

REAL ESTATE BOARD
MINUTES OF MEETING

July 10, 2008

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

Carol Clarke, Chair
Byrl Taylor, Vice Chair
R. Schaefer Oglesby
Nathaniel Brown
Judith L. Childress
Marjorie Clark
Sharon P. Johnson
Scott Gaeser

The following Board Member was not present: Florence Daniels

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
Deanda Shelton, Assistant Fair Housing Administrator
Arthur Ryan, Fair Housing Investigator
Earlyne Perkins, Legal Analyst
Victoria Traylor, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Steven Jack and Tom Payne from the Office of the Attorney General were present.

Chair Clarke called the meeting to order at 9:05 A.M.

Call to Order

A motion was made by Ms. Clark and seconded by Mr. Gaeser to approve the agenda. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

Agenda

There was no public comment.

Public Comment

A motion was made by Mr. Gaeser and seconded by Mr. Brown to adopt the following minutes: April 15, 2008, Fair Housing Regulatory Review

Minutes

Committee Meeting; April 24, 2008, Informal Fact-Finding Conference; May 5, 2008 Informal Fact-Finding Conference; May 6, 2008, Informal Fact-Finding Conference; May 7, 2008, Fair Housing Regulatory Review Committee Meeting; May 7, Informal Fact-Finding Conference; May 8, 2008, Real Estate Board Meeting; May 8, 2008, Informal Fact-Finding Conference; May 15, 2008, Informal Fact-Finding Conference; May 22, 2008, Informal Fact-Finding Conference; June 5, 2008, Informal Fact-Finding Conference; June 6, 2008, Informal Fact-Finding Conference; June 10, 2008, Real Estate Board Member Training Meeting and June 19, 2008, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

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

In the matter of **Sandra G. Harris v. Dana Walker and Hall & Associates, REB File Number 2008-03583**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

The Board considered the matter of **Al Cleaver v. John Logtens and Property Specialists, Inc., REB File Number 2008-03287**, A motion was made by Ms. Clark and seconded by Ms. Taylor to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

The Board considered the matter of **Todd Smith v. Raines Property Management, Inc., Jennifer Wallace, Reggie Britts and David Epperley, REB File Number 2008-04351**, A motion was made by Ms. Clark and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **Rosalind Bates v. Susan Kepar, Charles Chappell and Chappell Real Estate, Inc., REB File Number 2008-03332**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby

**Fair Housing
Administrators Report**

**Sandra G. Harris v.
Dana Walker and Hall
& Associates, REB File
Number 2008-03583**

Conciliation Agreement

Conciliation Agreement

**Rosalind Bates v. Susan
Kepar, Charles
Chappell and Chappell
Real Estate, Inc., REB
File Number 2008-03332**

and Taylor.

After discussion, Mr. Oglesby moved to authorize staff to file a Notice of Intended Regulatory Action for amendments to the Fair Housing regulations. Ms. Johnson seconded the motion. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

**Notice of Intended
Regulation Action**

A motion was made by Ms. Clark and seconded by Ms. Taylor to approve the Fair Housing Sub-Committee minutes of May 8, 2008. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

Fair Housing Minutes

In the matter of **File Number 2008-03861, Scott Allen Beranek**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Lorrie Wolff and Betty Wolff, witnesses for the applicant, were present and addressed the Board. The Board considered its Regulations: 18 VAC 135-20-30.4 and 18 VAC 135-20-30.8 and other applicable law: §54.1-204 of the *Code of Virginia*. A motion was made by Ms. Taylor and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Beranek's application for a real estate salesperson's license based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. After reviewing the facts, the nature and seriousness of the offenses, the Board considered the extent and reoccurring pattern of Beranek's overall involvement in criminal activity. The Board noted the short amount of time which has elapsed since Beranek's latest crime and conviction. Although the Board did consider the steps Beranek has taken towards rehabilitation, the Board also considered Beranek's lack of credibility and voted that they could not protect the health, safety and welfare of the public and agreed it would be negligent to grant the license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2008-03861,
Scott Allen Beranek**

In the matter of **File Number 2008-03995, Glenda Absher**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Absher, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained

**File Number 2008-03995,
Glenda Absher**

in § 54.1-204.B of the *Code of Virginia*, approve Ms. Absher's application for a real estate salesperson's license with the following amendment: Ms. Absher's license is subject to an agreement for licensure for a period of two years wherein Ms. Absher and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2008-04093, Suzanne McGinty**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. McGinty, the applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. McGinty's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

**File Number 2008-04093,
Suzanne McGinty**

In the matter of **File Number 2008-02891, Virginia Real Estate Transaction Recovery Act Claim of Marvin & Alecia Farley (Claimants) and Andrew J. Walker (Regulant)**, Ms. Farley, claimant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clark to defer this matter to a future Board meeting to allow the Board to obtain legal advice from the Office of the Attorney General. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

**File Number 2008-02891,
Marvin & Alecia Farley
and Andrew J. Walker**

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-03862, Paul Moore**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Moore, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Moore's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

**File Number 2008-03862,
Paul Moore**

As the presiding Board Member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2008-01855, Mary A. Bowman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bowman. Ms. Bowman, the respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Bowman admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Bowman agrees to a two (2) year probation of her license as of the effective date of the order. During the two (2) year probation, Bowman agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be convicted of any misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony; (3) Provide to the Board, on a quarterly basis, a written statement and supporting documentation from Bowman and Bowman's principal broker that she is in compliance with terms listed above. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2008-01855,
Mary A. Bowman

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

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2008-03877, Margaret Coffey**, 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. Ms. Coffey, the respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation to close the file with a finding of no violation of Board Regulation 18 VAC 135-20-160.B. The motion passed by majority vote. Members voting "Yes" were Childress, Clark, Gaeser, Johnson, Oglesby and Taylor. Member voting "No" was Brown.

File Number 2008-03877,
Margaret Coffey

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

Ms. Clarke returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2007-03517, Edward Andrew Williams**,

File Number 2007-03517,

the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Williams and his attorney, Brenda Page, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2138 of the *Code of Virginia* (Count 1), find a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-300.6 (Count 4) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 5) of the Board's 1999 Regulations, find no violation of 18 VAC 135-20-260.10 (Count 6) of the Board's 2003 Regulations, find a violation of §54.1-2138 of the *Code of Virginia* (Count 7), and find a violation of 18 VAC 135-20-310.2 (Count 8) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

**Edward Andrew
Williams**

A motion was made by Ms. Johnson and seconded by Mr. Gaeser 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, \$1,000.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, \$2,500.00 for the violation contained in Count 4, \$1,000.00 for the violation contained in Count 5, \$500.00 for the violation contained in Count 7, and \$1,000.00 for the violation contained in Count 8 for a total monetary penalty of \$9,000.00. In addition, for the violation in Count 1, Williams' license will be placed on probation until such time as he provides evidence acceptable to the Board that he attended and successfully completed eight (8) hours of continuing education pertaining to real estate agency within 90 days of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. In addition, the Board imposes revocation of the license for the violation of Count 2, Count 3, Count 4, Count 5 and Count 8. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

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

In the matter of **File Number 2008-03572, Lorey Felton**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the

**File Number 2008-03572,
Lorey Felton**

Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Felton, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Felton's application for a real estate salesperson's license with the following amendment: Ms. Felton's license is subject to an agreement for licensure for a period of two years wherein Ms. Felton and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2008-03571, Leatrice Atkins**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Atkins, the applicant, and Robert Sullivan, witness for the applicant, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Atkin's application for a real estate salesperson's license with the following amendment: Ms. Atkin's license is subject to an agreement for licensure for a period of two years wherein Ms. Atkins and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-03571,
Leatrice Atkins

In the matter of **File Number 2008-03996, Karen Brunson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Brunson, the applicant, was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Brunson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-03996,
Karen Brunson

In the matter of **File Number 2008-03860, Mark Tietjen**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of

File Number 2008-03860,
Mark Tietjen

the presiding officer. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Tietjen's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2008-03397, Michael Carr**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Carr's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-03397,
Michael Carr

In the matter of **File Number 2008-03536, Virginia Real Estate Transaction Recovery Act Claim of Glenn S. Burns (Claimant) and Fiaz Anwar (Regulant)**, the Board reviewed the record, which consisted of the Claim Review file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gaeser and seconded by Mr. Brown to accept the recommendation to pay the claim in the amount of \$20,000.00. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2008-03536,
Glenn S. Burns and Fiaz
Anwar

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

In the matter of **File Number 2008-03871, Renee DeCarlo**, 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. Childress and seconded by Ms. Taylor to accept the recommendation to deny Ms. DeCarlo's application for a broker's license based upon the record. After reviewing the facts, the Board took into consideration Ms. DeCarlo's impressive business and real estate background. However, the Board determined Ms. DeCarlo did not meet the requirement of being actively engaged as a salesperson and/or broker for 36 of the 48 months preceding application for licensure and deny Ms. DeCarlo's application for a real estate broker's license. The motion passed unanimously. Members voting

File Number 2008-03871,
Renee DeCarlo

“Yes” were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2008-03993, Jerri Faught**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Faught’s application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2008-03993,
Jerri Faught

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-03994, Byron Hall**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation to deny Mr. Hall’s request for a real estate broker’s license as Mr. Hall did not meet the requirement of being actively engaged as a real estate salesperson and/or broker for 36 of the last 48 months preceding application for license and to instead approve a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2008-03994,
Byron Hall

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2008-02315, Christopher John Dunlap**, the Board reviewed the Consent Order as seen and agreed to by Mr. Dunlap. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Mr. Dunlap admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board’s 2003 Regulations and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Count 1, Dunlap agrees to a two (2) year probation of his license as of the effective date of the order. During the two (2) year probation, Dunlap agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be in violation of any

File Number 2008-02315,
Christopher John
Dunlap

local, state, or federal laws or regulations; and (3) Provide to the Board, on a quarterly basis, a written statement and supporting documentation that he is in compliance with terms listed above. If Dunlap violates any terms of the probation, his license shall be automatically revoked. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or votes pertaining to this matter.

In the matter of **File Number 2007-04591, Vincent Wesley Elliott**, the Board reviewed the Consent Order as seen and agreed to by Mr. Elliott. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the proposed Consent Order wherein Mr. Elliott admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$900.00. In addition, for violations of Count 1 and 2, Elliott agrees to a six (6) month suspension of his license. This suspension is waived due to the fact that Elliott has complied with the terms of the Plea Agreement entered into on February 16, 2007, in the Circuit Court of Grayson County, Virginia, which imposed a six (6) month suspension of his real estate salesperson's license. In addition, for violation of Counts 1 and 2, Elliott agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Not be convicted or found guilty of a misdemeanor involving moral turpitude, sexual offense, drug distribution or physical injury, or any felony; (3) Provide to the Real Estate Board, on a quarterly basis for a period of two years from the effective date of the order, a written statement and supporting documentation from his supervising broker that Elliott is in compliance with terms listed above. In addition, Elliott agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of 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 of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2007-04591,
Vincent Wesley Elliott

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

In the matter of **File Number 2007-03881, Robin Mundle**, the Board reviewed the Consent Order as seen and agreed to by Ms. Mundle. A motion was made by Ms. Childress and seconded by Ms. Clark to reject the proposed Consent Order. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2007-03881,
Robin Mundle

A motion was made by Ms. Childress and seconded by Mr. Gaeser to re-offer the proposed Consent Order wherein Ms. Mundle admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$750.00 for the violation contained in Count 1, and \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,650.00. In addition, for violation of Counts 1 and 2, Mundle agrees to complete four (4) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the order. Such courses shall be completed in classroom hours (no on-line courses). 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 Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

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

In the matter of **File Number 2007-03612, Donice C. Stewart**, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and to find a violation of 18 VAC 135-20-180.A.1 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185.C.3 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-240 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2007-03612,
Donice C. Stewart

A motion was made by Ms. Johnson and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal

Fact-Finding Conference and impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, and \$1,500.00 for the violation contained in Count 3 for a total monetary penalty of \$4,500.00. In addition, for the violations of Counts 1, 2, and 3 the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

As the presiding Board, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-01153, Dawn L. Mills**, the Board reviewed the Consent Order as seen and agreed to by Ms. Mills. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the proposed Consent Order wherein Ms. Mills neither admits nor denies violation but consents to the following terms 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$500.00 in Board costs for a total of \$1,000.00. In addition, Mills agrees to be placed on probation until she presents evidence acceptable to the Board that she has successfully completed (4) hours of continuing education pertaining to escrow. Such education hours shall not count toward any requirement for license renewal, reinstatement, or activation. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Taylor.

File Number 2007-01153,
Dawn L. Mills

As the presiding Board, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-00951, Sonia M. Nidhan**, 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 members. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.5 (Count 4) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-260.6 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

File Number 2007-00951,
Sonia M. Nidhan

A motion was made by Mr. Gaeser and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and 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, no monetary penalty for the violation contained in Count 3, no monetary penalty for the violation contained in Count 4, and \$2,500.00 for the violation contained in Count 5 for a total monetary penalty of \$7,500.00. In addition, for the violations of Counts 1, 2, 3, 4 and 5 the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

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

In the matter of **File Number 2007-04375, Andrew James Walker**, 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. Clark and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations, and find a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

**File Number 2007-04375,
Andrew James Walker**

A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, and \$2,500.00 for the violation contained in Count 3, and \$2,500.00 for the violation contained in Count 4 for a total monetary penalty of \$7,500.00. In addition, for the violations of Counts 1, 2, 3, and 4 the Board imposed revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

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

In the matter of **File Number 2008-03488, Deborah Y. Taylor**, the

File Number 2008-03488,

Board reviewed the Consent Order as seen and agreed to by Ms. Taylor. A motion was made by Ms. Johnson and seconded by Mr. Brown to accept the proposed Consent Order wherein Ms. Taylor admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, and agrees to \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1 and 2, Taylor agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

Deborah Y. Taylor

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

In the matter of **File Number 2008-01837, Steven B. Nichols**, the Board reviewed the Consent Order as seen and agreed to by Mr. Nichols. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Nichols admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, and agrees to \$150.00 in Board costs for a total of \$2,150.00. In addition, Nichols agrees to a three (3) year probation of his license as of the effective date of the order. During the three (3) year probation, Nichols agrees to: (1) Comply with the rules and regulations of the Real Estate Board; (2) Comply with the terms of his probation as assigned by the court and provide to the Board, on a semi-annual basis, a letter from the probation officer verifying that Nichols is complying with the probation (3) Not be in violation of any local, state, or federal laws or regulation; and (4) Provide to the Board, on a quarterly basis, a written statement and supporting documentation to indicate standing with his employer. If Nichols violates any terms of this probation, his license shall be automatically revoked. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson and Oglesby.

File Number 2008-01837,
Steven B. Nichols

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

Ms. Clarke turned the position of Chair over to Ms. Taylor and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2007-05106, Maria Rosario Baggett**, the Board reviewed the record which consisted of the investigative file,

File Number 2007-05106,
Maria Rosario Baggett

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. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 135-20-220.A.3 (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-180.B.1.a (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310.2 (Count 3) of the Board's 1999 Regulations, and find a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$450.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, and \$250.00 for the violation contained in Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Ms. Childress and seconded by Mr. Gaeser to reject the sanctions in Count 4 and to impose a monetary penalty of \$500.00 and Baggett's license will be placed on probation until such time as she provides evidence that she has completed four (4) hours of continuing education pertaining to real estate agency and four (4) hours of continuing education pertaining to broker management. Such courses shall be completed in classroom hours (no on-line courses). Baggett must provide proof of the course completion within 180 days of the execution of the order. Satisfactory completion of the above referenced courses will not count towards any continuing education requirements for renewal of license. For Counts 1-4 the total monetary penalty total is \$1,700.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Gaeser, Johnson, Oglesby and Taylor.

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

Ms. Clarke returned and assumed the position of Chair.

In the matter of **File Number 2008-00712, Kathryn L. Wiley**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wiley. A motion was made by Mr. Gaeser and seconded by Ms. Johnson to reject the proposed Consent Order offer and extend a counter offer to Ms. Wiley wherein Ms. Wiley admits to a violation of 18 VAC 135-20-270.3

Transfer of Chair

File Number 2008-00712,
Kathryn L. Wiley

(Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, Wiley agrees to complete at least eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. Such courses shall be completed in classroom hours (no on-line courses). It is also 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 Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

In the matter of **File Number 2007-05169, Mary L. McCarron**, the Board reviewed the Consent Order as seen and agreed to by Ms. McCarron. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order wherein Ms. McCarron admits to a violation of §54.1-2132.A.4 of the *Code of Virginia* (Count 1), and agrees 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 Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2007-05169,
Mary L. McCarron

In the matter of **File Number 2008-02249, Sandra Y. Vipperman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Vipperman. A motion was made by Ms. Johnson and seconded by Ms. Clark to accept the proposed Consent Order wherein Ms. Vipperman admits to a violation of §54.1-2135.A.1 of the *Code of Virginia* (Count 1), and agrees to a monetary penalty of \$200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$350.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

File Number 2008-02249,
Sandra Y. Vipperman

In the matter of **File Number 2008-00351, Henry C. Osborne**, the Board reviewed the Consent Order as seen and agreed to by Mr. Osborne. A motion was made by Ms. Childress and seconded by Ms. Taylor to accept the proposed Consent Order wherein Mr. Osborne admits to a violation of 18 VAC 135-20-210.B (Count 1) of the Board's 1999 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby

File Number 2008-00351,
Henry C. Osborne

and Taylor.

The Board recessed from 10:35 A.M. to 10:50 A.M.

Trisha Henshaw was introduced to the Board. Ms. Henshaw is the Executive Director for the new Common Interest Community (CIC) Board. There was an update given about the CIC Board and the legislative implementation. Mr. Gaeser volunteered to assist the CIC Board as they begin drafting regulations.

A motion was made by Ms. Johnson and seconded by Ms. Childress to approve the revised Residential Property Disclosure Statement. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

Ms. Childress gave the Education Committee Report. A motion was made by Mr. Gaeser and seconded by Ms. Clark to accept the July 9, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Gaeser, Johnson, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Taylor to notify all education providers that the Board will no longer grant retroactive approval except in extraordinary circumstances. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Johnson and Taylor. Members voting "No" were Oglesby and Clark.

There being no further business, the Board adjourned at 12:11 P.M.

Carol F. Clarke, Chair

Jay DeBoer, Secretary

Break

Administrative Issues

Education Committee Report

Education Items

Adjourn