

REAL ESTATE BOARD  
MINUTES OF MEETING

May 22, 2012

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

Clifford L. Wells, Chairman  
Judith Childress, Vice-Chair  
Sharon Johnson  
Joseph Funkhouser, II  
Carol Clarke  
Nathaniel Brown  
Anh Tu Do (arrived at 9:44 A.M.)

Board member absent: Sandra Ferebee

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

Gordon Dixon, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution  
Liz Hayes, Fair Housing Administrator  
Earlyne Perkins, Legal Analyst  
Victoria Traylor, Legal Analyst  
Kevin Hoeft, Education Administrator  
Jeff Williams, Board Administrator  
Emily Trent, Administrative Assistant

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

Mr. Wells called the meeting to order at 9:09 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the following minutes: February 29, 2012, Informal Fact-Finding Conference; March 13, 2012, Informal Fact-Finding Conference; March 13, 2012, (Licensing) Informal

**Minutes**

Fact-Finding Conference; March 14, 2012, Informal Fact-Finding Conference; March 15, 2012, Informal Fact-Finding Conference; March 15, 2012, Real Estate Board Meeting; March 22, 2012, Informal Fact-Finding Conference; March 28, 2012, Informal Fact-Finding Conference; April 4, 2012, Informal Fact-Finding Conference; April 26, 2012, Informal Fact-Finding Conference and May 2, 2012, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

Carmen DiGiandomenico addressed the Board concerning a closed complaint. No action was taken by the Board.

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

In the matter of **Angela Addison and Nathaniel Yates v. Park Properties Management Company, LLC, REB File Number 2012-01721**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

In the matter of **Annette Donigan v. WR South, LLC, dba Winn Companies, and Cathy Stead, REB File Number 2012-00644**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Clarke and seconded by Ms. Johnson to find no reasonable cause. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

A motion was made by Ms. Clarke and seconded by Ms. Johnson to approve the Fair Housing Sub-Committee minutes of March 15, 2012. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

Valerie Matney, Director of Investigations – Field Operations, and Johnathan Darden, Director of Investigations – Central Operations, updated the Board on the status of Real Estate

**Public Comment**

**Fair Housing  
Administrators  
Report**

**Angela Addison and  
Nathaniel Yates v.  
Park Properties  
Management  
Company, LLC,  
REB File Number  
2012-01721**

**Annette Donigan v.  
WR South, LLC, dba  
Winn Companies,  
and Cathy Stead,  
REB File Number  
2012-00644**

**Fair Housing  
Minutes**

**Administrative  
Issues**

Firm inspections. No action was taken by the Board.

In the matter of **File Number 2012-02644, Steve Hurysz**, 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. Steve Hurysz, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser 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. Hurysz's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

**File Number 2012-02644, Steve Hurysz**

In the matter of **File Number 2012-02476, Dale Bradshaw**, 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. Dale Bradshaw, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser 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. Bradshaw's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Bradshaw and his broker will provide quarterly reports to the Board. The motion failed. Members voting "Yes" were Childress, Funkhouser and Wells. Members voting "No" were Brown, Clarke and Johnson.

**File Number 2012-02476, Dale Bradshaw**

A motion was made by Ms. Clarke and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference. The motion failed. Members voting "Yes" were Clarke and Johnson. Members voting "No" were Childress, Funkhouser and Wells. Brown abstained.

A motion was made by Mr. Funkhouser and seconded by Ms. Childress to amend 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. Bradshaw's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Bradshaw and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Brown, Funkhouser, Childress and Wells. Members voting "No" were Clarke and Johnson.

In the matter of **File Number 2012-02015, Sharon Simon**, 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. Sharon Simon, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to amend 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*, to approve Ms. Simon's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Ms. Simon and her broker will provide quarterly reports to the Board due to the nature and seriousness of criminal convictions and to safeguard the public. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Funkhouser, Johnson and Wells.

**File Number 2012-02015, Sharon Simon**

In the matter of **File Number 2012-02507, Tara Winfree**, 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. Tara Winfree, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Winfree's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Clarke, Funkhouser, Johnson and Wells. Brown abstained from voting.

**File Number 2012-02507, Tara Winfree**

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

In the matter of **File Number 2012-02659, Maurice Curley**,

**File Number 2012-**

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. Maurice Curley, applicant, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Curley's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Funkhouser, Johnson and Wells.

**02659, Maurice Curley**

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

Board Member Ahn Do arrived at 9:44 A.M.

**Arrival of Board Member**

In the matter of **File Number 2012-02660, Eugene Fisher**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Johnson and seconded by Ms. Clarke to amend 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*, to approve Mr. Fisher's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Fisher and his broker will provide quarterly reports to the Board. In addition, Fisher must complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management, and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct prior to the issuance of the salesperson license. Such course(s) shall be completed in a classroom. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-02660, Eugene Fisher**

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

In the matter of **File Number 2012-02506, James Kornick**, the Board reviewed the record which consisted of the

**File Number 2012-02506, James**

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. Clarke and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Kornick's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**Kornick**

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

In the matter of **File Number 2012-02661, Sally Hart**, 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. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Hart's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-02661, Sally Hart**

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

In the matter of **File Number 2011-04247, Stanislav Ilyev**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Stanislav Ilyev, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find 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 Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2011-04247, Stanislav Ilyev**

A motion was made by Ms. Johnson and seconded by Ms. Clarke 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. In addition, Ilyev's license will be placed on probation and be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course(s) shall be completed in the classroom. Further, Ilyev shall provide evidence acceptable to the Board that he successfully complete the course(s) within three (3) months of the effective date of the order. The above-referenced continuing education hours will not count towards any education requirements, if applicable, for initial licensure, or for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

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

In the matter of **File Number 2011-04566, Lakhinder Jit Singh Vohra**, 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 Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-280.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2011-04566, Lakhinder Jit Singh Vohra**

A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, for the violation of Count 1, the Board imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

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

In the matter of **File Number 2012-02056, Jose Barreto**

**File Number 2012-**

**Matos**, 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. Jose Barreto Matos, applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Matos' application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**02056, Jose Barreto  
Matos**

In the matter of **File Number 2012-02525, Mark Hoover**, 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. Mark Hoover, applicant, and John Edwards, attorney for the applicant, were present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Hoover's application for a real estate broker's license and instead approve Mr. Hoover's application for a real estate broker's license. The motion failed. Members voting "Yes" were Clarke, Funkhouser and Wells. Members voting "No" were Childress, Do and Johnson. Brown abstained from voting in the matter.

**File Number 2012-  
02525, Mark Hoover**

A motion was made by Ms. Johnson and seconded by Mr. Brown to refer to case back to another Informal Fact-Finding Conference, if the applicant cannot provide an Experience Verification form from Gearhart-Stevens. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2011-03672, Abuzar Waleed**, 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. Abuzar Waleed, respondent, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a

**File Number 2011-  
03672, Abuzar  
Waleed**

violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Clarke 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, \$1,500.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, the Board imposes probation of license for a period of one (1) year. While on probation, Waleed and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. Further, while on probation, Waleed shall comply with the following sanctions: for the violation of Count 1, Waleed shall be required to complete one (1) classroom hour of Board-approved continuing education pertaining to Real Estate Contracts, and two (2) classroom hours of Board-approved continuing education pertaining to Escrow. Such course(s) shall be completed in a classroom. As to Count 2, Waleed shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Waleed shall provide evidence acceptable to the Board that he has attended and successfully completed the courses within three (3) months of the effective date of the Order. The above-referenced education courses will not count towards any continuing education requirements, in applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells.

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

In the matter of **File Number 2012-00770, David A. Setzer, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Setzer. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Setzer admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for Count 1, as well as \$150.00

**File Number 2012-00770, David A. Setzer, Jr.**

in Board costs, for a total of \$650.00. In addition, for the violation of Count 1, Setzer 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 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, Do, Funkhouser, Johnson and Wells.

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

In the matter of **File Number 2012-00878, Virginia Real Estate Transaction Recovery Act Claim of C & G Investors LLC (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Ms. Clarke to adopt the recommendation to approve payment in the amount of \$6,209.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-00878, Virginia Real Estate Transaction Recovery Act Claim of C & G Investors LLC (Claimant) and Premier Property Management and Sales Ltd. (Regulant)**

In the matter of **File Number 2012-00840, Virginia Real Estate Transaction Recovery Act Claim of Clay Simmons (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act claim form and review. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to adopt the recommendation to approve payment in the amount of \$8,609.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-00840, Virginia Real Estate Transaction Recovery Act Claim of Clay Simmons (Claimant) and Premier Property Management and Sales Ltd. (Regulant)**

In the matter of **File Number 2012-00842, Virginia Real Estate Transaction Recovery Act Claim of George Manning (Claimant) and Premier Property Management and Sales Ltd. (Regulant)** the Board reviewed the record, which consisted of the claim review file and the Recovery Act

**File Number 2012-00842, Virginia Real Estate Transaction Recovery Act Claim of George Manning**

claim form and review. A motion was made by Ms. Childress and seconded by Ms. Johnson to adopt the recommendation to approve payment in the amount of \$6,429.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**(Claimant) and  
Premier Property  
Management and  
Sales Ltd. (Regulant)**

In the matter of **File Number 2012-00393, Noemy Martinez**, the Board reviewed the Consent Order as seen and agreed to by Ms. Martinez. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Martinez admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$750.00 for Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for the violation of Count 1, Martinez agrees to complete at least six (6) classroom hours of Board-approved continuing education as follows: two (2) hours of Legal Updates; two (2) hours of Real Estate Contracts; and two (2) hours of Escrow Management. Martinez shall provide proof of attendance and successful completion of these courses within six (6) months of the effective date of the order. The courses 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, Do, Funkhouser and Wells.

**File Number 2012-  
00393, Noemy  
Martinez**

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 2012-00345, Phillip Michael Wingfield**, 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 Mr. Funkhouser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

**File Number 2012-  
00345, Phillip  
Michael Wingfield**

A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanction(s): revocation of Wingfield's license for the violation of Count 1, but stay the imposition of the revocation based on Wingfield successfully meeting the following conditions: 1) Wingfield's license shall be placed on probation for three (3) years; 2) Wingfield and his broker provide quarterly reports to the Board that Wingfield is in compliance with the rules and regulations of the Board; 3) Wingfield provides quarterly reports from his probation officer that Wingfield has not violated any terms of his court imposed probation and has fully cooperated with substance abuse counseling as directed by his probation officer; and 4) Wingfield immediately notifies the Board if he is served with a show cause, capias, or major/minor violation report, or any other paperwork regarding noncompliance with his probation and/or any drug treatment or counseling program. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser 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 2012-00932, Carlos Rolando Otoya, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Otoya. A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Otoya 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 \$250.00 for the violation of Count 1, \$1,000.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,400.00. In addition, for the violation of Counts 1 and 2, Otoya agrees to two (2) year probation of his license as of the effective date of the order. During the two (2) year probation: 1) Otoya agrees to not be in violation of any regulations of the Real Estate Board for transactions occurring after the effective date of this order; 2) Otoya and his principal broker agree to provide to the Board, on a quarterly basis, a written statement and supporting documentation that Otoya is in compliance with terms listed above. If Otoya violates any terms of the probation, his license shall be automatically revoked. Otoya understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under

**File Number 2012-00932, Carlos Rolando Otoya, Jr.**

Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser and Wells. Member voting "No" was Childress.

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 2012-00719, Theresa A. O’Gorman-Sykes**, 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. Theresa A. O’Gorman-Sykes, respondent, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Do to refer the matter back for another Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Wells.

**File Number 2012-00719, Theresa A. O’Gorman-Sykes**

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 2012-02475, Roger Rojas**, 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. Roger Rojas, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser 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*, to approve Mr. Rojas’s application for a real estate salesperson’s license, subject to an agreement for licensure for a period of one year wherein Mr. Rojas and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-02475, Roger Rojas**

In the matter of **File Number 2012-01694, Gregory Dewayne Yonce**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yonce. A motion was made by Ms. Clarke

**File Number 2012-01694, Gregory Dewayne Yonce**

and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Yonce admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-180.B.1.b (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-180.B.1.c (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for Count 1, no monetary penalty for Counts 2 and 3, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for the violation of Counts 1, 2 and 3, Yonce agrees to complete at least six (6) 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 by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser and Wells. Member voting "No" was Childress.

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

Mr. Wells turned the position of Chair over to Ms. Childress and recused himself from the meeting.

In the matter of **File Number 2012-01023, Allyson Mae Hansen**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hansen. A motion was made by Mr. Funkhouser and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Hansen admits to a violation of 18 VAC 135-20-300.3 (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 the violation of Count 1, Hansen agrees to complete at least two (2) 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 must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards

**Transfer of Chair**

**File Number 2012-01023, Allyson Mae Hansen**

any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

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

In the matter of **File Number 2011-04087, Joshua Erik Macias a/k/a Joshua Erik Blum**, 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. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-300.2 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-260.10 (Count 4) of the Board's 2008 Regulations and no violation contained in Count 5. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

**File Number 2011-04087, Joshua Erik Macias a/k/a Joshua Erik Blum**

A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$2,500.00 for the violation contained in Count 3, and \$2,500.00 for the violation contained in Count 4, for a total of \$6,600.00. In addition, for the violation of Count 3 and Count 4, the Board imposes revocation of license. In addition, for the violation contained in Count 1, Macias' license shall be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be completed in the classroom. Macias shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 2, Macias' license will be placed on probation and he shall be required to

complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow. Such course shall be completed in the classroom. Macias shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

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

In the matter of **File Number 2011-04901, Eric Lawrence North**, 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 Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300.9 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

**File Number 2011-04901, Eric Lawrence North**

A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,200.00 for the violation contained in Count 1, and \$800.00 for the violation contained in Count 2, for a total of \$2,000.00. The Board also imposes the following sanctions: North's license will be placed on probation for a period of one (1) year. While on probation, North and his broker will provide quarterly reports to the Board that he is in compliance with the rules and regulations of the Board. In addition, for the violation of Count 1, North's license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts, and three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Such course shall be

completed in the classroom. Further, North shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 2, North's license will be placed on probation and North shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Escrow. Such course shall be completed in the classroom. North shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser and Johnson.

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

Mr. Wells returned and assumed the position of Chair.

The Board recessed from 10:55 A.M. to 11:09 A.M.

In the matter of **File Number 2012-00454, Minhthu N. Lynagh**, the Board reviewed the Consent Order as seen and agreed to by Ms. Lynagh. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Lynagh admits to a violation of §54.1-2139.A (Count 1) of the *Code of Virginia*, and 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 \$750.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,400.00. In addition, for the violation of Count 1, Lynagh agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and for the violation contained in Count 2, Lynagh 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 must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards

**Transfer of Chair**

**Break**

**File Number 2012-00454, Minhthu N. Lynagh**

any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01487, Lars Henriksen**, the Board reviewed the Consent Order as seen and agreed to by Mr. Henriksen. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Henriksen admits to a violation of 18 VAC 135-20-180.C.5 (Count 1) of the Board’s 2008 Regulations and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for the violation of Count 1, Henriksen 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 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, Do, Funkhouser, Johnson and Wells.

**File Number 2012-01487, Lars Henriksen**

In the matter of **File Number 2012-00113, Ligia Gonzalez**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gonzalez. A motion was made by Ms. Childress and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Gonzalez 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 \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, for the violation of Count 1, Gonzalez 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 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.

**File Number 2012-00113, Ligia Gonzalez**

Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01193, Charles E. Blankenship, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Blankenship. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer. The motion failed. Members voting “Yes” were Clarke, Funkhouser and Johnson. Members voting “No” were Brown, Childress and Wells. Do abstained from voting in the matter.

**File Number 2012-01193, Charles E. Blankenship, Jr.**

A motion was made by Ms. Childress and seconded by Ms. Clarke to reject the Consent Order offer, and remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01793, Tiawana Michelle Giles**, the Board reviewed the Consent Order as seen and agreed to by Ms. Giles. A motion was made by Ms. Johnson and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Giles admits to a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board’s 1999 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 3) of the Board’s 2003 Regulations and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, as well as \$150.00 in Board costs, for a total of \$2,150.00. In addition, for the violation of Count 1, Giles agrees to revocation of her license. Further, the Board shall waive the imposition of the \$2,000.00 total monetary penalties for Counts 1, 2 and 3. Also, Giles agrees to not apply for, or obtain, a Virginia real estate salesperson’s license for a period of two (2) years from the effective date of the order. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-01793, Tiawana Michelle Giles**

In the matter of **File Number 2011-02677, Judy Carol Horne**, 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

**File Number 2011-02677, Judy Carol Horne**

Fact-Finding Conference of the presiding Board member. 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 find a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Johnson and seconded by Ms. Do to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, for the violation of Count 1, Horne's license will be placed on probation and she shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be completed in the classroom. Horne shall provide evidence acceptable to the Board that she attended and successfully completed the continuing education within three (3) months of the effective date of the order. Further, for the violation of Count 2, Horne's license will be placed on probation and she shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course shall be in the classroom. Horne shall provide evidence acceptable to the Board that she has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements, if applicable, for renewal, reinstatement or activation of a license. The motion passed by majority vote. Members voting "Yes" were Brown, Clarke, Do, Funkhouser, Johnson and Wells. Member voting "No" was Childress.

In the matter of **File Number 2011-02676, Peter A. Baratta**, 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. Funkhouser to accept the recommendation contained in the

**File Number 2011-02676, Peter A. Baratta**

Summary of the Informal Fact-Finding Conference and find a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-180.B.2.a (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 3) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

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 to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,500.00 for the violation contained in Count 3, for a total of \$3,500.00. In addition, for the violation of Count 1, Baratta's license will be placed on probation and he shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency. Such course shall be in the classroom. Baratta shall provide evidence acceptable to the Board that he attended and successfully completed the continuing education within three (3) months of the effective date of the order. Further, for the violation of Count 2, Baratta's license will be placed on probation for a period of two (2) years due to the egregious nature of the violation concerning Escrow accounts. In addition, as to Count 2, Baratta shall be required to complete three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts. Such course shall be in the classroom. Baratta shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. As to Count 3, Baratta's license shall be placed on probation and he shall be required to complete three (3) classroom hours of Board approved continuing education pertaining to Broker Management and Services. Such course shall be completed in the classroom. Baratta shall provide evidence acceptable to the Board that he has attended and successfully completed the continuing education within three (3) months of the effective date of the order. Satisfactory completion of the above-referenced courses 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 Brown, Childress, Clarke, Do,

Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01286, Abdul Khalique**, the Board reviewed the Consent Order as seen and agreed to by Mr. Khalique. A motion was made by Ms. Johnson and seconded by Ms. Do to accept the proposed Consent Order offer wherein Mr. Khalique admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.10 (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$600.00 for the violation contained in Count 1, \$1,250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,000.00. In addition, for violation of Count 1, Khalique agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and for the violation of Count 2, Khalique agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Legal Updates and provide proof of attendance and successful completion within six (6) months of the effective date of the order. These courses 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, Do, Funkhouser, Johnson and Wells.

**File Number 2012-01286, Abdul Khalique**

In the matter of **File Number 2012-01244, Debbie Eastman**, the Board reviewed the Consent Order as seen and agreed to by Ms. Eastman. A motion was made by Ms. Johnson and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Ms. Eastman admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 1999 Regulations and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, \$300.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, for the violation of Count 1, Eastman agrees to complete at least four (4) 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 must be completed in the classroom. It is acknowledged that satisfactory completion of the above-

**File Number 2012-01244, Debbie Eastman**

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, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01591, Julia F. McNulty**, the Board reviewed the Consent Order as seen and agreed to by Ms. McNulty. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. McNulty 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 contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, McNulty agrees to complete at least four (4) 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 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, Do, Funkhouser, Johnson and Wells.

**File Number 2012-01591, Julia F. McNulty**

In the matter of **File Number 2012-01538, Kathleen B. Basden**, the Board reviewed the Consent Order as seen and agreed to by Ms. Basden. A motion was made by Ms. Johnson and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Basden admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board’s 1999 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Count 1, Basden agrees to complete at least four (4) 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 must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing

**File Number 2012-01538, Kathleen B. Basden**

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, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-00176, Esteban D. Pizarro**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pizarro. A motion was made by Ms. Childress and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Mr. Pizarro 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 contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Pizarro agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Short Sales 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, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-00176, Esteban D. Pizarro**

In the matter of **File Number 2012-01050, Leon Michael Baptiste**, the Board reviewed the Consent Order as seen and agreed to by Mr. Baptiste. A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Mr. Baptiste admits to a violation of 18 VAC 135-20-310.1 (Count 1) of the Board’s 1999 Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. In addition, for violation of Count 1, Baptiste agrees to complete at least four (4) 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 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

**File Number 2012-01050, Leon Michael Baptiste**

unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-01493, Karen Patricia Brunson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Brunson. A motion was made by Mr. Funkhouser and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Brunson admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board’s 2008 Regulations, a violation of 18 VAC 135-20-310.2 (Count 2) of the Board’s 1999 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Count 1 and Count 2, Brunson agrees to complete at least four (4) 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 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, Do, Funkhouser, Johnson and Wells.

**File Number 2012-01493, Karen Patricia Brunson**

In the matter of **File Number 2012-00677, Lauri Bailey Giles**, the Board reviewed the Consent Order as seen and agreed to by Ms. Giles. A motion was made by Mr. Funkhouser and seconded by Ms. Childress to accept the proposed Consent Order offer wherein Ms. Giles 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 135-20-170.A.1 (Count 3) of the Board’s 2008 Regulations and agrees to a monetary penalty of \$700.00 for the violation contained in Count 1, \$1,050.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, for violation of Count 1 and Count 2, Giles 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 the

**File Number 2012-00677, Lauri Bailey Giles**

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, Do, Funkhouser, Johnson and Wells.

In the matter of **File Number 2012-02127, Michael Nelson**, the Board reviewed the facts and information presented in the investigative file. After discussion, the Board is of the opinion that Mr. Nelson may be acting as a real estate salesperson/broker when he is not licensed by the Board. A motion was made by Ms. Clarke and seconded by Ms. Johnson to issue a Cease and Desist Order to Mr. Moore to stop acting as an unlicensed real estate broker or salesperson. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**File Number 2012-02127, Michael Nelson**

A motion was made by Ms. Childress and seconded by Ms. Johnson to approve the request of Babar Rehman to carry on the business of his deceased brother, a broker, for 180 days for the purpose of concluding the business of the deceased broker pursuant to §54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**Administrative Issue**

A motion was made by Mr. Funkhouser and seconded by Ms. Childress to authorize Board staff to initiate a NOIRA to amend regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

Ms. Childress presented the Education Committee Report to the Board. A motion was made by Ms. Childress and seconded by Ms. Do to approve requiring a standard Board-approved examination, as a condition for approval, for all Residential Standard Agency (RSA) distance learning courses. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

**Education**

A motion was made by Ms. Childress and seconded by Mr. Funkhouser to require the three-hour Residential Standard

Agency course as part of the education requirement for licensure for active licensees in referral status. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Childress and seconded by Mr. Funkhouser to review course applications on an individual basis, in regards to education provider requests to approve one course for multiple categories. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

A motion was made by Ms. Childress and seconded by Mr. Funkhouser to accept the May 21, 2012, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clarke, Do, Funkhouser, Johnson and Wells.

The Board approved unanimously, to hold annual officer elections for the Real Estate Board in January.

**Administrative Issues**

There being no further business, the Board adjourned at 12:31 P.M.

**Adjourn**

---

Clifford Wells, Chair

---

Gordon Dixon, Secretary