

REAL ESTATE BOARD
MINUTES OF MEETING

November 20, 2014

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

Joseph Funkhouser, II, Chair
Anh Tu Do
Lynn G. Grimsley
Catherine M. Noonan
Steve Hoover
Lee Odems
Jennifer Boysko
Antonio Elias

Board member not present: Sandee Ferebee, Vice-Chair

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

Jay DeBoer, Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Mark Courtney, Senior Manager
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Jeffrey Williams, Board Administrator
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Jim Flaherty and Tom Payne from the Office of the Attorney General were present.

Mr. Funkhouser called the meeting to Order at 9:00 A.M.

Call to Order

A motion was made by Ms. Grimsley and seconded by Ms. Noonan to approve the agenda. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Agenda

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

Minutes

Noonan to adopt the following minutes: September 18, 2014, Real Estate Board Meeting; and September 18, 2014, Fair Housing Sub-Committee Meeting. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

There was no public comment.

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

In the matter of **Jackie Hogan and Kimberly Johnson v. Virginia Housing Development Authority, S. L. Nusbaum Realty Company, and Kim Kreh, REB File Number 2014-03826**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Paul Brennan, attorney for VHDA, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Mr. Hoover to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **John Pettiford v. Nancy O’Donnell, Harbour Square Associates, LP, American Apartments Management Company, Inc., REB File Number 2014-03830**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. John Pettiford, complainant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **Edward Rivera v. Southern Towers, LLC, Sharon Thames and Virginia Management, Inc., REB File Number 2014-03862**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Noonan and seconded by Mr. Hoover to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Public Comment

Fair Housing Administrator’s Report

**Jackie Hogan and
Kimberly Johnson v.
Virginia Housing
Development
Authority, S. L.
Nusbaum Realty
Company, and Kim
Kreh, REB File
Number 2014-03826**

**John Pettiford v.
Nancy O’Donnell,
Harbour Square
Associates, LP,
American
Apartments
Management
Company, Inc., REB
File Number 2014-
03830**

**Edward Rivera v.
Southern Towers,
LLC, Sharon
Thames and Virginia
Management, Inc.,
REB File Number
2014-03862**

In the matter of **Demetria Lively and Anthony Morris v. Preston Place Redo Associates, LLC, Grady Management, Inc., Cindi Hotzapple, and Rebecca Anderson, REB File Number 2014-00749**, the case was deferred to the next Board meeting.

Demetria Lively and Anthony Morris v. Preston Place Redo Associates, LLC, Grady Management, Inc., Cindi Hotzapple, and Rebecca Anderson, REB File Number 2014-00749

In the matter of **Carolyn King v. CRP of Bainbridge Crystal Square, LLC, Bainbridge Mid-Atlantic LLC, and Vanessa Gomez, REB File Number 2013-02663**, the case was deferred to the next Board meeting.

Carolyn King v. CRP of Bainbridge Crystal Square, LLC, Bainbridge Mid-Atlantic LLC, and Vanessa Gomez, REB File Number 2013-02663

In the matter of **Virginia Real Estate Board v. Long & Foster Real Estate, Inc., Carol E. McEwen, Gerald Noah McEwen, Jr. dba Jerry McEwen, Jennifer McEwen Lunger dba Jinx McEwen Lunger, William D. Montgomery, III, and Esther R. Montgomery, REB File Number 2015-00861**, a motion was made by Ms. Noonan and seconded by Mr. Hoover to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Virginia Real Estate Board v. Long & Foster Real Estate, Inc., Carol E. McEwen, Gerald Noah McEwen, Jr. dba Jerry McEwen, Jennifer McEwen Lunger dba Jinx McEwen Lunger, William D. Montgomery, III, and Esther R. Montgomery, REB File Number 2015-00861

In the matter of **Alefa Thomas v. Varina Station Partnerships, LLC, and Landmark Property Services, Inc., REB File Number 2014-03833**, a motion was made by Ms. Noonan and seconded by Mr. Hoover to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Alefa Thomas v. Varina Station Partnerships, LLC, and Landmark Property Services, Inc., REB File Number 2014-03833

In the matter of **LaRhonda Thomas v. Mercury Property Management, Inc., and Thomas Apartments, LLC, Owner, REB File Number 2015-00259**, a motion was made by Ms. Noonan and seconded by Mr. Hoover to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

LaRhonda Thomas v. Mercury Property Management, Inc., and Thomas Apartments, LLC, Owner, REB File Number 2015-00259

In the matter of **File Number 2014-03242, Barbara Hale-Jones**, 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. Michael Lafayette, attorney for the applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, approve Ms. Jones’ application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover and Odems.

File Number 2014-03242, Barbara Hale-Jones

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

In the matter of **File Number 2014-03389, Kimberly Anne Forrest**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Mr. Odems to deny Ms. Forrest’s application based upon the record. After review of the testimony and documentation presented by Forrest, the Board is of the opinion that Forrest does not meet the requirements of being actively engaged in real estate activities for the 36 of the last 48 months. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

File Number 2014-03389, Kimberly Anne Forrest

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

In the matter of **File Number 2014-03628, Gibson Wright**,

File Number 2014-

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. Noonan and seconded by Mr. Hoover to deny Mr. Wright's application based upon the record. After review of the testimony and documentation presented by Wright, the Board is of the opinion that Wright does not meet the requirements of being actively engaged in real estate activities for the 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

**03628, Gibson
Wright**

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

In the matter of **File Number 2014-02466, Diane Cail Sokolowich**, the Board reviewed the Consent Order as seen and agreed to by Ms. Sokolowich. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Sokolowich admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for violation of Count 1, Sokolowich agrees to complete at least two (2) 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

**File Number 2014-
02466, Diane Cail
Sokolowich**

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

In the matter of **File Number 2014-00612, Kelli R. Walker**, the Board reviewed the Consent Order as seen and agreed to by Ms. Walker. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Walker admits to a violation of 18 VAC 135-20-

**File Number 2014-
00612, Kelli R.
Walker**

260.11 (Count 1) of the Board's 2003 Regulations, and agrees a monetary penalty of \$1,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for violation of Count 1, Walker agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within ninety (90) days 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-01857, Anthony Vann Riddick**, the Board reviewed the Consent Order as seen and agreed to by Mr. Riddick. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Riddick admits to nine violations of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Riddick agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

File Number 2014-01857, Anthony Vann Riddick

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

In the matter of **File Number 2014-03172, Irene B. Kabler**, the Board reviewed the Consent Order as seen and agreed to by Ms. Kabler. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Kabler admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Hoover, Noonan and Odems.

File Number 2014-03172, Irene B. Kabler

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

In the matter of **File Number 2014-03290, Petra E. Tucker, t/a Petra Tucker**, the Board reviewed the Consent Order as seen and agreed to by Ms. Tucker. A motion was made by Mr. Hoover and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Tucker admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Tucker agrees to complete at least two (2) 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, and Odems.

File Number 2014-03290, Petra E. Tucker, t/a Petra Tucker

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

In the matter of **File Number 2014-03454, Jean Klees Garrell**, the Board reviewed the Consent Order as seen and agreed to by Ms. Garrell. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Garrell admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Garrell agrees to complete at least two (2) 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 of license. The motion passed unanimously. Members voting "Yes" were

File Number 2014-03454, Jean Klees Garrell

Boysko, Do, Elias, Funkhouser, Grimsley, Hoover and Odems.

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

In the matter of **File Number 2014-03436, Cynthia Agnes James**, the Board reviewed the Consent Order as seen and agreed to by Ms. James. A motion was made by Ms. Grimsley and seconded by Mr. Elias to accept the proposed Consent Order offer wherein Ms. James admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, James agrees to complete at least two (2) 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover and Odems.

File Number 2014-03436, Cynthia Agnes James

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

In the matter of **File Number 2014-03481, Jimmy A. Yeh**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yeh. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Yeh admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Yeh agrees to complete at least six (6) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within ninety (90) days 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Elias, Funkhouser,

File Number 2014-03481, Jimmy A. Yeh

Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-00730, Donna Little Pope**, 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. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept a violation of 18 VAC 135-20-220.A.3 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Boysko, Elias, Funkhouser, Hoover, Grimsley, Noonan and Odems. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00 for the violation contained in Count 1, for a total of \$250.00. The Board also imposes the following sanctions: For the violation of Count 1, Pope shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course(s) shall be completed in a classroom. Further, Pope 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. The motion passed unanimously. Members voting "Yes" were Boysko, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-00730, Donna Little Pope

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

In the matter of **File Number 2014-01104, Michelle Renee Marshall**, 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. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Boysko, Elias, Funkhouser, Hoover, Grimsley, Noonan and

File Number 2014-01104, Michelle Renee Marshall

Odems. A motion was made by Ms. Noonan and seconded by Mr. Hoover 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 1, for a total of \$500.00. The Board also imposes the following sanctions: For the violation of Count 1, Marshall shall be placed on probation and required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management. Such course(s) shall be completed in a classroom. Further, Marshall 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. The motion passed unanimously. Members voting "Yes" were Boysko, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2015-00042, Nieshia Renee Williams**, the Board reviewed the Consent Order as seen and agreed to by Ms. Williams. A motion was made by Ms. Noonan and seconded by Mr. Odems to accept the proposed Consent Order offer wherein Ms. Williams admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and agrees to a \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Williams agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Noonan and Odems.

File Number 2015-00042, Niesha Renee Williams

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

In the matter of **File Number 2014-02497, Daan De Raedt**, the Board reviewed the Consent Order as seen and agreed to by Mr. De Raedt. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. De Raedt admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$150.00 in Board costs, for a total of \$1,150.00.

File Number 2014-02497, Daan De Raedt

In addition, for violation of Count 1, De Raedt 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover and Noonan.

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

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

In the matter of **File Number 2014-02357, Cynthia M. Zalud t/a Cindy Zalud**, the Board reviewed the Consent Order as seen and agreed to by Ms. Zalud. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Zalud admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, and agrees to \$500.00 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. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2014-01122, Ashley Nicole Moss**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moss. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Moss admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, and to a violation of 18 VAC 135-20-170.A.1 (Count 3) of the Board's 2008 Regulations, and agrees to a \$2,500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 3, and \$150.00 in Board

Transfer to Chair

File Number 2014-02357, Cynthia M. Zalud t/a Cindy Zalud

File Number 2014-01122, Ashley Nicole Moss

costs, for a total of \$3,150.00. In addition, for violation of Counts 1 and 2, Moss agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Grimsley, Hoover, Noonan and Odems.

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

Mr. Funkhouser returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2015-00045, John Spencer Lowe**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lowe. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Lowe admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Lowe agrees to complete at least two (2) 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2015-00045, John Spencer Lowe

In the matter of **File Number 2014-03623, Sung Won Kim**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kim. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Kim admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, and agrees to a \$500.00 monetary penalty for the violation in Count 1, and \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Kim agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-03623, Sung Won Kim

In the matter of **File Number 2014-01344, Saul E. Romero**, the Board reviewed the Consent Order as seen and agreed to by

File Number 2014-01344, Saul E.

Mr. Romero. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Romero admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, and agrees to a \$1,100.00 monetary penalty for the violation in Count 1, and \$150.00 in Board costs, for a total of \$1,250.00. In addition, for violation of Count 1, Romero agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Romero

In the matter of **File Number 2014-03061, Lydia Bouck**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bouck. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Bouck admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the Board's 2003 Regulations, and agrees to a \$1,000.00 monetary penalty for the violation in Count 1, and \$150.00 in Board costs, for a total of \$1,150.00. Further, for violation of Count 1, Bouck agrees not to reinstate her expired and inactive license number 0225076257 or make application for any license issued by the Real Estate Board from the date of acceptance of the Order. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-03061, Lydia Bouck

In the matter of **File Number 2014-01047, Chong Miller**, the Board reviewed the Consent Order as seen and agreed to by Ms. Miller. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Miller admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation of Count 2, and \$150.00 in Board costs, for a total of \$5,150.00. For any and all violations of Counts 1 and 2, Miller agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$5,000.00 monetary penalty conditioned on Miller abiding by each and every term below:

File Number 2014-01047, Chong Miller

- Miller agrees to the revocation of her real estate salesperson license.
- Miller agrees to the revocation of all licenses, certifications, registrations, and approvals issued to her

by the Board.

- Miller further agrees not to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department of Professional and Occupational Regulation (“Department”) for twenty-five (25) years from the effective date of the Order.
- Miller agrees not to assist in any manner any person or entity to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of the Order.
- Miller also agrees not to assist in any manner any person or entity in obtaining any pre-license, vocational, continuing education or any other qualification, including the passing of any examination, needed to obtain, maintain, renew, or reinstate any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of the Order.
- Miller agrees not to be affiliated in any manner with any educational institution approved by any of the Boards within the Department or provide any type of instruction requiring approval of any of the Boards within the Department for a period of 25 years from the effective date of this Order.
- Miller agrees that she will not be an employee, subcontractor, consultant, partner, member, or owner of any entity or associate in any manner with any person or entity to which a license, certificate, registration or approval has been issued by any of the Boards within the Department for a period of 25 years from the effective date of the Order.
- Miller agrees to abide by the terms of any Consent Order she enters into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of the Consent Order.

The motion passed unanimously. Members voting “Yes” were

Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-02684, Brett Eugene Owen, t/a Brett E. Owen**, the Board reviewed the Consent Order as seen and agreed to by Mr. Owen. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Owen admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, 18 VAC 135-20-240 (Count 2) of the Board's 2003 Regulations, and 18 VAC 135-20-170.A.3 (Count 3) of the Board's 2008 Regulations, and agrees to a \$450.00 monetary penalty for the violation of Count 1, \$950.00 monetary penalty for the violation of Count 2, \$550.00 monetary penalty for the violation of Count 3, and \$150.00 in Board costs, for a total of \$2,100.00. In addition, for violation of Count 2, Owen agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-02684, Brett Eugene Owen, t/a Brett E. Owen

In the matter of **File Number 2014-01050, Youngkil K. Lee**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lee. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Lee admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, \$2,500.00 for the violation of Count 2, and \$150.00 in Board costs, for a total of \$5,150.00. For any and all violations of Counts 1 and 2, Lee agrees to the terms outlined below. In addition, the Board shall waive imposition of the \$5,000.00 monetary penalty conditioned on Lee abiding by each and every term below:

File Number 2014-01050, Youngkil K. Lee

- Lee agrees to the revocation of his salesperson license.
- Lee agrees to the revocation of all licenses, certifications, registrations, and approvals issued to him by the Board.
- Lee further agrees not to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department of Professional and Occupational Regulation ("Department") for twenty-

- five (25) years from the effective date of the Order.
- Lee agrees not to assist in any manner any person or entity to apply for any examination, license, certificate, registration, or approval, including the renewal or reinstatement of any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of the Order.
 - Lee also agrees not to assist in any manner any person or entity in obtaining any pre-license, vocational, continuing education or any other qualification, including the passing of any examination, needed to obtain, maintain, renew, or reinstate any license, certificate, registration, or approval issued by any of the Boards within the Department for 25 years from the effective date of the Order.
 - Lee agrees not to be affiliated in any manner with any educational institution approved by any of the Boards within the Department or provide any type of instruction requiring approval of any of the Boards within the Department for a period of 25 years from the effective date of the Order.
 - Lee agrees that he will not be an employee, subcontractor, consultant, partner, member, or owner of any entity or associate in any manner with any person or entity to which a license, certificate, registration or approval has been issued by any of the Boards within the Department for a period of 25 years from the effective date of the Order.
 - Lee agrees to abide by the terms of any Consent Order he enters into with any Board within the Department, and agrees that a violation of any of the terms of the Consent Orders entered into with any Board within the Department shall additionally constitute a violation of the terms of the Consent Order.

The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-01448, Horace Richard Talley**, the Board reviewed the Consent Order as seen and agreed to by Mr. Talley. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Talley admits to a violation of 18 VAC

File Number 2014-01448, Horace Richard Talley

135-20-310.2 (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$650.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$800.00. In addition, for violation of Count 1, Talley agrees to complete at least four (4) 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-01471, Robert Michael Drechsler**, the Board reviewed the Consent Order as seen and agreed to by Mr. Drechsler. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Drechsler admits to a violation of 18 VAC 135-20-220.A.2 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2008 Regulations and agrees to a monetary penalty of \$400.00 for the violation of Count 1, \$500.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,050.00. In addition, for violation of Counts 1 and 2, Drechsler agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-01471, Robert Michael Drechsler

In the matter of **File Number 2014-02832, Rocky Immanuel David Tkacz, t/a Rocky Tkacz**, the Board reviewed the Consent Order as seen and agreed to by Mr. Tkacz. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Tkacz

File Number 2014-02832, Rocky Immanuel David Tkacz, t/a Rocky Tkacz

admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Tkacz 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2014-00904, Lisa Marie Doud**, the Board reviewed the Consent Order as seen and agreed to by Ms. Doud. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Doud admits to a violation of 18 VAC 135-20-300.6 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$550.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for violation of Count 1, Doud 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 of license. The motion passed unanimously. Members voting "Yes" were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

File Number 2014-00904, Lisa Marie Doud

Ms. Martine reviewed the proposed Real Estate regulations, previously approved by the Board on November 19, 2013. The regulations are currently in Executive Review. Ms. Martine explained that the Executive Branch requested that the Board review its proposed regulation on the prohibited act of licensees providing lockbox codes to an unlicensed person. Upon a motion by Mr. Hoover and seconded by Ms. Grimsley, the Board voted to amend the proposed regulations

Administrative Issues

and remove the prohibited act of licensees providing lockbox codes to an unlicensed person from the amended 18 VAC 135-20-260.11.1. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Mr. Funkhouser informed the Board that the Board’s Advisory Council met on November 19, 2014, to review the post license education guidelines for new salespersons. The Advisory Council recommended no changes to the post license education program. However, Advisory Council discussion raised concerns with requiring three hours of escrow training and with only allowing new salespersons one year to complete the thirty hours of post license education. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to require a maximum of three hours of “Escrow Management” education for licenses sanctioned due to disciplinary action with “Escrow Management” education. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

A motion was made by Mr. Hoover and seconded by Mr. Odems to require Board approved education providers who offer pre-license education courses to submit to PSI digital photographs of students to increase examination security and reduce fraud. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Mr. Hoover and seconded by Ms. Grimsley to eliminate the ability of candidates to walk-in to PSI to take the examination. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

A motion was made by Ms. Grimsley and seconded by Mr. Hoover to reconsider Item. 37 – **File Number 2014-01448, Horace Richard Talley**. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to amend the Consent Order terms regarding the continuing education requirement of four (4) classroom hours of Escrow Management to two (2) classroom hours of Escrow Management. The respondent has 14 days to accept the

Administrative Issues

amended terms or the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

The Board reviewed the November 19, 2014, Real Estate Education Committee meeting report. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to approve the Education Committee meeting report. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

The Board discussed concerns about the Brokerage Agreement Guidance Document. The Education Committee and staff will review the Guidance Document with the assistance of legal counsel to revise it with plainer language to make it more user-friendly. The motion passed unanimously. Members voting “Yes” were Boysko, Do, Elias, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Old Business

Michael Lafayette, Attorney for VAR, addressed the Board concerning 18VAC135-20-180.B.1.a., requesting clarification of five business days to make an Escrow deposit. The Board will revisit the matter at the next Real Estate Board meeting.

New Business

There being no further business, the Board adjourned at 10:25 A.M.

Adjourn

Joseph Funkhouser, II, Chair

Jay DeBoer, Secretary