

REAL ESTATE BOARD

TENTATIVE AGENDA

Thursday, November 14, 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. September 12, 2019, Fair Housing Sub-Committee Meeting
 - B. September 12, 2019, Real Estate Board Meeting
 - C. September 12, 2019, Real Estate Board Regulatory Review Meeting

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORTS

1. Fair Housing Administrator's Report
2. Litigation update

V. FAIR HOUSING CASES

1. Sheri Weinberg v. Berkeley Realty Property Management, Inc. and Seasons Trace Homeowners Association
REB File Number: 2019-02314
HUD File Number: 03-19-1630-8
2. Tanya Swain v. The Franklin Johnston Group Management and Pavillion Investors LP
REB File Number: 2019-02804
HUD File Number: 03-19-2159-8
3. Alicia Bryant v. Lisa McCormick, Craig McCormick, Mildred Trail, Howard Trail, Jane Hamilton, 178 Sycamore, LLC and DELS, Inc. dba First Virginia Homes
REB File Number: 2019-00074
HUD File Number: 03-18-0308-8
4. Ned Johnson v. SP Place One LP, Edgewood Management Corporation, Jeffrey Frederick, Christina LNU, and Joy Wyant
REB File Number: 2019-02364
HUD File Number: 03-19-2190-8

Appointment – Elizabeth Shu, attorney for respondents

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5. ~~George Ferguson v. Priority Home Solutions LLC, Hylton & Company LLC, LeQuan M. Hylton, Tiffany Jackson & Insurance Matters LLC~~
REB File Number: 2019-02862
HUD File Number: 03-18-9629-8
~~{Referred to A.G. for Official Consultation}~~
 6. William Bray and Carol A. Bray v. Maggie Riso, Fairmark Properties of Virginia LP and AERC Belvedere LLC
REB File Number: 2020-00277
HUD File Number: 03-19-3414-8
{Conciliation: Disability}
 7. Jamie Huebert v. Joseph Elliott, Allegiance Realty Partners LLC, Elliott Real Estate Sales & Property Management LLC and Daniel McGonegle
REB File Number: 2019-02929
HUD File Number: 03-19-2793-8
{Conciliation: Disability}
 8. Deirdre Gatling v. Fatmir Menkulasi, Tidewater Real Estate Alliance Inc. t/a Remax Alliance and Sandra Cullom
REB File Number: 2019-02425
HUD File Number: 03-19-1752-8
{Conciliation: Disability}
 9. Qurshonda Lomans v. University Garden Apartments, and S. L. Nusbaum Realty Co.
REB File Number: 2020-00689
HUD File Number: 03-20-3673-8
{Conciliation: Disability}

VI. REAL ESTATE CASES

1. File Number 2020-00388 – Adam Christian Watts
IFF by Eldridge – Licensing
2. File Number 2020-00201 – Mohammad Ashraf
IFF by Eldridge – Licensing
3. File Number 2020-00313 – Michael D. Reed
IFF by Eldridge – Licensing
4. File Number 2019-02839 – Christian S. Miller
IFF by Eldridge – Licensing
Appointments – Christian S. Miller, applicant & Chance Bland, witness
5. File Number 2019-02782 – Bethany N. Foshee
IFF by Eldridge – Licensing

6. File Number 2019-02840 – April B. Paulines-Sanchez
IFF by Eldridge – Licensing
Appointment – April B. Paulines-Sanchez, applicant
7. File Number 2020-00203 – DeForest N. Ross, Jr.
IFF by Eldridge – Licensing
8. File Number 2020-00205 – Erik T. Korondy
IFF by Eldridge – Licensing
9. File Number 2020-00284 – Taylor W. Bishop
IFF by Eldridge – Licensing
Appointment – Taylor W. Bishop, applicant
Appointments – Margaret White & Edward Bishop, witnesses
10. File Number 2020-00199 – Kevin J. Connelly
IFF by Eldridge – Licensing
11. File Number 2020-00283 – David R. Kipper
IFF by Eldridge – Licensing
12. File Number 2020-00163 – Peter D. Donahue
IFF by Johnson – Licensing
13. File Number 2020-00310 – Lawrence C. Kim
IFF by Johnson – Licensing
14. File Number 2020-00278 – Kristin E. Thompson
IFF by Johnson – Licensing
15. File Number 2018-02625 – Ruchi Kapani
IFF by Johnson & Hoover – Disciplinary
16. File Number 2018-03166 – Greg V. Ford
IFF by Hoover – Disciplinary
17. File Number 2019-02394 – Harene Nana Brew
Pre-IFF Consent Order by Hoover – Disciplinary
18. File Number 2019-01806 – Mitch Lee Shumate, t/a Mitch Shumate
Pre-IFF Consent Order by Hoover – Disciplinary
19. File Number 2019-01713 – Nicol Z. Perry
Pre-IFF Consent Order by Hoover – Disciplinary
20. File Number 2019-01625 – Vincent Larry McFarley
Pre-IFF Consent Order by Hoover – Disciplinary
21. File Number 2019-00837 – Sandra Ellen Alford
Pre-IFF Consent Order by Hoover – Disciplinary

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22. File Number 2019-01111 – Anna Clarina Paduhovich
Pre-IFF Consent Order by Grimsley – Disciplinary
 23. File Number 2019-01651 – Terria Galvez
Pre-IFF Consent Order by Grimsley – Disciplinary
 24. File Number 2019-01930 – Mohammad Shahverdi
Pre-IFF Consent Order by Grimsley – Disciplinary
 25. File Number 2018-01711 – Carol Bultman
Prima Facie – Disciplinary
 26. File Number 2018-01171 – Andre Dirk Sadowski t/a Andre Sadowski
Prima Facie – Disciplinary
 27. File Number 2020-00637 – Karla Zeledon (Claimant) v. Platinum Realty Inc. (Regulant)
Prima Facie – Recovery Fund
 28. File Number 2019-00823 – Matthew Shin Chiang
Pre-IFF Consent Order – Disciplinary
 29. File Number 2019-01120 – Christine Maria Knowles t/a Crysty Knowles
Pre-IFF Consent Order – Disciplinary
 30. File Number 2019-01266 – James Randy Andrews
Pre-IFF Consent Order – Disciplinary
 31. File Number 2019-01508 – Kristen Hetherington Cacoperdo t/a Kristen Cacoperdo
Pre-IFF Consent Order – Disciplinary
 32. File Number 2019-01893 – Norman Glenn Odeneal, II
Pre-IFF Consent Order – Disciplinary
 33. File Number 2019-02046 – Marion K. Anglin
Pre-IFF Consent Order – Disciplinary
 34. File Number 2019-02147 – Sunhee Chung
Pre-IFF Consent Order – Disciplinary
 35. File Number 2019-02475 – Armin Delmont Harris, Sr., t/a Armin Harris
Pre-IFF Consent Order – Disciplinary
 36. File Number 2020-00745 – Dominion Properties Virginia LLC
Pre-IFF Consent Order – Disciplinary

VII. ADMINISTRATIVE ISSUES

- Board Financial Statements
- Exempt Regulatory Action
- Periodic Review
- PSI Contract Extension

VIII. EDUCATION

- November 13, 2019, Education Committee Report
- Continuing Education Waiver Request – Margaret “Peggy” Hawpe Coffey

IX. OLD BUSINESS

X. NEW BUSINESS

XI. ADJOURNMENT

NEXT MEETING SCHEDULED FOR THURSDAY, January 23, 2020

** 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**

September 12, 2019

On Thursday, September 12, 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, Steven Hoover, Sharon Johnson, and Mayra Pineda attended on behalf of the Real Estate Board. Deanda Shelton, Angela Keefe-Thomas and Trudy Miller 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 9:56 a.m.

Steven Hoover, Chair

Mary Broz, Secretary

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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.

Agenda

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. Abduhlaq 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 2019-03062

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

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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 passed unanimously. Members voting "Yes" were Bower, Davis, Grimsley, Hoover, Johnson, Moiz, Odems and Pineda.

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.

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 2019-02199

Steven Armstrong and Lobita Armstrong v. Management Services Corporation of Charlottesville and Glade Creek Station, LP, REB File Number 2019-03123

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

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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.

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

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.

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

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.

File Number 2019-03151, Courtney Alexandra Patchin

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

File Number 2019-03149, Edgar Ruben Reyes

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any other financial product
or service, and are not to be
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investment decision.

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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 Mauricio 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, after 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

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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 Informal Fact-Finding Conference (IFF) and, after 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.

File Number 2019-02784, Jamie M. Wirth

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 2019-02842, Marcelis Javon Lewis

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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

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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.

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

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 2019-01828, 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 135-20-260.11g (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 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 2019-01532, Fernando Luis Perez, II

- 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 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, 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 2018-01651, Todd Lewis

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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 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.

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.

Transfer 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:

File Number 2018-02902, Denise C. Cowan

- 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;
- 3) 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.

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, Paramjit 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 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.

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.

File Number 2019-01997, Julia F. McNulty

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 2019-00939, Valerie Sawyer Gaskins

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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 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 2019-01330, Ellen Jordan**

File Number 2019-01323, Joshua Bell

File Number 2019-

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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.

01330, Ellen Jordan Knecht

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.

File Number 2019-00750, Everett Lee Griffin

- 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.

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 2019-00487, 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 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.

File Number 2019-00487, Charlene M. Easter

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 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.

Administrative Issues

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.

Education

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.

Closed Session

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

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session.

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

Certification

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

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

VOTE: 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.

Adjourn

Steve Hoover, Chair

Mary Broz-Vaughan, Secretary

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VIRGINIA REAL ESTATE BOARD
COMMITTEE MEETING

September 12, 2019

The Regulatory Review Committee of the Real Estate Board held a meeting on Thursday, September 12, 2019, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Members were present for the meeting:

Sharon Johnson
Maggie Davis
Barbara Wolcott
Kit Hale
Boyd Smith

The following Board Members were present for all or part of the meeting:

Steve Hoover
Lynn Grimsley
Candice Bower
Mayra Pineda

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

Christine Martine, Executive Director
Jim Chapman, Board and Regulatory Administrator

Ms. Johnson called the meeting to order at 12:50p.m.

The Regulatory Review Committee discussed proposed changes to regulations 18 VAC 135-20-190 Advertising by Licensees and 18 VAC 135-20-210 Disclosure of Interest.

There being no further business or public comment, the meeting adjourned at 2:30 p.m.

Steve Hoover, Chair

Mary Broz-Vaughan, Secretary

COPY TESTE:

Custodian of Record

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Project 6222 - none

REAL ESTATE BOARD

Conform to Title 55 re-codification

Part V

Standards of Practice and Conduct

18VAC135-20-155. Grounds for disciplinary action.

The board has the power to fine any licensee or certificate holder and to suspend or revoke any license or certificate issued under the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia and this chapter in accordance with subdivision A 7 of § 54.1-201 and § 54.1-202 of the Code of Virginia and the provisions of the Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia, where the licensee or certificate holder has been found to have violated or cooperated with others in violating any provision of Chapters 1 (§ 54.1-100 et seq.), 2 (§ 54.1-200 et seq.), 3 (§ 54.1-300 et seq.), and 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia, ~~Chapter 27.3 (§ 55-525.16 et seq.) of Title 55 Chapter 10 (§ 55.1-1000 et seq.) of Title 55.1~~ of the Code of Virginia, or any regulation of the board. Any licensee failing to comply with the provisions of Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the Real Estate Board in performing any acts covered by §§ 54.1-2100 and 54.1-2101 of the Code of Virginia may be charged with a violation, regardless of whether those acts are in the licensee's personal capacity or in his capacity as a real estate licensee.

18VAC135-20-180. Maintenance and management of escrow accounts.

A. Maintenance of escrow accounts.

1. If money is to be held in escrow, each firm or sole proprietorship shall maintain in the name by which it is licensed one or more federally insured separate escrow accounts in a federally insured depository into which all down payments, earnest money deposits, money received upon final settlement, application deposits as defined by § ~~55-248.4~~ 55.1-1200 of the Code of Virginia, rental payments, rental security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of real estate transactions, money advanced by the broker's client or expended on behalf of the client, or other escrow funds received by him or his associates on behalf of his client or any other person shall be deposited unless all principals to the transaction have agreed otherwise in writing. The balance in the escrow accounts shall be sufficient at all times to account for all funds that are designated to be held by the firm or sole proprietorship. The principal broker shall be held responsible for these accounts, including having signatory authority on these accounts. The supervising broker and any other licensee with escrow account authority may be held responsible for these accounts. All such accounts, checks and bank statements shall be labeled "escrow" and the accounts shall be designated as "escrow" accounts with the financial institution where such accounts are established.

2. Funds to be deposited in the escrow account may include moneys which shall ultimately belong to the licensee, but such moneys shall be separately identified in the escrow account records and shall be paid to the firm by a check drawn on the escrow account when the funds become due to the licensee. Funds in an escrow account shall not be paid directly to the licensees of the firm. The fact that an escrow account contains money which may ultimately belong to the licensee does not constitute "commingling of

funds" as set forth by subdivision C 2 of this section, provided that there are periodic withdrawals of said funds at intervals of not more than six months, and that the licensee can at all times accurately identify the total funds in that account which belong to the licensee and the firm.

3. If escrow funds are used to purchase a certificate of deposit, the pledging or hypothecation of such certificate, or the absence of the original certificate from the direct control of the principal or supervising broker, shall constitute commingling as prohibited by subdivision C 2 of this section.

4. Lease transactions: application deposits. Any application deposit as defined by § ~~55-248.4~~ 55.1-1200 of the Code of Virginia paid by a prospective tenant for the purpose of being considered as a tenant for a dwelling unit to a licensee acting on behalf of a landlord client shall be placed in escrow by the end of the fifth business banking day following approval of the rental application by the landlord unless all principals to the lease transaction have agreed otherwise in writing.

B. Disbursement of funds from escrow accounts.

1. a. Purchase transactions. Upon the ratification of a contract, an earnest money deposit received by the principal broker or supervising broker or his associates shall be placed in an escrow account by the end of the fifth business banking day following ratification, unless otherwise agreed to in writing by the principals to the transaction, and shall remain in that account until the transaction has been consummated or terminated. In the event that the transaction is not consummated, the principal broker or supervising broker shall hold such funds in escrow until (i) all principals to the transaction have agreed in a written agreement as to their disposition, upon which the funds shall be returned to the agreed upon principal as provided in such written agreement, (ii) a court of competent jurisdiction orders such disbursement of the funds, (iii) the funds are

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successfully interpleaded into a court of competent jurisdiction pursuant to this section, or (iv) the broker releases the funds to the principal to the transaction who is entitled to receive them in accordance with the clear and explicit terms of the contract that established the earnest money deposit. At the option of a broker, written notice may be sent by the broker that release of such funds shall be made unless a written protest is received from the principal who is not receiving the funds by such broker within 15 calendar days of the date of such notice. Notice of a disbursement shall be given to the parties to the transaction in accordance with the contract, but if the contract does not specify a method of delivery, one of the following methods complies with this section: (i) hand delivery; (ii) United States mail, postage prepaid, provided that the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing; (iii) electronic means, provided that the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or (iv) overnight delivery using a commercial service or the United States Postal Service. Except as provided in the clear and explicit terms of the contract, no broker shall be required to make a determination as to the party entitled to receive the earnest money deposit. A broker who complies with this section shall be immune from liability to any of the parties to the contract.

A principal broker or supervising broker holding escrow funds for a principal to the transaction may seek to have a court of competent jurisdiction take custody of disputed or unclaimed escrow funds via an interpleader action pursuant to § 16.1-77 of the Code of Virginia.

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If a principal broker or supervising broker is holding escrow funds for the owner of real property and such property is foreclosed upon by a lender, the principal broker or supervising broker shall have the right to file an interpleader action pursuant to § 16.1-77 of the Code of Virginia and otherwise comply with the provisions of § 54.1-2108.1 of the Code of Virginia.

If there is in effect at the date of the foreclosure sale a real estate purchase contract to buy the property foreclosed upon and the real estate purchase contract provides that the earnest money deposit held in escrow by a firm or sole proprietorship shall be paid to a principal to the contract in the event of a termination of the real estate purchase contract, the foreclosure shall be deemed a termination of the real estate purchase contract, and the principal broker or supervising broker may, absent any default on the part of the purchaser, disburse the earnest money deposit to the purchaser pursuant to such provisions of the real estate purchase contract without further consent from, or notice to, the principals.

b. Lease transactions: security deposits. Any security deposit held by a firm or sole proprietorship shall be placed in an escrow account by the end of the fifth business banking day following receipt, unless otherwise agreed to in writing by the principals to the transaction. Each such security deposit shall be treated in accordance with the security deposit provisions of the Virginia Residential Landlord and Tenant Act, Chapter 13.2 (~~§ 55-248.2 et seq.~~) of Title ~~55~~ 12 (§ 55.1-1200 et seq.) of Title 55.1 of the Code of Virginia, unless exempted therefrom, in which case the terms of the lease or other applicable law shall control. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. If

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there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the landlord is holding a security deposit of the tenant, the landlord shall handle the security deposit in accordance with applicable law, which requires the holder of the landlord's interest in the dwelling unit at the time of termination of tenancy to return any security deposit and any accrued interest that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, and regardless of any contractual agreements between the original landlord and his successors in interest. Nothing in this section shall be construed to prevent the landlord from making lawful deductions from the security deposit in accordance with applicable law.

c. Lease transactions: prepaid rent or escrow fund advances. Unless otherwise agreed in writing by all principals to the transaction, all prepaid rent and other money paid to the licensee in connection with the lease shall be placed in an escrow account by the end of the fifth business banking day following receipt and remain in that account until paid in accordance with the terms of the lease and the property management agreement, as applicable, except the prepaid rent, which shall be treated in accordance with the prepaid rent provision of the Virginia Residential Landlord and Tenant Act, Chapter 13.2 (~~§ 55-248.2 et seq.~~) of Title 55 12 (§ 55.1-1200 et seq.) of Title 55.1 of the Code of Virginia.

d. Lease transactions: rent payments. If there is in effect at the date of the foreclosure sale a tenant in a residential dwelling unit foreclosed upon and the rent is paid to a licensee acting on behalf of the landlord pursuant to a properly executed property management agreement, the licensee may collect the rent in accordance with § 54.1-2108.1 A 4 of the Code of Virginia.

2. a. Purchase transactions. Unless otherwise agreed in writing by all principals to the transaction, a licensee shall not be entitled to any part of the earnest money deposit or to any other money paid to the licensee in connection with any real estate transaction as part of the licensee's commission until the transaction has been consummated.

b. Lease transactions. Unless otherwise agreed in writing by the principals to the lease or property management agreement, as applicable, a licensee shall not be entitled to any part of the security deposit or to any other money paid to the licensee in connection with any real estate lease as part of the licensee's commission except in accordance with the terms of the lease or the property management agreement, as applicable. Notwithstanding anything in this section to the contrary, unless the landlord has otherwise become entitled to receive the security deposit or a portion thereof, the security deposit shall not be removed from an escrow account required by the lease without the written consent of the tenant. Except in the event of a foreclosure, if a licensee elects to terminate the property management agreement with the landlord, the licensee may transfer any funds held in escrow on behalf of the landlord in accordance with § 54.1-2108.1 B 5 of the Code of Virginia. If there is in effect at the date of the foreclosure sale a written property management agreement between the licensee and the landlord, the property management agreement shall continue in accordance with § 54.1-2108.1 A 5 of the Code of Virginia.

3. On funds placed in an account bearing interest, written disclosure in the contract of sale or lease at the time of contract or lease writing shall be made to the principals to the transaction regarding the disbursement of interest.

4. A licensee shall not disburse or cause to be disbursed moneys from an escrow or property management escrow account unless sufficient money is on deposit in that account to the credit of the individual client or property involved.

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5. Unless otherwise agreed in writing by all principals to the transaction, expenses incidental to closing a transaction (e.g., fees for appraisal, insurance, credit report, etc.) shall not be deducted from a deposit or down payment.

C. Actions including improper maintenance of escrow funds include:

1. Accepting any note, nonnegotiable instrument, or anything of value not readily negotiable, as a deposit on a contract, offer to purchase, or lease, without acknowledging its acceptance in the agreement;
2. Commingling the funds of any person by a principal or supervising broker or his employees or associates or any licensee with his own funds, or those of his corporation, firm, or association;
3. Failure to deposit escrow funds in an account or accounts designated to receive only such funds as required by subdivision A 1 of this section;
4. Failure to have sufficient balances in an escrow account or accounts at all times for all funds that are designated to be held by the firm or sole proprietorship as required by this chapter; and
5. Failing, as principal broker, to report to the board within three business days instances where the principal broker reasonably believes the improper conduct of a licensee, independent contractor, or employee has caused noncompliance with this section.

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.