, Inc.,
Tawanna Simms,
and Colethia
Robinson, REB File
Number 2019-02657

Kiera Teel v.
Partnership 25, LP
and S. L. Nusbaum
Realty Co., REB File
Number 2020-00178

Simone Sanfelici and Claudia Bellan v. Dana Henderson, R. C. Evans

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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of Ellen Mosher v. Anthony "Tony" Lindsay and Friendship Heights, LLC, REB File Number 2019-02645, 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-03151, Courtney Alexandra Patchin, 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. Courtney Alexandra Patchin, 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 (IFF) and, after consideration of the criteria contained in §54.1-204.B of the Code of Virginia approve Ms. Patchin's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-03149, Edgar Ruben Reyes, 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. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Reyes' application for a salesperson's license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, and in consideration of the criteria contained in §54.1-204.B of the Code of Virginia, the Board determined it could not protect the health, safety and welfare of the public due to the nature and seriousness of the crime, the relationship of the crime to the purpose for

Management Group, Inc. and The Park at Salisbury, LP, REB File Number 2019-03141

Ellen Mosher v.
Anthony "Tony"
Lindsay and
Friendship Heights,
LLC, REB File
Number 2019-02645

File Number 2019-03151, Courtney Alexandra Patchin

File Number 2019-03149, Edgar Ruben Reyes

requiring a license to engage in the occupation, the extent to which the profession might offer Mr. Reyes an opportunity to engage in further criminal activity of the same type and the relationship of the crime to his ability, capacity or fitness to perform the duties and discharge the responsibilities of the profession and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-02763, Marvin Mauricio Reyes Villa, 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. Marvin Maurcio Reyes Villa, applicant, was present and addressed the Board. A motion was made by Ms. Davis 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. Reyes Villa's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02763, Marvin Mauricio Reyes Villa

In the matter of File Number 2019-02747, Chrystian Brown, 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. Chrystian Brown, applicant, was present and addressed the Board. A motion was made by Ms. Davis 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 Mr. Brown's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02747, Chrystian Brown

In the matter of File Number 2019-02746, Yong H. Ahn, 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. Yong H. Ahn, applicant, was present and addressed the Board. A motion was made by

File Number 2019-02746, Yong H. Ahn

Mr. Odems and seconded by Ms. Grimsley 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. Ahn's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-02765, Rachel B. Mutarelli, 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. Rachel B. Mutarelli, applicant, was present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and. consideration of the criteria contained in §54.1-204.B of the Code of Virginia approve Ms. Mutarelli's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02765, Rachel B. Mutarelli

In the matter of File Number 2019-03150, Deneen Leecole Daniels, 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. Deneen Leecole Daniels, 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 (IFF) and, after consideration of the criteria contained in §54.1-204.B of the Code of Virginia approve Ms. Daniels' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-03150, Deneen Leecole Daniels

In the matter of File Number 2019-02766, Danny Zhao, 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. Davis and seconded by Ms. Bower to accept the

File Number 2019-02766, Danny Zhao

recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Zhao's application for a salesperson's license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, and in consideration of the criteria contained in §54.1-204.B of the Code of Virginia, the Board determined it could not protect the health, safety and welfare of the public due to the nature and seriousness of the crime, the relationship of the crime to the purpose for requiring a license to engage in the occupation, the extent to which the profession might offer Mr. Zhao an opportunity to engage in further criminal activity of the same type and the limited evidence of rehabilitation and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-02784, Jamie M. Wirth, 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. Pineda to accept the recommendation contained in the Summary of the Fact-Finding Conference (IFF) Informal and. consideration of the criteria contained in §54.1-204.B of the Code of Virginia approve Ms. Wirth's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-02842, Marcelis Javon Lewis, 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. Marcelis Javon Lewis, applicant, was present and addressed the Board. 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 (IFF) and, after consideration of the criteria contained in §54.1-204.B of the Code of Virginia approve Mr. Lewis' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02784, Jamie M. Wirth

File Number 2019-02842, Marcelis Javon Lewis

In the matter of File Number 2019-03047, Venita L. Peyton, 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. Venita L. Peyton, applicant, was present and addressed by the Board. A motion was made by Mr. Moiz and seconded by Mr. Odems to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Peyton's application for a real estate broker's license as she did not provide sufficient evidence that she has equivalent education to that which is required. The motion passed by majority vote. Members voting "Yes" were Bower, Davis, Hoover, Moiz, Pineda and Odems. Member voting "No" was Grimsley.

File Number 2019-03047, Venita L. Peyton

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

In the matter of File Number 2019-03136, Deborah Haynes, 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. Deborah Haynes, applicant, was present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Davis to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Haynes' 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 but instead issue a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Moiz, Odems and Pineda.

File Number 2019-03136, Deborah Haynes

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

In the matter of File Number 2019-02912, Trina D. Stephens, 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.

File Number 2019-02912, Trina D. Stephens

Trina D. Stephens, applicant, submitted a letter that was presented to the Board. 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 deny Ms. Stephens' 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 Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-02447, John R. Savino, 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 Board member. 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 to deny Mr. Savino'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 Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

In the matter of File Number 2019-01828, Dominique L. Lamb, 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. Dominique L. Lamb, applicant, was present and addressed the Board. 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 deny Ms. Lamb'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 he 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 Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02447, John R. Savino, Jr.

File Number 2019-01828, Dominique L. Lamb

In the matter of File Number 2019-02807, David B. Kitterman, 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 to deny Mr. Kitterman's application for a salesperson's license based upon the record. After review of the facts, the information obtained at the Informal Fact-Finding Conference, and in consideration of the criteria contained in §54.1-204.B of the Code of Virginia, the Board determined it could not protect the health, safety and welfare of the public due to the extent and nature of Kitterman's past criminal activity, age at the time of the commission of the crimes, the amount of time that has elapsed since the last involvement in the commission of a crime, and the limited evidence of rehabilitation or rehabilitative effort while incarcerated or following release and voted to deny the license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Hoover, Johnson, Moiz, Odems and Pineda.

File Number 2019-02807, David B. Kitterman

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

In the matter of File Number 2019-02841, Mario G. Levy Sarmiento, 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. Mario G. Levy Sarmiento, applicant, was present and addressed the Board. A motion was made by Ms. Davis 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 Mr. Sarmiento's application for a real estate salesperson's license contingent upon the completion of six (6) hours of classroom training, including three (3) hours of Ethics and Standards of Conduct and three (3) hours of Real Estate Law and Board Regulations, within 90 days of the effective date of the order which shall not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. In addition, the license will be subject to an agreement

File Number 2019-02841, Mario G. Levy Sarmiento

for licensure for a period of two years wherein Sarmiento and his principal broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Hoover, Johnson, Moiz, Odems and Pineda.

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

In the matter of File Number 2019-01532, Fernando Luis Perez, II, the Board reviewed the Consent Order as seen and agreed to by Mr. Perez. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Perez 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) and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, and \$300.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$750.00. In addition, Perez agrees to complete at least the number of classroom hours, as specified below, of Boardapproved 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, six (6) hours pertaining to Real Estate Escrow Management; and
- For violation of Count 2, six (6) hours pertaining to Real Estate Legal Updates.

It is acknowledged that satisfactory completion of the abovereferenced 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, Hoover, Johnson, Moiz, Odems and Pineda.

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

In the matter of File Number 2018-01651, Todd Lewis, 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 officer. Todd Lewis, respondent,

File Number 2019-01532, Fernando Luis Perez, II

File Number 2018-01651, Todd Lewis

and John Altmiller, attorney for the respondent, were present and addressed the Board, A motion was made by Ms. Grimsley and seconded by Ms. Bower 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, Grimsley, Hoover, Johnson, Moiz, Odems 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. A substitute motion was made by Mr. Moiz and seconded by Ms. Davis to impose a monetary penalty of \$2,500.00 for the violation contained in Count 2, for a total of \$2,500.00. In addition, for violation of Count 2, license suspension for one (1) year is imposed. In addition, for the violation of Count 2, Lewis shall be placed on probation and required to complete at least six (6) classroom hours of Board-approved continuing education pertaining to Real Estate Law and Board Regulations 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 abovereferenced 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

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

In the matter of File Number 2019-01530, 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 Ms. Davis to accept the proposed Consent Order offer wherein Mr. Kenny admits to a violation of 18 VAC 135-20-260.12.b (Count 1) of the Board's 2015 Regulations, and a violation of §54.1-2135.A.1 (Count 2) of the Code of Virginia, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$900.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$3,550.00. In addition, for the violation of Count 1, Kenny agrees to complete at least

Transfer of Chair

File Number 2019-01530, Thomas Michael Kenny, t/a T M Kenny

three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and 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, Grimsley, Johnson, Moiz, Odems 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 2018-02902, Denise C. Cowan, the Board reviewed the Consent Order as seen and agreed to by Ms. Cowan. A motion was made by Ms. Grimsley and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Ms. Cowan 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. Further, for violation of Count 1, Cowan agrees to a one (1) year probation of her license as of the effective date of the Order. During the one (1) year probation, Cowan agrees to:

- 1) Comply with the regulations of the Real Estate Board;
- 2) Provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Cowan and her principal broker that Cowan is in compliance with the regulations of the Real Estate Board;
- Comply with all the rules, terms and requirements of supervised probation set by the probation officer; and,
- 4) Comply with the terms and conditions of the Restitution order entered by the Court.

If Cowan violates any terms of probation, her license may be revoked, pending review by the Board. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

Transfer of Chair

File Number 2018-02902, Denise C. Cowan

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

In the matter of File Number 2019-00397, William C. Wells, the Board reviewed the Consent Order as seen and agreed to by Mr. Wells. A motion was made by Ms. Grimsley and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Wells admits to a violation of 18 VAC 135-20-260.11.j (Count 1) of the Board's 2015 Regulations, two violations of 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-300.6 (Count 3) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,750.00 for the violation contained in Count 1, \$750.00 (\$375.00 for each violation) for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,650.00. In addition, for the violation of Counts 1, 2 and 3, Wells agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda.

File Number 2019-00397, William C. Wells

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

In the matter of File Number 2019-01343, Paramit S. Mahey, the Board reviewed the Consent Order as seen and agreed to by Mr. Mahey. Paramjit S. Mahey, 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. Mahey admits to a violation of 18 VAC 135-20-260.12.h (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.11.i (Count 2) and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$3,150.00. In addition, Mahey 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.

File Number 2019-01343, Paramjit S. Mahey

- 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 abovereferenced 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, Grimsley, Hoover, Johnson, Moiz and Pineda.

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

In the matter of File Number 2019-01997, Julia F. McNulty, the Board reviewed the Consent Order as seen and agreed to by Ms. McNulty. A motion was made by Ms. Grimsley and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Ms. McNulty admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, a violation of §54.1-2132.A.4 (Count 2) of the Code of Virginia, and a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 2015 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$200.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, for the violation of Counts 1 and 2. McNulty 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 Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2019-00939, Valerie Sawyer Gaskins, the Board reviewed the Consent Order as seen and agreed to by Ms. Gaskins. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Ms. Gaskins admits to a violation of 18 VAC 135-20-260.12.h (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-310.2 (Count

File Number 2019-01997, Julia F. McNulty

File Number 2019-00939, Valerie Sawyer Gaskins

2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,550.00. In addition, for the violation of Counts 1 and 2, Gaskins 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, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2019-01323, Joshua Bell, the Board reviewed the Consent Order as seen and agreed to by Mr. Bell. Joshua Bell, respondent, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Mr. Moiz to accept the proposed Consent Order offer wherein Mr. Bell admits to a violation of §54,1-2137,B (Count 1) of the Code of Virginia, a violation of 18 VAC 135-20-260.11.m (Count 2) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-300.6 (Count 3) of the Board's 2015 Regulations and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, as well as \$150,00 in Board costs, for a total of \$2,050.00. In addition, for the violation of Count 3, Bell agrees to complete at least three (3) classroom hours of Boardapproved 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 abovereferenced 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, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2019-01330, Ellen Jordan

File Number 2019-01323, Joshua Bell

File Number 2019-

Knecht, the Board reviewed the Consent Order as seen and agreed to by Ms. Knecht. A motion was made by Ms. Grimsley and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Ms. Knecht 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 contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Knecht 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 Bower, Davis, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2019-00750, Everett Lee Griffin, the Board reviewed the Consent Order as seen and agreed to by Ms. Griffin. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Mr. Griffin admits to a violation of 18 VAC 135-20-260.11g (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.12.f (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$3,150.00. In addition, Griffin 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 Real Estate Contracts; and
- For violation of Count 2, three (3) hours pertaining to Escrow Management.

01330, Ellen Jordan Knecht

File Number 2019-00750, Everett Lee Griffin

It is acknowledged that satisfactory completion of the abovereferenced 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, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2019-00487, Charlene M. Easter, the Board reviewed the Consent Order as seen and agreed to by Ms. Easter. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Ms. Easter admits to a violation of 18 VAC 135-20-260.11.g; 18 VAC 135-20-260.11.h; and 18 VAC 135-20-260.11.m (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$250.00 for the violation 18 VAC 135-20-260.11.g; \$750.00 for the violation of 18 VAC 135-20-260.11.h; and \$500.00 for the violation of 18 VAC 135-20-260.11.m contained in Count 1, and a violation of 18 VAC 135-20-280.2 (Count 2) for the violation contained in Count 2, and agrees to a monetary penalty of \$1,450.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$3,100.00. In addition, for the violation of Count 1, Easter 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 abovereferenced 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, Grimsley, Hoover, Johnson, Moiz and Pineda. Odems did not vote or participate in the matter.

In the matter of File Number 2018-03250, April Garrison Straus, the Board reviewed the Consent Order as seen and agreed to by Ms. Straus. A motion was made by Ms. Johnson and seconded by Ms. Bower to accept the proposed Consent Order offer wherein Ms. Straus admits to a violation of 18 VAC 135-20-300.4 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, as well as \$150.00 in Board

File Number 2019-00487, Charlene M. Easter

File Number 2018-03250, April Garrison Straus

costs, for a total of \$750.00. In addition, for the violation of Count 1, Straus 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, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

The Board reviewed the Board financial statements. No action was taken by the Board.

The Board reviewed the report from the September 11, 2019, Real Estate Board Education Committee meeting. A motion was made by Ms. Grimsley and seconded by Mr. Odems to accept the Education Committee meeting report. The motion passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

At 11:51 A.M., Ms. Johnson offered a motion which was seconded by Ms. Davis, that the Board meeting be recessed and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by \$2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Mary Broz-Vaughan, Christine Martine, Jim Chapman, Thomas Payne and Elizabeth Peay.

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

Old Business

-Litigation update Carter v. Virginia Real Estate Board, Case No. CL19-4150 (Richmond Cir. Ct. 2019)

At 12:02 P.M., a motion was made by Ms. Grimsley and seconded by Ms. Johnson that the Board reconvene in open

Administrative Issues

Education

Closed Session

session.

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

<u>Adjourn</u>

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 8-0

AYES: Bower, Davis, Grimsley, Hoover, Johnson, Moiz,

Odems and Pineda.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Gatewood.

There being no further business, the Board adjourned at 12:09

P.M.

Steve Hoover, Chair

Mary Broz-Vaughan Secretary

1.	Name: Steve Hoover
2	(Name of Board Member) Title: Board Member
۷.	Title. Board Member
3.	Agency: Real Estate Board
	(Name of Board)
4.	Meeting/IFF Date: September 12, 2019
	(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.
3.	I do not have a personal interest in any transactions taken at this meeting.
	$\Lambda \Lambda \Lambda \Lambda$
	/////
	/ 1/10/19
	Signature Date Date

1.	Name: Margaret D. Davis
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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.
	$\frac{2}{\text{Signature}} = \frac{9}{12} \frac{1}{9}$
	Signature Date *

1.	Name: Lynn G. Grimsley
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	☐ I am able to participate in this transaction fairly, objectively, and in the public interest. or
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Sharon Johnson
2.	(Name of Board Member) Title: Board Member
	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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.
	☐ I did not participate in the transaction.
3.	☐ I do not have a personal interest in any transactions taken at this meeting.
	Hawa Rohnson
	Signature / Date

1.	Name: Lee Odems
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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.
	Lee Ch 9-12-19
	'Signature Date

1.	Name: Candice Bower
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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 Simula 9/12/19 Date

1.	Name: Mayra Pineda
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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.
	<i>Mutu</i> Signature <i>O q</i> / ₁ <i>2</i> / 1 <i>q</i> Date

1.	Name: <u>Ibrahim A. Moiz</u>
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: September 12, 2019 (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 of 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.
5. '	I do not have a personal interest in any transactions taken at this meeting.