

REAL ESTATE BOARD  
MINUTES OF MEETING

July 19, 2007

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman  
Nathaniel Brown (arrived at 9:26 AM)  
Judith L. Childress  
Marjorie Clark  
Carol Clarke  
Florence Daniels  
Scott Gaeser  
Miles Leon  
Byrl Taylor

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

Jay W. DeBoer, Director  
Karen O'Neal, Deputy Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution  
Liz Hayes, Fair Housing Administrator  
Tom Perry, Property Registration Administrator  
Earlyne Perkins, Legal Analyst  
Ilona LaPaglia, Legal Analyst  
Chris Olson, Administrative Assistant

Tom Payne and Eric Gregory from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:12 AM.

**Call to Order**

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

**Agenda**

A motion was made by Ms. Clarke and seconded by Ms. Clark to adopt the following minutes: May 9, 2007, Informal Fact-Finding Conference; May 9, 2007, Education Committee Meeting; May 10, 2007, Board Meeting; May 10, 2007, Informal Fact-Finding Conference; May 21, 2007, Informal Fact-Finding Conference; May 24, 2007, Informal Fact-Finding

**Minutes**

Conference; May 31, 2007, Informal Fact-Finding Conference; June 8, 2007, Informal Fact-Finding Conference; June 14, 2007, Informal Fact-Finding Conference; June 21, 2007, Informal Fact-Finding Conference; and June 25, 2007, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

No one addressed the Board during the **Public Comment period**.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load. No action was taken by the Board.

In the matter of **James and Robin Perry v. United Property Associates, Inc., Bernie Grablowsky and Rhea Rubins, REB File Number 2007-02497**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. James Perry, the complainant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Leon, Oglesby, and Taylor. Mr. Gaeser abstained from voting in this matter.

In the matter of **Mildred Stanley v. Patricia Ryan, REB File Number 2007-02276**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Fabienne Euphrasie v. Christina Weaver, Dotty Hopkins, Great Eastern Management Company, Everett S. Hopkins, Jr. and Tammy Ray, REB File Number 2007-02251**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Grimes Creasy, Attorney for the Respondents, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Daniels, Gaeser, Leon, Oglesby, and Taylor. Due to a possible conflict of interest, Ms. Clarke recused herself from the discussion and vote pertaining to this matter.

Board Member Nathaniel Brown arrived at 9:26 AM

**Public Comment Period**

**Fair Housing  
Administrators Report**

**James and Robin Perry  
v. United Property  
Associates, Inc., Bernie  
Grablowsky and Rhea  
Rubins, REB File  
Number 2007-02497**

**Mildred Stanley v.  
Patricia Ryan, REB File  
Number 2007-02276**

**Fabienne Euphrasie v.  
Christina Weaver, Dotty  
Hopkins, Great Eastern  
Management Company,  
Everett S. Hopkins, Jr.  
and Tammy Ray, REB  
File Number 2007-02251**

**Arrival of Board  
Member**

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the Fair Housing subcommittee minutes of May 10, 2007. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Fair Housing  
Subcommittee Minutes**

Beau Brincefield discussed the Board's interpretation of its statute and regulations relating to condominiums concerning the disclosure of floor plans in the Public Offering Statement. Mr. Brincefield strongly feels that floor plans are a pertinent fact that should be disclosed up front. The Board requested that Mr. Brincefield stay at the meeting to further discuss this topic when the corresponding agenda item is reached.

**Public Comment Period**

Lem Marshall, representative of the Virginia Association of Realtors, discussed the use of unlicensed assistants for open houses. Mr. Marshall discussed proper advertising techniques. The Board agreed without dissent to take both matters under consideration for possible guidance documents.

In the matter of **File Number 2006-02127, Monica Meier Lobo**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Lobo, the respondent, 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 find a violation of 18 VAC 135-20-310.2 of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2006-02127,  
Monica Meier Lobo**

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 impose a monetary penalty of \$250.00 for the violation. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

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 2006-05478, Paul George Bedewi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bedewi. Mr. Bedewi, the respondent, and William Cummings, Attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Daniels to accept the proposed Consent Order wherein Mr. Bedewi admits to a violation of 18 VAC 135-20-260.5 of the Board's 2003 Regulations and agrees to pay \$150.00

**File Number 2006-05478,  
Paul George Bedewi**

in Board costs. In addition, for the violation, Mr. Bedewi agrees to a three (3) year probation of his license as of the effective date of this order. During this three (3) year probation, Mr. Bedewi agrees to:

1. Comply with the rules and regulations of the Real Estate Board;
2. Comply with the terms of his probation signed by the court;
3. Not be involved in any lawsuits at any level
4. Not be in violation of any local, state, or federal laws or regulations; and
5. Bedewi and his Principal Broker will provide to the Board on a quarterly basis, starting the first quarter after July, 2007, a written statement and supporting documentation that he's in compliance with the terms listed above.

Further for violation of Count 1, Mr. Bedewi agrees to complete eight (8) hours of continuing education, four (4) hours pertaining to Ethics and four (4) hours pertaining to the Board's regulations and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license.

The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Leon.

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

In the matter of **File Number 2007-01065, Mel M. Overman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Overman. Mr. Overman, the respondent, and Susanna B. Hickman, Attorney for the respondent, were present and addressed the Board. Ms. Hickman stated that her client, Mr. Overman, no longer wished to accept the Consent Order and requested that the matter be referred back to an Informal Fact-Finding Conference. A motion was made by Ms. Clark and seconded by Mr. Gaeser to refer this matter back to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

**File Number 2007-01065,**  
**Mel M. Overman**

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

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2007-04811, Ralph Snead**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Mr. Snead, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead deny Mr. Snead's application for a real estate broker's license. After reviewing the facts, the Board determined that Snead has not completed the required pre-license education and failed to show equivalent education to that which is required. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2007-04811,**  
**Ralph Snead**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2007-04113, Kyronalde Thomas**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Mr. Thomas, the applicant, and Al DelTejo, an associate, were present and addressed the Board. A motion was made by Ms. Childress and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Thomas's application for a real estate broker's license. After reviewing the facts, the Board considered Thomas's listings and sales over the last 48 months. Based on Thomas's description of his experience, and the information presented at the Informal Fact-Finding Conference, the Board determined that Mr. Thomas does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2007-04113,**  
**Kyronalde Thomas**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2007-01065, Mel M. Overman**, after consideration by Mr. Overman and his attorney, Ms. Hickman, Mr. Overman requested that the Board accept his Consent Order offer. A motion was made by Ms. Clarke and seconded by Mr. Gaeser to reconsider the Board's previous decision. The motion passed

**File Number 2007-01065,**  
**Mel M. Overman**

unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Overman admits to a violation of § 54.1-2138.A of the *Code of Virginia* and agrees to a monetary penalty of \$1,000.00 for the violation and \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Mr. Overman agrees to complete eight (8) hours of continuing education pertaining to Ethics and Standards of Conduct and Real Estate Agency Disclosure courses approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license.

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

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2007-04112, Monica Melville**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Melville, the applicant, was present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Ms. Melville's application for a real estate broker's license and instead issue her a salesperson's license by reciprocity. After reviewing the facts, the Board considered Ms. Melville's experience, the information presented at the IFF, and determined that Ms. Melville does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2007-04112,  
Monica Melville**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

In the matter of **File Number 2007-04303, Abiodun Olurunwunmi**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding

**File Number 2007-04303,  
Abiodun Olurunwunmi**

Conference of the presiding Board member. Mr. Olurunwunmi, the applicant, and Charles Olawole, an associate, were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Olurunwunmi's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

In the matter of **File Number 2007-03653, Patrick Dreelin**, 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. Dreelin, the applicant, 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Dreelin's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04111, Mohammad Wali**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Wali, the applicant, 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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wali's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-03652, Crystal Alexander**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Alexander, the applicant, and Marlon Pendleton, Broker, were present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Childress to accept the recommendation

**Transfer of Chair**

**File Number 2007-03653,  
Patrick Dreelin**

**File Number 2007-04111,  
Mohammad Wali**

**File Number 2007-03652,  
Crystal Alexander**

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. Alexander's application for a real estate salesperson's license subject to an agreement for licensure for a period of two years wherein Ms. Alexander and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04565, Stephen Elliott**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Elliott, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser 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 Mr. Elliott's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04565,**  
**Stephen Elliott**

In the matter of **File Number 2007-04109, Kristen Daniels**, the Board reviewed the record which consisted of the application file, transcript, and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Daniels, the applicant, and Elsie Braithwrith, Broker, were 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 Ms. Daniel's application for a real estate salesperson's license subject to an agreement for licensure for a period of two years wherein Ms. Daniels and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04109,**  
**Kristen Daniels**

In the matter of **File Number 2007-04227, George Stone**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Stone, the applicant, was present and addressed the Board. A motion was made by Mr. Leon 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. Stone's application for a real estate salesperson's license. The motion passed unanimously.

**File Number 2007-04227,**  
**George Stone**

Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04577, Lisha Garrett**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Garrett, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clarke to remand this matter back to an Informal Fact-Finding Conference to collect additional information. Ms. Garrett acknowledged that she was entitled to a decision from the Board within 90 days from the day of that proceeding pursuant to §§ 2.2-4019 and 2.2-4021 of the *Code of Virginia* and agreed to waive her right to the decision within the ninety day period to allow the Board to defer action to a subsequent Board meeting. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04577,**  
**Lisha Garrett**

In the matter of **File Number 2007-04570, William Lovings**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Lovings, the applicant, was present and addressed the Board. 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 and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Lovings’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04570,**  
**William Lovings**

In the matter of **File Number 2007-04569, Shanda Kishlicky**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Kishlicky, the 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 Ms. Kishlicky’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04569,**  
**Shanda Kishlicky**

In the matter of **File Number 2007-04567, Angelo Martinez**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Martinez, the applicant, was present and addressed

**File Number 2007-04567,**  
**Angelo Martinez**

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, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Martinez's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04566, Lorey Felton**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. Ms. Felton, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Taylor to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead deny Ms. Felton's application for a real estate salesperson's license. After reviewing the facts and the nature of the crimes, the Board is of the opinion that due to the recentness of the convictions, and due to the serious nature of the convictions, that the Board could not protect the health, safety, and welfare of the public. The motion passed by majority vote. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor. Member voting "No" was Leon.

**File Number 2007-04566,  
Lorey Felton**

In the matter of **File Number 2007-04821, Shon Sawyer**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Sawyer, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser 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 Mr. Sawyer's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04821,  
Shon Sawyer**

In the matter of **File Number 2007-04808, Tracy Mickie-Tann**, the Board reviewed the record which consisted of the application file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mrs. Mickie-Tann, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Gaeser 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 Mrs. Mickie-Tann's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown,

**File Number 2007-04808,  
Tracy Mickie-Tann**

Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

The Board recessed from 11:06 AM to 11:19 AM.

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

In the matter of **File Number 2007-04810, Mary Beth Rich**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Rich, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Rich's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

Rick Mendelson, Court appointed Monitor, and Jeff Barsky, Court appointed Forensic CPA, updated the Board on the monitoring agreement between the Board and Koger Management Group, Inc.

At 11:55 AM. Ms. Clark made a motion which was seconded by Mr. Gaeser, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Gregory, Karen O'Neal, Christine Martine, Jay DeBoer, Rick Mendelson, Jeff Barsky, Nick Christner, Wayne Mazingo, David Dorner, and Nathan Matthews.

This motion is made with respect to the matter(s) identified as agenda item(s):

#### **42. Receivership Update**

At 12:30 PM., a motion was made by Ms. Clark and seconded by Mr. Gaeser that the Board reconvene in open session.

**Break**

**Transfer of Chair**

**File Number 2007-04810,  
Mary Beth Rich**

**Transfer of Chair**

**Receivership Update**

**Closed Session**

WHEREAS, the Real Estate Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Real Estate Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Board.

VOTE: 9-0

AYES Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: None

Tom Perry addressed the Board concerning the Board's interpretation of statute and regulations regarding not requiring floor plans with the Public Offering Statement. Mr. Brincefield stressed again that he felt that floor plans should be mandatory with all Public Offering Statements. No action was taken by the Board.

**Condominium  
Application**

In the matter of **File Number 2007-01946 Oscar Fernando Brown**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Brown, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-01946  
Oscar Fernando Brown**

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 2006-05436, Michael Wayne Harding**, the Board reviewed the Consent Order as seen and agreed to by Mr. Harding. A motion was made by Ms. Clark and seconded by Mr. Leon to accept the proposed Consent Order wherein Mr. Harding admits to a violation of 18 VAC 135-20-260.1 of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Mr. Harding, agrees to a three (3) year probation of his license as of the effective date of the order. During this three (3) year probation, Harding agrees to:

1. Comply with the rules and regulation of the Real Estate Board;
2. Not be convicted in any state or city of any felony, misdemeanor, or federal, state, or local ordinance;
3. Provide to the Board, on a quarterly basis, a written statement from his principal broker that he is in compliance with the terms listed above.

If Mr. Harding violates any terms of this probation, his license shall be automatically revoked. Mr. Harding understands the right to have this revocation considered in an informal fact-finding conference and/or form hearing under Section 2.2-4019, 2.2-4020, and 2.2-4021 of the *Code of Virginia*, and knowingly and voluntarily waives his rights to these proceedings. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Oglesby.

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

In the matter of **File Number 2007-00743, Michael Stuart Shannon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shannon. A motion was made by Mr. Leon and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Shannon admits to a violation of 18 VAC 135-20-310.2 of the Board's 1999 Regulations and agrees to a monetary penalty of \$450.00 for the violation as well as \$150.00 in Board costs for a total of \$600.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-02116, Vicente Sabino Carbajal**, the Board reviewed the Consent Order as seen and agreed to by Mr. Carbajal. A motion was made by Mr. Leon and seconded by Ms. Clark to accept the proposed Consent Order wherein Mr. Carbajal admits to a violation of § 54.1-2132.A.4 of the *Code of Virginia* (Count 1) and 18

**File Number 2006-05436,**  
**Michael Wayne Harding**

**File Number 2007-00743,**  
**Michael Stuart Shannon**

**File Number 2007-02116,**  
**Vicente Sabino Carbajal**

VAC 135-20-310.2 (Count 2) and 18 VAC 135-20-310.1 (Count 3) of the Board's 1999 Regulations and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, \$450.00 for the violation contained in Count 2, and \$300.00 for the violation contained in Count 3 as well as \$150.00 in Board costs for a total of \$1,250.00. In addition, for violation of Count 1, Mr. Carbajal agrees to complete four (4) hours of continuing education pertaining to escrow management and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2006-04102, Ashok Bhagi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bhagi. A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the proposed Consent Order wherein Mr. Bhagi admits to a violation of 18 VAC 135-20-280.4 of the Board's 2003 Regulations and agrees to a monetary penalty of \$2,500.00 for the violation as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, for violation of Count 1, Mr. Bhagi agrees to a six (6) month suspension of his license and agrees to not apply for any type of real estate license during this suspension. Also, for violation of Count 1, Mr. Bhagi agrees to complete sixteen (16) hours of continuing education pertaining to the Board's Regulations and/or other equivalent course(s) approved by the Board and provide proof of attendance and successful completion within one (1) year of the effective date of this order and prior to re-applying for his broker's license. 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, Gaeser, Oglesby, and Taylor.

**File Number 2006-04102,**  
**Ashok Bhagi**

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

In the matter of **File Number 2007-02679, Edson C. Reid**, the Board reviewed the Consent Order as seen and agreed to by Mr. Reid. A motion was made by Ms. Clark and seconded by Ms. Childress to accept the proposed Consent Order wherein Mr. Reid admits to violations of 18 VAC 135-20-260.5 (Count 1) and 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$700.00 for the violation contained in Count 2 as well as \$150.00 in

**File Number 2007-02679,**  
**Edson C. Reid**

Board costs for a total of \$850.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

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

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

In the matter of **File Number 2006-05558, Benjamin H. Harmon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Harmon. A motion was made by Ms. Clark and seconded by Mr. Gaeser to accept the proposed Consent Order wherein Mr. Harmon admits to a violation of 18 VAC 135-20-220.A.3 of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Mr. Harmon agrees to complete eight (8) hours of continuing education pertaining to agency disclosure and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, and Taylor.

As the reviewing Board members, Mr. Leon and Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-01291, John Hottell Ince**, the Board reviewed the record which consisted of the disciplinary file and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Clark and seconded by Ms. Daniels 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 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Daniels, Gaeser, Leon, and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Taylor 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.3 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark,

**Transfer of Chair**

**File Number 2006-05558,**  
**Benjamin H. Harmon**

**File Number 2006-01291,**  
**John Hottell Ince**

Daniels, Gaeser, Leon, and Taylor.

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

A motion was made by Mr. Leon and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$300.00 for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, and \$300.00 for the violation contained in Count 3, for a total monetary penalty of \$900.00. As to Count 2, the Board voted that Mr. Ince's license be placed on Probation until such time as he provides evidence acceptable to the Board that he has attended and successfully completed three (3) hours of continuing education pertaining to escrow accounts within 180 days of the effective date of this order. Satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter. Due to a possible conflict of interest, Ms. Clarke did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-01552, Mary Anne Moyers**, the Board reviewed the Consent Order as seen and agreed to by Ms. Moyers. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the proposed Consent Order wherein Ms. Moyers admits to violations of 18 VAC 135-20-260.5 of the Board's 1999 Regulations (Count 1) and 18 VAC 135-20-260.6 (Count 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 2 as well as \$150.00 in Board costs for a total of \$1,150.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

**File Number 2007-01552,**  
**Mary Anne Moyers**

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

In the matter of **File Number 2007-04967, Brian Dunn**, the Board

**File Number 2007-04967,**

reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board Member. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Mr. Dunn's application for a real estate broker's license. After reviewing the facts the Board considered Dunn's description of his experience and the information presented at the Informal Fact-Finding Conference. The Board determined that Mr. Dunn does not meet the requirements of being actively engaged in real estate activities for 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Oglesby, and Taylor.

**Brian Dunn**

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

Mr. Oglesby returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2007-04110, Charles Ward** the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon 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. Ward's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04110,  
Charles Ward**

In the matter of **File Number 2007-04302, Alex Ergueta** the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Mr. Leon 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. Ergueta's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04302,  
Alex Ergueta**

In the matter of **File Number 2007-04228, Robert Kemp** the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of

**File Number 2007-04228,  
Robert Kemp**

the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Kemp's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2007-04407, Ronald Oram** the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Ms. 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 Mr. Oram's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04407,**  
**Ronald Oram**

In the matter of **File Number 2007-04568, Holly Green**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon 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. Green's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04568,**  
**Holly Green**

In the matter of **File Number 2007-04809, Jerry Griffith**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference as amended to include an Agreement for Licensure for a period of two years wherein Mr. Griffith and his Principal Broker will report quarterly to the Board and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Griffith's application for a real estate salesperson's license. After discussion Ms. Childress and Mr. Leon agreed without dissent to withdraw their current motion.

**File Number 2007-04809,**  
**Jerry Griffith**

A motion was made by Mr. Gaeser and seconded by Ms. Taylor to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead deny Mr. Griffith's application for a real

estate salesperson's license. After reviewing the facts and the nature of the crimes, the Board is of the opinion that due to the serious nature and recentness of the convictions that the application be denied. In consideration of §54.1-204.B and Mr. Griffith's conduct of engaging in further criminal activities since his release from prison in 2002, the Board voted it could not protect the health, safety and welfare of the public and agreed it would negligent to grant a license at this time. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Kevin Hoeft, Education Administrator, discussed a draft guidance document created to help education providers with the term "Financial Responsibility". A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the draft guidance document as amended by Mr. Gregory, Counsel for the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

The Board discussed the use of criminal records checks for all new applicants. No action was taken by the Board.

In the matter of **Daryll Johnson v. Motley's Auction Realty Group and Mark Motley, REB File Number: 2006-01833**, the Board reviewed the proposed Settlement Agreement as presented. A motion was made by Mr. Gaeser and seconded by Ms. Clarke to approve the Settlement as amended. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Ms. Childress gave the Education Committee Report. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the July 18, 2007, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Ms. Daniels gave an update on the cross jurisdictional working group that she is taking part in for the Virginia Association of Realtors. The Board requested that staff draft a letter to the Executive Director of the Maryland Real Estate Commission, Catherine Connelly, to discuss reciprocity agreement negotiations.

There being no further business, the Board adjourned at 2:20 PM.

**Other Business**

**Daryll Johnson v.  
Motley's Auction Realty  
Group and Mark  
Motley, REB File  
Number: 2006-01833**

**Education Committee  
Report**

**Other Business**

**Adjourn**

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R. Schaefer Oglesby, Chairman

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Jay DeBoer, Secretary

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