

REAL ESTATE BOARD
MINUTES OF MEETING

July 8, 2010

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

Byrl Taylor, Chair
Carol Clarke
Clifford L. Wells
Nathaniel Brown (arrived at 9:21 a.m.)
Judith L. Childress
Marjorie Clark
Florence Daniels
Sharon Johnson

Board member not present: Scott Gaeser

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution
David Dorner, Director of Investigations
Liz Hayes, Fair Housing Administrator
Earlyne Perkins, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

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

Byrl Taylor called the meeting to order at 9:05 A.M.

Call to Order

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

Agenda

A motion was made by Mr. Wells and seconded by Ms. Clarke to adopt the following minutes: April 20, 2010, Informal Fact-Finding Conference; May 13, 2010, Informal Fact-Finding

Minutes

Conference; May 18, 2010, Informal Fact-Finding Conference; May 19, 2010, Informal Fact-Finding Conference; May 19, 2010, Real Estate Board Committee Meeting; May 20, 2010, Real Estate Board Meeting; May 20, 2010, Informal Fact-Finding Conference; and June 2, 2010, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

There was no public comment.

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

In the matter of **Roger Alston v. Steven C. Overgard, Terry Shepherd Brown, Matthew Perry Smith, Boyd Y. Smith and Youngblood, Inc., t/a ReMax Commonwealth, REB File Number 2010-03207**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Mr. Wells to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Clark and seconded by Mr. Wells to approve the Fair Housing Sub-Committee minutes of May 20, 2010. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

Nate Brown, Board Member, arrived at 9:21 a.m.

In the matter of **File Number 2010-02688, Ryan Cramsey**, 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. Richard B. Zorn, attorney for the applicant, and Ryan Cramsey, applicant, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal

Public Comment

**Fair Housing
Administrators
Report**

**Roger Alston v.
Steven C. Overgard,
Terry Shepherd
Brown, Matthew
Perry Smith, Boyd Y.
Smith and
Youngblood, Inc., t/a
ReMax
Commonwealth,
REB File Number
2010-03207**

**Fair Housing
Minutes**

**Arrival of Board
Member**

**File Number 2010-
02688, Ryan
Cramsey**

Fact-Finding Conference and, instead approve the application for a real estate salesperson's license, with the following amendment: Mr. Cramsey's license is subject to an agreement for licensure for a period of two years wherein Mr. Cramsey and his broker would provide quarterly reports to the Board. The motion failed. Members voting "Yes" were Childress, Clark, Daniels and Johnson. Members voting "No" were Brown, Clarke, Taylor and Wells.

A motion was made by Mr. Wells and seconded by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Cramsey's application for a real estate salesperson's license based upon the record. The motion failed. Members voting "Yes" were Brown, Clark, Taylor and Wells. Members voting "No" were Childress, Clarke, Daniels and Johnson.

A motion was made by Ms. Clarke and seconded by Mr. Wells to remand the case to an Informal Fact-Finding Conference with a Board member to preside. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson and Wells. Member voting "No" was Taylor.

In the matter of **File Number 2010-04212, Albert Kirkner**, 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. Mr. Timberlake, attorney for the applicant, was present and addressed the Board. A motion was made by Ms. Johnson, and seconded by Mr. Wells 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. Kirkner's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-04212, Albert Kirkner

In the matter of **File Number 2010-04487, Carol James**, 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. Ms. James, applicant, was

File Number 2010-04487, Carol James

present and addressed the Board. A motion was made by Mr. Wells, and seconded by Ms. Daniels 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. James' application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

In the matter of **File Number 2010-04493, Mohammad Kayani**, 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. Mr. Kayani, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Mr. Brown to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead, deny Mr. Kayani's application for a real estate salesperson's license. After review of the facts, the nature and seriousness and recentness of the crime, and the relationship of the crime to Kanani's ability, capacity, or fitness to perform the duties of a licensed real estate salesperson the Board determines that it could not protect the health, safety and welfare of the public and agreed that it would be negligent to grant a license. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Daniels, Johnson, Oglesby and Taylor. Members voting "No" were Clark and Clarke.

File Number 2010-04493, Mohammad Kayani

In the matter of **File Number 2010-05156, Stephen Pappas**, 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 Board member. Mr. Pappas, applicant, was present and addressed the Board. A motion was made by Ms. Daniels, and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Pappas' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-05156, Stephen Pappas

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

In the matter of **File Number 2010-04486, Gregory T. Jacobsen**, 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. Mr. Jacobsen, applicant, was present and addressed the Board. A motion was made by Ms. Daniels, and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the real estate broker's license and instead issue Mr. Jacobsen a real estate salesperson's license as he did not provide proof that he has been actively engaged as a salesperson/broker for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-04486, Gregory T. Jacobsen

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

In the matter of **File Number 2010-00206, Yu Fan**, 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. Fan, respondent, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.1 (Count 1) of Board's 2003 Regulations, **2 violations** of 18 VAC 135-20-260.8 (Count 2) of Board's 2003 Regulations, and **2 violations** of 18 VAC 135-20-260.10 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-00206, Yu Fan

A motion was made by Ms. Clarke and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,100.00 for the violation contained in Count 1, and \$525.00 for each violation contained in Count 2, and \$1,100.00 for each violation contained in Count 3, for a total of \$4,350.00. The Board also imposes the following sanctions: revocation of license for the violation of Count 1, Count 2 and Count 3. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke,

Daniels, Taylor and Wells.

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

In the matter of **File Number 2010-04484, Christopher Brodie**, 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. Mr. Brodie, applicant, was present and addressed the Board. A motion was made by Ms. Daniels, 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 Mr. Brodie's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-04484, Christopher Brodie

In the matter of **File Number 2010-04485, James Gaulding**, 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. Mr. Gaulding, applicant, was present and addressed the Board. A motion was made by Ms. Clark, and seconded by Ms. Clarke 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. Gaulding's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-04485, James Gaulding

In the matter of **File Number 2010-04495, Peter Hastings**, 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. Mr. Hastings, applicant, was present and addressed the Board. A motion was made by Mr. Wells and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Hastings' application for a real estate salesperson's license,

File Number 2010-04495, Peter Hastings

with the following amendment: Mr. Hastings' license is subject to an agreement for licensure for a period of two years wherein Mr. Hastings' and his broker will provide quarterly reports to the Board and to note the correction to the Summary of the Informal Fact-Finding Conference adding Kristin Becker as presiding officer in the third paragraph; correcting the last sentence of the second paragraph on page four to reference Hastings and not James; and on page five, second paragraph it should read "According to Hastings" not James. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

In the matter of **File Number 2010-04498, Carlton Smith**, 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. Mr. Smith, applicant, was present and addressed the Board. A motion was made by Ms. Clarke, and seconded by Mr. Wells 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. Smith's application for a real estate salesperson's license and to note the correction to the Summary of the Informal Fact-Finding Conference adding Kristin Becker as presiding officer in the third paragraph. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-04498, Carlton Smith

In the matter of **File Number 2010-04483, Scott Deal**, 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. Daniels and seconded by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Deal's application for a real estate salesperson's license, with the following amendment: Mr. Deal's license is subject to an agreement for licensure until he is released from probation for a period of three years wherein Mr. Deal and his broker will provide quarterly reports to the Board and to note the correction to the Summary of the Informal Fact-Finding Conference adding Kristin Becker as presiding officer in the third paragraph. The

File Number 2010-04483, Scott Deal

motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

In the matter of **File Number 2010-04488, Sherwood Prescott**, 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. Clarke, 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 Mr. Prescott’s application for a real estate salesperson’s license and to note the correction to the Summary of the Informal Fact-Finding Conference adding Kristin Becker as presiding officer in the third paragraph. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-04488, Sherwood Prescott

In the matter of **File Number 2010-03600, Daniele Smith**, the Board reviewed the Consent Order as seen and agreed to by Ms. Smith. A motion was made by Ms. Clark and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Smith 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 no monetary penalty for the violation contained in Count 1, and not monetary penalty for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Smith agrees to revocation of her license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-03600, Daniele Smith

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

In the matter of **File Number 2010-02518, Keith L. Hartke**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hartke. A motion was made by Ms. Daniels and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Hartke admits to **3 violations** of 18 VAC 135-20-260.10 (Count 1) of the Board’s 2008 Regulations, and

File Number 2010-02518, Keith L. Hartke

agrees to a monetary penalty of \$2,500.00 for each violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$7,650.00. In addition, Hartke agrees to revocation of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of the execution of the Order. Further, Hartke agrees to complete at least eight (8) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course 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 and note a correction to page 2 of the Consent Order reading "subtotal \$7,500.00" instead of 0. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

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

In the matter of **File Number 2010-01717, John Rixey Barber**, the Board reviewed the Consent Order as seen and agreed to by Mr. Barber. A motion was made by Mr. Wells and seconded by Ms. Daniels to accept the proposed Consent Order offer wherein Mr. Barber admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,650.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,800.00. Barber agrees to pay the above-referenced monetary penalties within ninety (90) days of the effective date of the order. In addition, Barber 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 this order. The course 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 Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-01717, John Rixey Barber

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

In the matter of **File Number 2010-01582, Tony C. Cash**, the Board reviewed the Consent Order as seen and agreed to by Ms. Cash. A motion was made by Ms. Clark and seconded by Ms. Childress to reject the proposed Consent Order offer and make a counteroffer wherein Mr. Cash admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-300.10 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, and \$150.00 in Board costs for a total of \$1,550.00. The monetary penalties and cost are to be paid within six (6) months of the effective date of the order. In addition, for the violation of Count 1 and 2, Cash agrees to complete at least two (2) classroom hours of Board-approved education pertaining to Ethics and Standards of Conduct and at least two (2) classroom hours pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal of license. If Mr. Cash does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

File Number 2010-01582, Tony C. Cash

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

In the matter of **File Number 2010-01021, Cherry Lynn Rose**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rose. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Rose admits to a violation of §54-1-2135.A.2 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of

File Number 2010-01021, Cherry Lynn Rose

\$650.00. In addition, for violation of Count 1, Rose agrees to a three (3) month license suspension and the Board shall waive imposition of the three (3) months license suspension and the \$500.00 monetary penalty for violation of Count 1 provided Rose agrees to three (3) year probation of her license as of the effective date of the order. During this three (3) year probation, Rose agrees to: (1) Not be in violation of any rules and regulations of the Real Estate Board for transactions occurring after the effective date of the order; (2) Provide to the Board, on a quarterly basis, a written statement and supporting documentation that she in compliance with terms listed above. If Rose violates any terms of this probation, her license shall be automatically suspended for a three (3) month period and the full monetary penalty automatically imposed. Rose understands the right to have this suspension considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives and rights to these proceedings. Further, for violation of Count 1, Rose agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Property Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced 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, Daniels, Taylor and Wells.

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

In the matter of **File Number 2010-01097, Randall W. Thompson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thompson. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Mr. Thompson admits to a violation of 18 VAC 135-20-270.3 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-280.2 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.7 (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in

File Number 2010-01097, Randall W. Thompson

Count 2, \$400.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$3,050.00. Thompson agrees to pay the above-referenced penalties within six (6) months of the effective date of the order. In addition, Thompson agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Property Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course 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 Brown, Childress, Clark, Clarke, Daniels, Taylor and Wells.

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

In the matter of **File Number 2010-02895, Kathryn Sessoms Carraway**, the Board reviewed the Consent Order as seen and agreed to by Ms. Carraway. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Carraway admits to a violation of 18 VAC 135-20-260.10 (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 no monetary penalty for the violation contained in Count 1, and no monetary penalty for the violation contained in Count 2, and \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1 and 2, Carraway agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels and Taylor.

File Number 2010-02895, Kathryn Sessoms Carraway

As the Board members who reviewed the file, Ms. Johnson and Mr. Wells did not participate in the discussion or vote pertaining to this matter.

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

Transfer of Chair

In the matter of **File Number 2010-01121, Joshua Thomas**, the Board reviewed the record which consisted of the

File Number 2010-01121, Joshua

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. Daniels and seconded by Mr. Wells to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.10 (Count 1) of Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.11 (Count 2) of Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Childress, Daniels, Johnson and Wells.

Thomas

A motion was made by Ms. Daniels and seconded by Mr. Wells 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, \$2,000.00 for the violation contained in Count 2, for a total of \$4,500.00. The Board also imposes the following sanctions: Revocation of license for the violation contained in Count 1 and Count 2. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson and Wells.

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

Ms. Taylor returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2010-01965, Jessica L. Zagal**, the Board reviewed the Consent Order as seen and agreed to by Ms. Zagal. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Zagal admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.11 (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-260.10 (Count 5) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 6) of the Board's 2003 Regulations and agrees to no monetary penalty for the violation contained in Counts 1-6, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for violation of Counts 1-6, Zagal agrees to revocation of her license. Further, for violation of Count 1,

File Number 2010-01965, Jessica L. Zagal

Zagal 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 this order. The course 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 Brown, Childress, Clark, Clarke, Johnson, Taylor and Wells.

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

In the matter of **File Number 2010-03378, David Clyde Snipes**, the Board reviewed the Consent Order as seen and agreed to by Mr. Snipes. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Snipes 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, Snipes agrees to complete at least four (4) 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 this order. The course 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 Brown, Childress, Clarke, Daniels, Johnson, Taylor and Wells.

File Number 2010-03378, David Clyde Snipes

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

In the matter of **File Number 2010-03381, David Clyde Snipes**, the Board reviewed the Consent Order as seen and agreed to by Mr. Snipes. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent

File Number 2010-03381, David Clyde Snipes

Order offer wherein Mr. Snipes 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, Snipes agrees to complete at least four (4) 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 this order. The course 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 Brown, Childress, Clarke, Daniels, Johnson, Taylor and Wells.

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

In the matter of **File Number 2010-02881, Swindell Sutton**, the Board reviewed the Consent Order as seen and agreed to by Mr. Sutton. A motion was made by Ms. Johnson and seconded by Mr. Wells to accept the proposed Consent Order offer wherein Mr. Sutton admits to a violation of §54-1-2135.A.1 (Count 1) of the *Code of Virginia*, 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, Sutton agrees to complete at least four (4) classroom hours of Board-approved education pertaining to Property Management and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced 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, Daniels, Johnson, Taylor and Wells.

File Number 2010-02881, Swindell Sutton

The Board recessed from 10:30 A.M. to 10:45 A.M.

Break

David Dorner, Director of Investigations, presented the Board with information on the proposed Real Estate Inspection form.

Administrative Issues

A motion was made by Ms. Johnson and seconded by Ms. Clark to grant the Compliance and Investigative Division the authority to conduct random inspections of Real Estate firms pursuant to §§54.1-201 and 54.1-306 of the Code of Virginia. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Clark to authorize Board to initiate the process to promulgate Emergency Regulation to comply with Chapter 280 of the Acts of Assemble 2010 session and adopt language to not issue temporary licenses. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Clark to authorize Board staff to initiate NOIRA to promulgate regulations to implement HB963. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Mr. Wells to accept the July 7, 2010, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

**Education Committee
Report**

The Board reviewed the Education Committee Report. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the recommendation from the Education Committee to require The Association of Real Estate License Law Officials (ARELLO) distance education certification as a condition for Board-approval of distance education course applications effective January 1, 2011. The Board directed staff to work with the Attorney General's Office to ensure that all legal requirements are satisfied and to draft a Guidance Document expressing this decision. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the recommendation from the Education Committee to require a course timer for all Board-approved courses that are offered online by Board-approved education provider pursuant to the Board's "Online Course Time

Requirement” Guidance Document. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Johnson, Taylor and Wells.

Ms. Johnson gave the Board an update on the Regulatory Review Committee. No action was taken by the Board.

Old Business

There being no further business, the Board adjourned at 11:40 A.M.

Adjourn

Byrl Taylor, Chair

Gordon Dixon, Secretary

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