

**REAL ESTATE BOARD**

**TENTATIVE AGENDA**

**Wednesday, January 20, 2021 - 10:00 a.m.**

**2<sup>nd</sup> Floor – Board Room 2**

**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. November 19, 2020, Fair Housing Sub-Committee Meeting
  - B. November 19, 2020, Real Estate Board Meeting

**III. PUBLIC COMMENT PERIOD \*\***

**IV. FAIR HOUSING REPORTS**

1. Fair Housing Administrator's Report
2. Litigation update
3. Guidance Document

**V. FAIR HOUSING CASES**

1. Roxanne G. Thompson v. Brunswick Village LP and Park Properties Management Company, LLC  
REB File Number: 2020-01647  
HUD File Number: 03-20-5116-8
2. Elnora Delcid v. Hamptons Noble LP and S.L. Nusbaum Realty Co.  
REB File Number: 2020-02605  
HUD File Number: 03-20-6320-8
4. Kyle Swabb v. Bozzutto Management Company and TRE HSC Notch LLC  
Notch LLC  
REB File Number: 2020-02461  
HUD File Number: 03-20-5216-8

**VI. REAL ESTATE CASES**

1. File Number 2021-00291 – Jamil Lamar Bland  
IFF by Eldridge – Licensing
2. File Number 2021-00292 – Byron Adrian Shorter, II  
IFF by Eldridge – Licensing  
*Appointment – Byron A. Shorter, II, applicant*

3. File Number 2020-02780 – Dustin Richard Trebilco  
IFF by Eldridge – Licensing
4. File Number 2020-02862 – Dexter Gary Parker  
IFF by Eldridge – Licensing
5. File Number 2020-00060 – John B. Mair  
IFF by Johnson – Licensing
6. File Number 2020-01453 – Ruthann Fields  
Pre-IFF Consent Order by Johnson – Disciplinary
7. File Number 2020-01228 – Muhammad Mir  
IFF by Johnson – Disciplinary
8. File Number 2019-02549 – Julia F. McNulty  
IFF by Grimsley, Johnson & Piland – Disciplinary
9. File Number 2020-000926 – Megan Cherie Gray  
IFF by Grimsley, Hoover & Piland – Disciplinary
10. File Number 2019-00917 – Bonnie Ruth Shakur  
IFF by Grimsley, Hoover, Davis & Piland – Disciplinary
11. File Number 2019-01715 – Scottie Tyrone Booker  
IFF by Piland – Disciplinary
12. File Number 2019-02769 – Bradley Gene Newton  
IFF by Grimsley & Piland – Disciplinary
13. File Number 2020-02446 – Robert Winstein Gunnels, Jr.  
Pre-IFF Consent Order by Grimsley – Disciplinary
14. File Number 2020-02308 – Dawn Dumire  
Pre-IFF Consent Order by Hoover – Disciplinary
15. File Number 2020-01839 – Bradley Jon Meletti t/a Brad Meletti  
Pre-IFF Consent Order by Hoover – Disciplinary
16. File Number 2020-00995 – Betty Gaither Yarborough  
Pre-IFF Consent Order by Bower – Disciplinary
17. File Number 2020-02190 – Ana Smith  
Pre-IFF Consent Order by Bower – Disciplinary
18. File Number 2020-00202 – Matthias Frahm Smith  
Pre-IFF Consent Order – Disciplinary

19. File Number 2020-02179 – James Bristol  
Pre-IFF Consent Order – Disciplinary
20. File Number 2020-01842 – Melanie Petros  
Pre-IFF Consent Order – Disciplinary
21. File Number 2020-01804 – Terria Galvez  
Pre-IFF Consent Order – Disciplinary
22. File Number 2020-01611 – Deborah Gonzalez  
Pre-IFF Consent Order – Disciplinary
23. File Number 2020-00340 – Lonnie Bush  
Pre-IFF Consent Order – Disciplinary
24. File Number 2020-00315 – William T. Brown  
Pre-IFF Consent Order – Disciplinary

## VII. ADMINISTRATIVE ISSUES

- Board Financial Statement

## VIII. EDUCATION

- January 19, 2021, Education Committee Report

## IX. OLD BUSINESS

## X. NEW BUSINESS

## XI. ADJOURNMENT

### NEXT MEETING SCHEDULED FOR THURSDAY, April 1, 2021

\*\* 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.



In accordance with § 2.2-4002.1 of the Code of Virginia, this **proposed** guidance document conforms to the definition of a guidance document in § 2.2-4101.

# PROPOSED Guidance Document

## HOUSING DISCRIMINATION ON THE BASIS OF SOURCE OF FUNDS

Adopted by: Real Estate Board on [date]; Fair Housing Board on [date]  
Effective upon conclusion of public comment period required pursuant to § 2.2-4002.1 of the Code of Virginia.

**As a means of providing information or guidance of general applicability to staff and the public, the Real Estate Board and Fair Housing Board issue this guidance document to interpret the requirements of 18 VAC 135-50 (Fair Housing Regulations).**

**The purpose of this guidance document is to address issues regarding housing discrimination based on lawful “source of funds,” particularly what actions or inactions by housing providers may or may not constitute unlawful discrimination under the Virginia Fair Housing Law.**

### Introduction

The Virginia Real Estate and Fair Housing Boards (“Boards”), through the Virginia Fair Housing Office (“VFHO”), are jointly responsible for enforcing the Virginia Fair Housing Law (the “VFHL”), which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, elderliness, familial status, national origin, source of funds, sexual orientation, gender identity, or status as a veteran.<sup>1</sup>

As of July 1, 2020, VFHO is responsible for investigating allegations of discrimination on the basis of the source of funds of a buyer or renter of housing. Because the “source of funds” protected class is new to Virginia, many questions have been raised regarding what may constitute this type of discrimination.

This guidance provides technical assistance regarding what actions, behaviors, policies, and procedures likely do and do not violate the Virginia Fair Housing Law’s prohibition on discrimination on the basis of one’s lawful source of funds.

### Background

House Bill 6, sponsored by Delegate Jeffrey Bourne, passed the 2020 Session of the General Assembly and was signed into law by Governor Ralph Northam on March 27, 2020.<sup>2</sup> The law defines “source of funds” as:

any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.<sup>3</sup>

<sup>1</sup> Va. Code §§ 36-96.1, *et seq.*

<sup>2</sup> 2020 Acts Ch. 477.

<sup>3</sup> Va. Code § 36-96.1:1.

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The new law adds “source of funds” to all of the unlawful discriminatory practices that appear in Virginia Code § 36-96.3, including prohibitions on, for example: (1) refusing to rent or sell based on someone’s source of funds; (2) imposing terms, conditions, or privileges of the sale or rental of a dwelling based on one’s source of funds; (3) placing advertisements that express a preference or limitation for certain sources of funds; and (4) representing that, based on someone’s source of funds, a dwelling is unavailable for inspection, sale, or rental.<sup>4</sup>

According to the patron, the primary impetus for the bill was to protect prospective renters and buyers from discrimination if they intend to pay for housing using a Housing Choice Voucher (“HCV,” commonly referred to as “Section 8” or “Section 8 rental assistance”). Local public housing agencies (“PHAs”) receive federal funds from the U.S. Department of Housing and Urban Development (“HUD”) to administer the HCV program. HUD summarizes the program as follows:<sup>5</sup>

It is the federal government’s major program for assisting very low-income families to afford decent, safe, and sanitary housing in the private market. A voucher holder is free to choose any housing that meets the requirements of the program and is not limited to units that are located in subsidized housing projects.

A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program.

Stakeholders have raised questions about how the new source-of-funds provision applies to certain existing policies and procedures often followed in the housing market. To provide clarity, promote compliance, and avoid unnecessary litigation, this guidance addresses these issues below.

## Analysis

The policy of the Commonwealth is to prohibit discriminatory practices with respect to residential housing on the basis of source of funds<sup>6</sup>—not to prevent non-discriminatory consideration of financing during housing transactions.

Sellers may consider financial terms and conditions from prospective purchasers.

Oftentimes, home sellers will receive multiple offers to buy their home. In order to decide which to accept, the seller will review and weigh the financial terms of each contract. Nothing in the text or legislative history of the source-of-funds law suggest that such non-discriminatory consideration

<sup>4</sup> Va. Code § 36-96.3(A)(1), (2), (3), and (4), respectively.

<sup>5</sup> See, U.S. Dep’t of Housing and Urban Dev., *Housing Choice Vouchers Factsheet*, available at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/about/fact\\_sheet](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/about/fact_sheet), last visited December 4, 2020.

<sup>6</sup> Va. Code § 36-96.1.

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should be prohibited. Therefore, it is not unlawful under the VFHL for a seller of a dwelling to consider the financial terms and conditions, including the loan amount, loan program or type of loan, of a real estate purchase contract from a prospective purchaser.

**EXAMPLE:** Mary is selling her home at a listing price of \$300,000. She's excited to move to Senegal as soon as possible to join her daughter who has just gotten employment abroad. After only two days on the market, her real estate agent presents Mary with three offers to purchase the home. Each offer has slightly different terms.

- **Offer 1:** \$300,000; 20% down payment; conventional loan for the remainder; close in 60 days as long as the prospective buyer sells her current home.
- **Offer 2:** \$310,000; 10% down payment; VA loan for the remainder; close in 45 days.
- **Offer 3:** \$290,000 all cash; close in 21 days.

Mary and her real estate agent discuss the offers. Mary does not violate the VFHL prohibition on source-of-funds discrimination by taking into consideration how each offeror will pay to buy her home.

### Housing providers can ask about income on an application and verify same.

It is axiomatic that every housing provider has a legitimate business interest in assuring tenants can pay rent. That assurance often necessitates verification of income: a longstanding, rational industry practice. Accordingly, housing providers may ask about and verify sources of funds, as long as they do so in a non-discriminatory manner. It does not constitute discrimination based on source of funds to make a written or oral inquiry concerning the amount or source of income.

The prohibition against source-of-funds discrimination does not prohibit a housing provider from determining the ability of any potential buyer or renter to pay a purchase price or pay rent by verifying—in a commercially reasonable manner—the source and amount of income, including any payments or portions that will be made by other individuals, organizations, or voucher and rental assistance payment programs.

However, housing providers are cautioned not to read a sense of permanency into the definition of “source of funds” that is plainly absent. Nothing in the definition addresses the duration of the source of funds in question; rather, “source of funds” means any source that lawfully provides funds. (For instance, one-time assistance grants or temporary income such as unemployment benefits are covered.) Accordingly, housing providers may not refuse lawful sources of income based on the duration or nature of such funds without potentially violating the VFHL.

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Housing Discrimination on the Basis of Source of Funds

Income qualifying criteria must be applied fairly.

Many housing providers require a tenant to meet an income threshold in order to qualify for housing. To be sure, landlords have a strong interest in assuring their tenants can afford to pay rent. This policy is not problematic in and of itself, unless it is applied in a discriminatory manner (e.g. making the threshold higher for those who have a particular source of funds). Housing providers should be careful to ensure this otherwise neutral criteria is not applied in a manner that results in the automatic disqualification of HCV holders who, by definition, have a portion of their rent paid by a third party.

To determine if a tenant can afford the rent, the relevant factor for a landlord's risk assessment is the *tenant's portion* of rent, not the total rent. The voucher portion of the rent is secured under a contract with the administrative agency that has already qualified the HCV holder. The landlord's reasonable focus should be on whether the tenant can afford the tenant's share of the rent. Therefore, to avoid source-of-funds discrimination liability, housing providers should subtract any source of funds from a rental assistance program (like the HCV) from the total of the monthly rent prior to calculating whether the tenant satisfies the income criteria.<sup>7</sup>

Subtracting the HCV portion from the total rent leaves the amount for which the tenant will be responsible. It is that figure against which the prospective tenant's other income should be compared. Housing providers who add the voucher payment to a tenant's other income and then use that total to determine if criteria are met improperly treat the voucher portion.

**EXAMPLE 1:** A housing provider requires all tenants, regardless of their source of funds, to demonstrate that they have income that is three times the amount of the monthly rent. The monthly rent for the unit in question is \$1,000. The tenant earns employment income of \$800 per month. Under the terms of their HCV, the tenant pays \$240 per month towards rent (30% of their income), and the HCV agency pays the remainder, or \$760.

The housing provider subtracts the HCV portion from the total rent to get the tenant's share of rent:  $\$1,000 - \$760 = \$240$ . The housing provider then determines that the tenant meets the income-qualifying standard because the tenant's employment income (\$800) is at least three times as much as *the tenant's share* of the monthly rent, \$240 when multiplied by three is \$720. This application of income-qualifying criteria does not discriminate against HCV holders who apply to live in this complex.

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<sup>7</sup> Other states articulate this calculation method in their source-of-funds anti-discrimination statutes. See, e.g. Washington: "If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met." WAST 59.18.255(3); and California: "It shall be unlawful ... In instances where there is a government rent subsidy, to use a financial or income standard in assessing eligibility for the rental of housing that is not based on the portion of the rent to be paid by the tenant." CA GOVT 12955 (o).

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**EXAMPLE 2:** A landlord requires all tenants, regardless of their source of funds, to demonstrate that they have income that is three times the amount of the monthly rent. The monthly rent for the unit in question is \$1,000. The tenant earns employment income of \$800 per month. Under the terms of their HCV, the tenant pays \$240 per month towards rent (30% of their income), and the HCV agency pays the remainder, or \$760.

To determine whether this prospective tenant meets the income criteria, the landlord adds the tenant's employment income to the monthly HCV funds:  $\$800 + \$760 = \$1,560$ . The landlord declines to rent to the prospective tenant because \$1,560 is not at least three times the monthly rent (\$3,000). This method of calculating income discriminates against HCV holders.

### Justifying a refusal to rent to HCV holders based on "administrative burdens" is not a defense.

In jurisdictions that have source of funds protections, courts have long held that refusing to rent to a HCV holder because of "administrative burdens" still blocks housing opportunities for applicants who would otherwise qualify. Housing providers that allow objections about administrative requirements, HCV regulations, or specific housing authorities to form the basis for a refusal to rent (other than the statutory exemption discussed below) risk liability for source-of-funds discrimination against HCV holders. To aid this guidance, we reference the following court decisions from other jurisdictions that have analyzed these issues:

- "Interpreting [source-of-funds protections] to allow an exception to its antidiscrimination provisions for those landlords who refuse to use the required section 8 lease would eviscerate the basic protection envisioned by the statute. It would lead to the unreasonable result that while the legislature mandated that landlords may not reject tenants because their income included section 8 assistance, the legislature at the same time also intended that landlords might avoid the statutory mandate by refusing to accede to a condition essential to its fulfillment. Such a result is untenable. Statutes are to be construed in a manner that will not thwart [their] intended purpose or lead to absurd results." *Comm'n on Human Rights & Opportunities v. Sullivan Assocs.*, 250 Conn. 763, 778, 739 A.2d 238, 248 (1999).
- "The only rationale [the housing provider] has suggested for its [no-HCV] policy is that it did not want to accept vouchers because the voucher program's requirements are burdensome, particularly the requirement that the landlord execute an initial lease or ratification with the tenant. Were we to accept that excuse, however, we would render the [D.C.] Human Rights Act's definition of 'source of income' nugatory. The Act expressly defines 'source of income' as encompassing the Section 8 program; indeed, Section 8 vouchers are the source-of-income provision's paradigm case. Permitting [the housing provider] to refuse to accept Section 8 vouchers on the ground that it does not wish to comply with Section 8's requirements would vitiate that definition and the legal safeguard it was intended to provide." *Feemster v. BSA Ltd. P'ship*, 383 U.S. App. D.C. 376, 548 F.3d 1063, 1070 (2008).

Guidance documents do not have the force and effect of law.  
Statutory provisions supersede if guidance in this document conflicts with state or federal law.



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- “To permit a landlord to decline participation in the Section 8 program in order to avoid the ‘bureaucracy’ of the program would create the risk that ‘[i]f all landlords . . . did not want to ‘fill out the forms’ then there would be no Section 8 housing available.” *Franklin Tower One v. N.M.*, 157 N.J. 602, 621, 725 A.2d 1104, 1114 (1999) (citing *Templeton Arms v. Feins*, 220 N.J. Super. 1, 9, 531 A.2d 361 (App.Div.1987)).
- “The case review board [...] concluded that administrative burden was not a proper defense in any event, that ‘[i]f a landlord could avoid the mandate of the County’s fair housing law with the defense of ‘administrative burden,’ then landlords could easily thwart the Council’s intent underlying the law.” *Montgomery Cty. v. Glenmont Hills Assocs.*, 402 Md. 250, 276, 936 A.2d 325, 340 (2007).

## Exemptions Related to Source of Funds

The General Assembly articulated two specific exemptions from VFHL coverage in the context of source-of-funds discrimination. Note that in keeping with longstanding fair housing case law, the burden to raise and prove exempt status lies with the person or entity claiming the exemption.<sup>8</sup>

The first exemption applied a provision initially codified in 2020 to remove smaller, non-professional owners and landlords from VFHL coverage.<sup>9</sup> The second balanced the interests of HCV holders seeking housing with the substantial interest of housing providers in reducing unit vacancy times. Given that units must pass inspection before a voucher can be approved, landlords raised concerns about losing rental income during the time in which a unit is kept off the market until approved for HCV tenancy. In weighing those interests, the General Assembly struck a balance in the second exemption that reads:

It shall not be unlawful under this chapter for an owner or an owner's managing agent to deny or limit a person's rental or occupancy of a rental dwelling unit based on the person's source of funds for that unit if such source is not approved within 15 days of the person's submission of the request for tenancy approval.<sup>10</sup>

For purposes of determining if this exemption applies, two specific events must be identified so that the time between them can be accurately calculated. First, the “submission of the request for the tenancy approval” (“RFTA”) is the date on which a *complete* RFTA package is mailed, emailed, or delivered to the voucher administrator (by either the housing provider or prospective tenant). Note that sometimes an incomplete set of documents is submitted, to which voucher administrators respond by requesting complete information. It may take some time for a complete package to be submitted, but none of that

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<sup>8</sup> *Commonwealth ex rel. Real Estate Board v. Tutt Taylor & Rankin Real Estate, LLC*, 102 Va. Cir. 125, 136 (Loudoun Cir. Ct., May 9, 2019).

<sup>9</sup> Va. Code § 36-96.2(I), exempting from the prohibition on source-of-funds discrimination, an “owner or an owner's managing agent” so long as such “owner does not own more than four rental dwelling units in the Commonwealth at the time of the alleged discriminatory housing practice.”

<sup>10</sup> Va. Code § 36-96.2(J).

## PROPOSED GUIDANCE DOCUMENT | Real Estate Board and Fair Housing Board Housing Discrimination on the Basis of Source of Funds

elapsed time triggers the 15-day clock for purposes of this exemption. The second event, or when the source of funds is considered “approved,” is the date that the unit passes inspection as indicated on the inspection report.

Implicit in this 15-day approval exemption is an expectation that the housing provider participates in good faith with the home seeker and voucher administrative agency to consummate the housing transaction. The RFTA package requires the landlord to compile minimal documentation for submission: lease and lease addendum; ownership verification, W-9, and direct deposit form; and lead-based paint certification. Moreover, the inspection process requires cooperation by the landlord (e.g., providing timely access to the unit).

To the extent a landlord unreasonably delays or postpones RFTA submittal or inspection, that behavior may evince an intent to refuse to rent to someone based on their source of funds in contravention of the source-of-funds fair housing protections.<sup>11</sup> However, where a landlord *does* cooperate in good faith with the potential tenant and the agency administering the voucher, but more than 15 days elapse between the submitted RFTA and unit-inspection approval, that landlord may decline to rent to the HCV holder on that basis and not face liability for source-of-funds discrimination.

**EXAMPLE 1:** A prospective tenant approaches a landlord about an available, vacant apartment advertised by the landlord. The prospective tenant otherwise qualifies for the unit. When the prospective tenant tells the landlord she will be using a HCV to help pay her rent, the landlord grows concerned. Knowing that he cannot deny this prospective tenant the chance to rent the unit just because she uses a HCV, he does not respond to her or the voucher administrator’s request to complete the RFTA package. Once he finally does, he misses three appointments for inspection of the unit, allowing three weeks to go by before the unit eventually passes inspection. Even though 21 days may have elapsed between the RFTA submission and inspection approval, this landlord did not cooperate in good faith and cannot claim the exemption.

**EXAMPLE 2:** The property manager of a large apartment building in a hot market helped a prospective tenant submit the RFTA to live in the complex. The voucher administrator did not schedule the unit inspection until a week later. That inspector cancelled. The administrator scheduled the second inspection appointment 21 days after the RFTA was submitted. Because this property manager has participated in good faith in the process, she may claim the 15-day approval exemption and decline to rent to the prospective tenant without being liable for source-of-funds discrimination.

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<sup>11</sup> Seattle, Washington explicitly prohibits this in its source-of-funds anti-discrimination ordinance: “It is an unfair practice for a person to fail to: cooperate with a potential or current occupant in completing and submitting required information and documentation for the potential or current occupant to be eligible for or to receive rental assistance from Section 8 or other subsidy program [...]” S.M.C § 14.08.020(H).

## Conclusion

Through its amendments to the VFHL during the 2020 Session, the General Assembly affirmed the state's official policy:

. . . to provide for fair housing throughout the Commonwealth, to all its citizens, regardless of [ . . . ] source of funds [ . . . ], and to that end to prohibit discriminatory practices with respect to residential housing by any person or group of persons, in order that the peace, health, safety, prosperity, and general welfare of all the inhabitants of the Commonwealth may be protected and ensured.<sup>12</sup>

As with all other protected classes enumerated in the VFHL, the source-of-funds provision requires liberal construction so that the law has its fullest remedial effect. A statute that is remedial in nature is "liberally construed so that the purpose intended may be accomplished," and is to be "read so as to promote the ability of the enactment to remedy the mischief at which it is directed."<sup>13</sup>

**Simply put, the new law requires housing providers to treat all tenants, applicants, prospective purchasers, clients, etc. equally, *regardless of their source of income*.**

Aligned with that principle, housing providers should be sure not to take actions or implement policies that frustrate the purpose of the law. While housing providers may ask about income (including the source of income) and require documentation of income, they must accept all lawful sources of income equally. To avoid risk of liability for source-of-funds discrimination, housing providers should not use information about income or the source of income in a way that has either the intent or the effect of frustrating the purpose of the law.

*To report potential housing discrimination, contact:*

VIRGINIA FAIR HOUSING OFFICE

Phone: 804-367-8530

Toll-Free: 1-888-551-3247

TDD: Virginia Relay 711

FAX: 866-480-8333

Email: [FairHousing@dpor.virginia.gov](mailto:FairHousing@dpor.virginia.gov)

<sup>12</sup> Va. Code § 36-96.1.

<sup>13</sup> *Bd. of Supervisors of Richmond Cty. v. Rhoads*, 294 Va. 43, 51, 803 S.E.2d 329, 333 (2017) (citing *Manu v. GEICO Cas. Co.*, 293 Va. 371, 389, 798 S.E.2d 598, 608 (2017)).

# REAL ESTATE BOARD FAIR HOUSING SUB-COMMITTEE MEETING MINUTES

**November 19, 2020**

On Thursday, November 19, 2020 at 9:40 a.m., the Real Estate Board Fair Housing sub-committee met at the Department of Professional and Occupational Regulation. Board members Mayra Pineda and Marzia Abbasi attended on behalf of the Real Estate Board. Lizbeth Hayes attended on behalf of the Fair Housing Office.

The meeting was called to order at approximately 9:40 a.m. by Mayra Pineda. 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. Pineda adjourned the meeting at approximately 9:50 a.m.

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Sharon Johnson, Chair

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Mary Broz-Vaughan, Secretary

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

REAL ESTATE BOARD  
MINUTES OF MEETING

November 19, 2020

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

Sharon Johnson, Chair  
Ibrahim Moiz, Vice-Chair  
Mayra Pineda  
Marzia Abbasi  
Nan Piland  
David Perry  
Catina Jones

Board members absent from the meeting: Margaret Davis  
Candice Bower

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

Mary Broz-Vaughan, Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Jim Chapman, Board Administrator  
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Ms. Johnson called the meeting to Order at 10:10 A.M.

**Call to Order**

A motion was made by Mr. Moiz and seconded by Mr. Perry to approve the agenda. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**Agenda**

A motion was made by Mr. Moiz and seconded by Ms. Pineda to adopt the September 17, 2020, Fair Housing Sub-Committee Meeting minutes; and September 17, 2020, Real Estate Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**Minutes**

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

There was no public comment.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load.

In the matter of **Latoria Brooks and Nashat Abulubad v. RFI Seven Gables, LLC, Drucker & Falk LLC, Elizabeth Holloman, and US Residential Group LLC, File Number 2019-02995**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Latoria Brooks, complainant, and Eve Campbell, attorney for the RFI Seven Gables, LLC and Drucker & Falk LLC, respondents, were present and addressed the Board. A motion was made by Ms. Pineda and seconded by Mr. Moiz to find no reasonable cause the respondents discriminated against the complainants by refusing to rent; imposing discriminatory terms and conditions; and making, printing or publishing discriminatory statements based upon familial status. The motion passed unanimously. Members voting "Yes" were Abbas, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **Jasmine Williams v. Arcraft Management, Inc. and Meridian Harbourview, LLC, REB File Number 2020-01374**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. A motion was made by Ms. Pineda and seconded by Mr. Moiz to find no reasonable cause the respondents discriminated against the complainant by refusing to make a reasonable accommodation of by offering her discriminatory terms and conditions based on her friend's disability. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

In the matter of **Joan Bland v. Dodson Property Management, LLC and OM SHIVAM & E II, LLC, REB File Number 2020-02468**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Piland and seconded by Mr. Moiz to find no reasonable cause the respondents discriminated against the complainant by refusing to rent or negotiate for rental based on familial status. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

## Public Comment

### Fair Housing Administrator's Report

### Latoria Brooks and Nashat Abulubad v. RFI Seven Gables, LLC, Drucker & Falk LLC, Elizabeth Holloman, and US Residential Group LLC, File Number 2019-02995

### Jasmine Williams v. Arcraft Management, Inc. and Meridian Harbourview, LLC, REB File Number 2020-01374

### Joan Bland v. Dodson Property Management, LLC and OM SHIVAM & E II, LLC, REB File Number 2020-02468

In the matter of **Briana Nelson v. BH Management Services, LLC and Excel WBV III, LLC, REB File Number 2020-01658**, a motion was made by Ms. Pineda and seconded by Mr. Moiz to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**Briana Nelson v. BH Management Services, LLC and Excel WBV III, LLC, REB File Number 2020-01658**

In the matter of **File Number 2020-02629, Anna Maria Anderson**, 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. Anna Maria Anderson, applicant, was present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Ms. Anderson'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 Ms. Anderson an opportunity to engage in further criminal activity of the same type and the relationship of the crime to her 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 Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-02629, Anna Maria Anderson**

In the matter of **File Number 2020-02244, Jeffrey Bartmanski**, 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. Pineda and seconded by Ms. Abbasi 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. Bartmanski's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Abbasi, Johnson, Perry, Piland and

**File Number 2020-02244, Jeffrey Bartmanski**

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Pineda. Members voting “No” were Jones and Moiz.

In the matter of **File Number 2018-02115, Johanna Bendfeldt**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Johanna Bendfeldt, respondent, and John Altmiller, attorney for Ms. Bendfeldt, were present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Piland to find a violation of §18 VAC 135-20-155 (Count 1) of the Board’s 2015 Regulations. The motion passed unanimously. Members voting “Yes” were Abbasi, Johnson, Jones, Moiz, Perry and Piland.

**File Number 2018-02115, Johanna Bendfeldt**

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to accept and amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, for the violation of Count 1, Bendfeldt’s license shall be placed on probation. The terms of the probation shall be as follows: 1) Bendfeldt is required to complete ten (10) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct, Legal Updates, Board Rules and Regulations, and Escrow Management. Such course(s) shall be completed in a classroom. Further, Bendfeldt shall provide evidence acceptable to the Board that she has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. 2) For a period of two years, Bendfeldt and her broker shall provide quarterly reports to the Board that Bendfeldt is in compliance with the regulations of the Board. The motion passed unanimously. Members voting “Yes” were Abbasi, Johnson, Jones, Moiz, Perry and Piland.

Due to a potential conflict of interest, Ms. Pineda did not vote or participate in the discussion of this matter.

In the matter of **File Number 2018-02116, Anthony R. Lowstuter, Jr.**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board

**File Number 2018-02116, Anthony R. Lowstuter, Jr.**

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member. Anthony R. Lowstuter, Jr., respondent, and John Altmiller, attorney for Mr. Lowstuter, were present and addressed the Board. A motion was made by Mr. Moiz and seconded by Mr. Perry to find a violation of 18 VAC 135-20-155 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to accept and amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, for the violation of Count 1, Lowstuter's license shall be placed on probation. The terms of the probation shall be as follows: 1) Lowstuter is required to complete ten (10) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct, Legal Updates, Board Rules and Regulations, and Escrow Management. Such course(s) shall be completed in a classroom. Further, Lowstuter shall provide evidence acceptable to the Board that he has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. 2) For a period of two years, Lowstuter and his broker shall provide quarterly reports to the Board that Lowstuter is in compliance with the regulation of the Board. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00195, Nina Ettie Koeppen, t/a Nina Koeppen**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Pineda and seconded by Mr. Moiz to find a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary

**File Number 2020-00195, Nina Ettie Koeppen, t/a Nina Koeppen**

Official Board position.

penalty of \$300.00 for the violation contained in Count 1, for a total of \$300.00. In addition, for violation of Count 1, Koeppen's license is placed on probation and Koeppen will be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow. Such course(s) shall be completed in a classroom. Further, Koeppen shall provide evidence acceptable to the Board that Koeppen has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00412, Christine Ann Cahoon**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Pineda and seconded by Mr. Perry to find a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-00412, Christine Ann Cahoon**

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$300.00 for the violation contained in Count 1, and \$300.00 for the violation contained in Count 2, for a total of \$600.00. In addition, for violation of Count 1, Cahoon's license is placed on probation and Cahoon will be required to complete three classroom hours of Board-approved continuing education pertaining to Escrow. Such course(s) shall be completed in a classroom. Further, Cahoon shall provide evidence acceptable to the Board that Cahoon has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. Further, for the violation of Count 2, Cahoon shall be placed on probation and Cahoon will be required to complete three classroom hours of Board-approved continuing education

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pertaining to Ethics. Such course(s) shall be completed in a classroom. Further, Cahoon shall provide evidence acceptable to the Board that Cahoon has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-01016, Amir Abbas Eram**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Amir Abbas Eram, respondent, was present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Piland to find a violation of 18 VAC 135-20-160.B (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-01016, Amir Abbas Eram**

A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$200.00 for the violation contained in Count 1, for a total of \$200.00. In addition, for violation of Count 1, Eram's license is placed on probation and Eram will be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Board Rules and Regulations. Such course(s) shall be completed in a classroom. Further, Eram shall provide evidence acceptable to the Board that Eram has successfully completed the course(s) within six (6) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00504, Kirill Lazar Gorbounov, t/a Kirill Gorbounov**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gorbounov. A motion was made by Ms. Pineda and seconded by Ms. Abbasi to accept the proposed Consent Order offer wherein Mr.

**File Number 2020-00504, Kirill Lazar Gorbounov, t/a Kirill Gorbounov**

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Gorbounov admits to 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, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Count 1, Gorbounov agrees to a six (6) month suspension of his license as of the effective date of the Order. Further, once the six (6) month suspension period has been completed, Gorbounov agrees to a one (1) year probation of his license for the violation of Count 1. During the one (1) year probation, Gorbounov agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Gorbounov and his principal broker that Gorbounov is in compliance with the regulations of the Real Estate Board. If Gorbounov violates any terms of the probation, his license may be revoked, pending review by the Board. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Perry, Piland and Pineda.

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

In the matter of **File Number 2020-00320, Khalil Ullah Naim, t/a Kal Naim**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Khalil Ullah Naim, respondent, was present and addressed the Board. A motion was made by Ms. Pineda and seconded by Ms. Abbasi to find a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2015 Regulations and pursuant to §54.1-202 of the *Code of Virginia* imposes no monetary penalty for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Perry, Piland and Pineda.

**File Number 2020-00320, Khalil Ullah Naim, t/a Kal Naim**

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

In the matter of **File Number 2020-01052, Alexander Gulino, t/a Sandy Gulino**, 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

**File Number 2020-01052, Alexander Gulino, t/a Sandy Gulino**

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Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Pineda and seconded by Ms. Abbasi 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 Abbasi, Johnson, Jones, Perry, Piland and Pineda.

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$800.00 for the violation contained in Count 2, for a total of \$800.00. In addition, for the violation of Count 1, the Board imposes license revocation. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Perry, Piland and Pineda.

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

In the matter of **File Number 2020-00770, William Henry McCoy, II**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Ms. Pineda and seconded by Mr. Moiz to find a violation of 18 VAC 135-20-260.12 (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-250 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-00770, William Henry McCoy, II**

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to impose a monetary penalty of \$1,600.00 for violation contained in Count 1, \$2,050.00 for the violation contained in Count 2, and \$600.00 for the violation contained in Count 3, for a total of \$4,250.00. In addition, license revocation is imposed for the violations of Counts 1, 2, and 3. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-01884, William Henry McCoy, II**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr.

**File Number 2020-01884, William Henry McCoy, II**

Moiz and seconded by Ms. Abbasi to find a violation of 18 VAC 135-20-260.12 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-250 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to impose a monetary penalty of \$1,600.00 for violation contained in Count 1, and \$2,050.00 for the violation contained in Count 2 for a total of \$3,650.00. In addition, license revocation is imposed for the violations of Counts 1 and 2. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-01696, Kelly Honora Peay-Boston**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. Kelly Honora Peay-Boston, was present and addressed the Board. The case was remanded to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-01696, Kelly Honora Peay-Boston**

In the matter of **File Number 2020-00511, Amy Lynn Taylor**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr. Moiz and seconded by Ms. Abbasi to find a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-270.1 (Count 2) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-260.11.m (Count 3) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-310.1 (Count 4) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2020-00511, Amy Lynn Taylor**

A motion was made by Mr. Moiz and seconded by Ms. Pineda to impose a monetary penalty of \$1,250.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$950.00 for the violation contained in Count 3, \$450.00 for the violation contained in Count 4, for a total of \$3,650.00. In addition, for violation of Counts 1, 2, 3, and 4, Taylor's license shall be placed on probation and she is required to complete three (3) classroom hours of Board-approved

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continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Taylor shall provide evidence acceptable to the Board that she has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2019-02987, Jennifer Lynn Tietjen, t/a Jennifer Tietjen**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr. Moiz and seconded by Ms. Pineda to find a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-210 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2019-02987, Jennifer Lynn Tietjen, t/a Jennifer Tietjen**

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to impose a monetary penalty of \$600.00 for the violation contained in Count 1, and \$550.00 for the violation contained in Count 2, for a total of \$1,150.00. In addition, for the violation of Count 1, Tietjen's license shall be placed on probation, and she is required to complete four (4) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in a classroom. In addition, for the violation of Count 2, Tietjen's license shall be placed on probation and she is required to complete four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such courses shall be completed in a classroom. Further, Tietjen shall provide evidence acceptable to the Board that Tietjen has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00312, Reginald Lamar**

**File Number 2020-**

**Pearson, Jr., t/a Reginald L. Pearson, Jr.**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr. Moiz and seconded by Ms. Abbasi 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 Abbasi, Johnson, Jones, Moiz, Perry and Piland.

**00312, Reginald  
Lamar Pearson, Jr.,  
t/a Reginald L.  
Pearson, Jr.**

A motion was made by Mr. Moiz and seconded by Ms. Abbasi to impose a monetary penalty of \$800.00 for the violation contained in Count 2, for a total of \$800.00. In addition, for violation of Count 1, Pearson shall be placed on probation and required to complete six (6) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Pearson shall provide evidence acceptable to the Board that Pearson has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Johnson, Jones, Moiz, Perry and Piland.

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

In the matter of **File Number 2020-01423, Dever McElya Clevinger**, the Board reviewed the Consent Order as seen and agreed to by Ms. Clevinger. A motion was made by Mr. Moiz and seconded by Ms. Abbasi to accept the proposed Consent Order offer wherein Clevinger admits to a violation of 18 VAC 135-20-220.A.3 (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 \$700.00 for the violation contained in Count 1, \$500.00 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 \$1,950.00. In addition, Clevinger agrees to complete at least the number of classroom hours, as specified below, of Board-approved continuing education and provide proof of

**File Number 2020-  
01423, Dever McElya  
Clevinger**

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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 the violation of Count 2, three (3) hours pertaining to Escrow Management; and for the violation of Count 2, three (3) hours pertaining to Real Estate Contracts. 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 Abbasi, Jones, Johnson, Moiz, Perry and Piland.

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

Ms. Johnson turned the position of Chair over to Mr. Moiz and recused herself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2019-01392, Usman Sayed**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Piland and seconded by Ms. Pineda to find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2019-01392, Usman Sayed**

A motion was made by Ms. Piland and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, for violation of Count 1, the Board suspends Sayed's license for a period of one hundred eighty (180) days. The Board further stays the license suspension for a period of ninety (90) days to allow Sayed time to complete 12 classroom hours of Board-approved continuing education pertaining to Contracts, Ethics, Escrow Management, and the Board's Regulations. Such course(s) shall be completed in a classroom. Further, Sayed shall provide evidence acceptable to the Board that Sayed has successfully completed the course(s) within ninety (90) days of the effective date of the order. If Sayed provides the evidence of successful completion of the course(s) as stated, the Board shall waive imposition of

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the license suspension. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of **File Number 2019-00918, Alonzo Randolph Bell, Jr.**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Pineda and seconded by Ms. Abbasi to find a violation of 18 VAC 135-20-260.11.f (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-260.12.b (Count 2) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2019-00918, Alonzo Randolph Bell, Jr.**

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation contained in Count 2, and \$2,500.00 for the violation contained in Count 3, for a total of \$7,500.00. In addition, for violations of Counts 1, 2, and 3, Bell's license is revoked. Bell will be required to complete nine (9) classroom hours of Board-approved continuing education pertaining to Escrow Management, Property Management, and the Board's rules and regulations. Such course(s) shall be completed in a classroom. Further, Bell shall provide evidence acceptable to the Board that he has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of **File Number 2018-03176, Kimberly J. Curtis, t/a Kim Curtis**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Kimberly J. Curtis, t/a Kim Curtis, respondent, and Lawrence Marshall, II, attorney for Ms. Curtis, were present and addressed the Board. A motion was made by Ms. Pineda and seconded by Ms. Abbasi to find a violation of § 6.7.5 (Count 1) of the Board's 1995 Regulations, a violation of § 6.7.5 (Count 2) of the Board's 1995 Regulations, and a violation of 18 VAC 135-20-260.1 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

**File Number 2018-03176, Kimberly J. Curtis, t/a Kim Curtis**

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation contained in Count 3, for a total of \$500.00. In addition, for violation of Count 3, Curtis will be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Law and the Board's rules and regulations. Such course(s) shall be completed in a classroom. Further, Curtis shall provide evidence acceptable to the Board that she has successfully completed the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of **File Number 2019-02276, Maxine Lambert**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Maxine Lambert, respondent, and Lawrence Marshall, II, attorney for Ms. Lambert, were present and addressed the Board. A motion was made by Ms. Pineda and seconded by Ms. Abbasi to accept the recommendation to find no violation of 18

**File Number 2019-02276, Maxine Lambert**

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VAC 135-20-300.9 of the Board's 2015 Regulations, and close the file. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda.

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

Ms. Johnson returned and assumed the position of Chair.

In the matter of **File Number 2020-00793, Frederick William Gaston**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gaston. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Gaston admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for the violation of Count 2, prior to making application to activate his license, Gaston agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and Emerging Trends and Standards of Conduct and provide proof of attendance and successful completion. The course(s) must be completed in the classroom after the effective date of the Order. 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 Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00063, Seth Bayard Haskins t/a Seth Haskins**, the Board reviewed the Consent Order as seen and agreed to by Mr. Haskins. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Haskins admits to a violation of 18 VAC 135-20-260.11.j (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for the violation of Count 1, Haskins 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

**Transfer of Chair**

**File Number 2020-00793, Frederick William Gaston**

**File Number 2020-00063, Seth Bayard Haskins t/a Seth Haskins**

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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 Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-01594, Carol Jean Hommel**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hommel. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Hommel admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2015 Regulations, a violation of §54.1-2135.6.1 (Count 2) of the *Code of Virginia*, a violation of §54.1-2135.A.6 (Count 3) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.1 (Count 4) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$450.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, \$450.00 for the violation contained in Count 4, as well as \$150.00 in Board costs, for a total of \$2,250.00. In addition, Hommel 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 the violation of Count 1, four (4) hours pertaining to Real Estate Contracts (correcting the scrivener's error in the facts reading Real Estate Contractors); and for the violation of Count 3, four (4) hours pertaining to Property Management. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

**File Number 2020-01594, Carol Jean Hommel**

In the matter of **File Number 2020-01894, Kimberley A. Witherspoon**, the Board reviewed the Consent Order as seen and agreed to by Ms. Witherspoon. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Witherspoon admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-280.2 (Count 2) of

**File Number 2020-01894, Kimberley A. Witherspoon**

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the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation contained in Count 1, \$1,400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,800.00. In addition, for violation of Counts 1 and 2, Witherspoon agrees to complete at least 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 Legal Updates and Emerging Trends 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 Abbasi, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of **File Number 2020-00294, Patrick Michael Gee, t/a Patrick M. Gee**, the Board reviewed the Consent Order as seen and agreed to by Mr. Gee. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Gee admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.11.g (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,250.00. In addition, Gee 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 the violation of Count 1, three (3) hours pertaining to Real Estate Contracts; and for the 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. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

**File Number 2020-00294, Patrick Michael Gee, t/a Patrick M. Gee**

In the matter of **File Number 2020-01075, Austin Stancliff Karvelis**, the Board reviewed the Consent Order as seen and

**File Number 2020-01075, Austin**

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agreed to by Mr. Karvelis. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Karvelis admits to a violation of §54.1-2137.B (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, and as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for the violation of Count 1, Karvelis 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 licenses. The motion passed unanimously. Members voting “Yes” were Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

**Stancliff Karvelis**

In the matter of **File Number 2020-01784, Melissa J. Stewart**, the Board reviewed the Consent Order as seen and agreed to by Ms. Stewart. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Stewart admits to a violation of 18 VAC 135-20-260.11.g & m (Count 1) of the Board’s 2015 Regulations, and agrees to a monetary penalty of \$1,450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,600.00. In addition, for the violation of Count 1, Stewart 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 Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

**File Number 2020-01784, Melissa J. Stewart**

In the matter of **File Number 2020-01415, David Alan Smith t/a David Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Mr. Moiz and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Smith admits to a violation of 18 VAC 135-

**File Number 2020-01415, David Alan Smith t/a David Smith**

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General topics for discussion  
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20-260.11.j (Count 1) of the Board's 2015 Regulations, and §54.1-2137.B (Count 2) of the *Code of Virginia*, and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,950.00. In addition, for the violation of Count 1, Smith 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 the violation of Count 1, three (3) hours pertaining to Ethics and Standards of Conduct; and for the violation of Count 2, three (3) hours pertaining to Real Estate Contracts. 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 Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

The Board reviewed the report from the November 18, 2020, Real Estate Board Education Committee meeting. A motion was made by Ms. Pineda and seconded by Ms. Jones to accept the Education Committee meeting report. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Johnson, Moiz, Perry, Piland and Pineda.

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to add probation to the sanctions requiring completion of Board-approved continuing education in **File Number 2019-00918, Alonzo Randolph Bell, Jr.**, The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda. As the presiding Board member, Ms. Johnson did not vote or participate in the discussion in this matter.

A motion was made by Ms. Pineda and seconded by Ms. Abbasi to add probation to the sanctions for the violation of Count 3 in **File Number 2018-03176, Kim Curtis**. The motion passed unanimously. Members voting "Yes" were Abbasi, Jones, Moiz, Perry, Piland and Pineda. As the presiding Board member, Ms. Johnson did not vote or participate in the discussion in this matter.

#### Administrative Issues

#### Education

File Number 2019-00918, Alonzo Randolph Bell, Jr.

File Number 2018-03176, Kim Curtis

#### Adjourn

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General Proposed Topic for discussion and are not to be construed as an action or official Board position.



There being no further business, the Board adjourned at 11:27  
A.M.

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Sharon Johnson, Chair

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Mary Broz-Vaughan, Secretary

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**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.