

REAL ESTATE BOARD  
MINUTES OF MEETING

September 19, 2013

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

Joseph Funkhouser, II, Chair  
Santee Ferebee, Vice-Chair  
Anh Tu Do  
Lynn G. Grimsley  
Catherine M. Noonan  
Steve Hoover  
Lee Odems

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

Gordon Dixon, Director  
Nick Christner, Deputy Director  
Mark Courtney, Senior Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Ann-Marie Brigil, 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. Funkhouser called the meeting to Order at 9:03 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Ms. Noonan and seconded by Ms. Ferebee to adopt the following minutes: July 18, 2013, Informal Fact-Finding Conference; July 25, 2013, Real Estate Board Meeting; July 25, 2013, Informal Fact-Finding Conference; July 25, 2013, Real Estate Board Fair Housing Sub-Committee

**Minutes**

Meeting; August 15, 2013, Informal Fact-Finding Conference; and August 29, 2013, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

There was no public comment.

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

In the matter of **Rosalind Lancaster and Milton Gregory v. Laura Wenslaff, Hometown Rental Realty, Inc. and Tarleton Oaks at Tallwood Condominium Association, REB File Number 2013-02514**, a motion was made by Ms. Ferebee and seconded by Ms. Noonan to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03218, Jacqueline Alonzo**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Ms. Noonan 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. Alonzo's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03214, Jose Argueta**, 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. Jose Argueta, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal

## **Public Comment**

### **Fair Housing Administrator's Report**

**Rosalind Lancaster  
and Milton Gregory  
v. Laura Wenslaff,  
Hometown Rental  
Realty, Inc. and  
Tarleton Oaks at  
Tallwood  
Condominium  
Association, REB  
File Number 2013-  
02514**

**File Number 2013-  
03218, Jacqueline  
Alonzo**

**File Number 2013-  
03214, Jose Argueta**

Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Argueta's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03221, Timothy Hartley**, 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. Timothy Hartley, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Noonan 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. Hartley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03221, Timothy Hartley**

In the matter of **File Number 2013-03220, Bryant Benitez Ferreira**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Noonan and seconded by Ms. Grimsley 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. Ferreira's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Ferreira and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03220, Bryant Benitez Ferreira**

In the matter of **File Number 2013-03122, Adrian Weathers**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the recommendation contained in the Summary of the

**File Number 2013-03122, Adrian Weathers**

Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Weathers' application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems. Member voting "No" was Grimsley.

In the matter of **File Number 2013-03121, Melanie Proctor**, 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. Melanie Proctor, applicant, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee 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. Proctor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03121, Melanie Proctor**

In the matter of **File Number 2013-03123, Justin Scango**, 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. Justin Scango, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee 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. Scango's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03123, Justin Scango**

In the matter of **File Number 2013-03219, William A. Carter**, 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. William A. Carter, applicant, was present and addressed the Board. A motion was made by Mr. Hoover to reject the recommendation

**File Number 2013-03219, William A. Carter**

to approve a salesperson's license and instead deny the salesperson's license. With a lack of a second, the motion failed. A motion was made by Ms. Ferebee and seconded with Ms. Noonan 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. Carter's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Carter and his broker will provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley and Noonan. Member voting "No" was Hoover.

Due to a possible conflict of interest, Mr. Odems did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2013-03216, Christopher Jackson**, 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. Christopher Jackson, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Grimsley 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. Jackson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03216, Christopher Jackson**

In the matter of **File Number 2013-03077, Moises Gutierrez**, 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. Moises Gutierrez, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Gutierrez's application for a real estate salesperson's license, subject to an agreement for licensure for a period of one year wherein Mr. Gutierrez and his broker will

**File Number 2013-03077, Moises Gutierrez**

provide quarterly reports to the Board. The motion passed by majority vote. Members voting "Yes" were Do, Funkhouser, Hoover and Odems. Members voting "No" were Ferebee and Noonan.

In the matter of **File Number 2013-03300, John E. White**, 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. John E. White, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee 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. White's application for a real estate salesperson's license. The motion passed by majority vote. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems. Member voting "No" was Ms. Grimsley.

**File Number 2013-03300, John E. White**

In the matter of **File Number 2013-03127, Leroy Chiles**, 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. Leroy Chiles, applicant, was present and addressed the Board. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Chiles' application for a real estate broker's license as he has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application and instead grant Mr. Chiles' a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03127, Leroy Chiles**

In the matter of **File Number 2013-03235, Leonor Perez**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to grant Ms. Perez a salesperson's

**File Number 2013-03235, Leonor Perez**

license and instead deny Ms. Perez's application for a real estate salesperson's license due to the recentness of the revocation of Perez's former real estate license and the nature and seriousness of the violation(s), that not enough time has elapsed since the revocation for Perez to demonstrate sufficient evidence of rehabilitation. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-03236, Robert Gurnee**, 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. Ferebee and seconded by Ms. Grimsley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Gurnee's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-03236, Robert Gurnee**

In the matter of **File Number 2013-02815, Brian Andrew Sivak**, 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. Brian Andrew Sivak, applicant, was present and addressed the Board. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to grant Mr. Sivak a salesperson's license and instead deny the application based upon the record. After reviewing the facts, the Board finds that not enough time has elapsed since revocation of Sivak's license 10 months ago for him to demonstrate sufficient evidence of rehabilitation. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02815, Brian Andrew Sivak**

In the matter of **File Number 2014-00079, Melvin Linwood Clark, Jr.**, 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. Melvin Clark, applicant, was present and addressed the Board.

**File Number 2014-00079, Melvin Linwood Clark, Jr.**

A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Clark's application for a real estate broker's license. The Board determined Clark does not meet the current requirement for a broker's license as he has not been actively engaged as a salesperson/broker for 36 of the 48 months preceding application for licensure. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

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

In the matter of **File Number 2013-02556, Janie Pearce**, 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. Ferebee and seconded by Mr. Hoover to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Ms. Pearce's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2013-02556, Janie Pearce**

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

In the matter of **File Number 2013-01866, Debra Beagley**, 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. Debra Beagley, applicant, was present and addressed the Board. A motion was made by Mr. Hoover, and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead approve Ms. Beagley's application for a real estate broker's license. The motion passed by majority vote. Members voting "Yes" were Ferebee, Funkhouser, Grimsley, Hoover and Odems. Member voting "No" was Do.

**File Number 2013-01866, Debra Beagley**

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



In the matter of **File Number 2013-02777, Patricia Ellen Licata**, the Board reviewed the Consent Order as seen and agreed to by Ms. Licata. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Licata 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 \$350.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2013-02777, Patricia Ellen Licata**

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

In the matter of **File Number 2013-02919, David M. Levy**, the Board reviewed the Consent Order as seen and agreed to by Mr. Levy. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Levy admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the Board's 1999 Regulations, a violation of 18 VAC 135-20-260.5 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 3) of the Board's 2003 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Counts 1, 2, and 3, Levy agrees to a revocation of his license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover and Odems.

**File Number 2013-02919, David M. Levy**

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

In the matter of **File Number 2013-00340, Samantha Dobkins**, the Board reviewed the record which consisted of the case file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Daniel Harvell, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Grimsley and seconded by Ms. Noonan to defer the case to the November 19, 2013, Real Estate Board meeting. The motion

**File Number 2013-00340, Samantha Dobkins**

passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-02700, Paula Mary Clagett**, the Board reviewed the Consent Order as seen and agreed to by Ms. Clagett. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Ms. Clagett 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 \$350.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Do, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02700, Paula Mary Clagett**

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

In the matter of **File Number 2012-03301, Christopher Ryan Zook**, the Board reviewed the Consent Order as seen and agreed to by Mr. Zook. A motion was made by Ms. Grimsley and seconded by Mr. Hoover to accept the proposed Consent Order offer wherein Mr. Zook admits to four violations of 18 VAC 135-20-260.11 (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$3,400.00 for the violation of Count 1 (one violation at \$1,000.00 and three violations at \$800.00), as well as \$150.00 in Board costs, for a total of \$3,550.00. In addition, for violation of Count 1, Zook agrees to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Zook agrees to comply with the regulations of the Real Estate Board and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Zook and his principal broker that Zook is in compliance with the regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Zook's license until such reporting requirements are met. Further, for violation of Count 1, Zook agrees to complete at least nine (9) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within

**File Number 2012-03301, Christopher Ryan Zook**

six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-01839, Doretha Ward Anderson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Anderson. A motion was made by Mr. Hoover and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Ms. Anderson admits to two violations of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 135-20-300.9 (Count 2) of the Board's 2008 Regulations, and a violation of §54.1-2131.A.4 (Count 3) of the *Code of Virginia* and agrees to a monetary penalty of \$1,250.00 for each violation of Count 1, \$1,000.00 for the violation of Count 2, \$500.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$4,150.00. In addition, for violation of Counts 1 and 2, Anderson agrees to revocation of her license. Further, for violation of Count 1, Anderson agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-01839, Doretha Ward Anderson**

In the matter of **File Number 2013-02231, John William Simek, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Simek. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Simek admits to three violations of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$2,400.00 for the violation of Count 1 (three violations at \$800.00 each), as well as \$150.00 in Board costs, for a total of \$2,550.00. In

**File Number 2013-02231, John William Simek, Jr.**

addition, for violation of Count 1, Simek agrees to complete at least nine (9) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-00489, Marie Phillips**, the Board reviewed the Consent Order as seen and agreed to by Ms. Phillips. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Phillips admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, a violation of §54.1-2131.A.4 (Count 2) of the *Code of Virginia*; a violation of 18 VAC 135-20-170.A.3 (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 135-20-170.A.1 (Count 4) of the Board's 2008 Regulations, and a violation of 18 VAC 135-20-250 (Count 5) and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Counts 1 through 5, Phillips agrees to a revocation of her license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-00489, Marie Phillips**

In the matter of **File Number 2013-00544, Alan Jerome Powers**, the Board reviewed the Consent Order as seen and agreed to by Mr. Powers. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Mr. Powers admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$750.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$900.00. In addition, for violation of Count 1, Powers agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of

**File Number 2013-00544, Alan Jerome Powers**

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 Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

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

In the matter of **File Number 2013-00928, Carmen Novoa Quinn**, the Board reviewed the Consent Order as seen and agreed to by Ms. Quinn. A motion was made by Mr. Hoover and seconded by Ms. Noonan to accept the proposed Consent Order offer wherein Ms. Quinn admits to a violation of 18 VAC 135-20-260.10 (Count 1) of the Board's 2003 Regulations, two violations of 18 VAC 135-20-260.11 (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-300.4 (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$1,250.00 for the violation of Count 1, \$2,400.00 for the violation of Count 2 (two violations at \$1,200.00 each), \$400.00 for the violation of Count 3, as well as \$150.00 in Board costs, for a total of \$4,200.00. Further, for violation of Count 2, Quinn agrees to a three (3) year probation of her license as of the effective date of the Order. During the three (3) year probation, Quinn agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Quinn that she is in compliance with the regulations of the Real Estate Board. In addition, for violation of Counts 1 and 2, Quinn agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct and at least three (3) classroom hours of Board-approved continuing education pertaining to Broker Management and Supervision. For violation of Count 3, Quinn agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management. Quinn agrees to 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

**File Number 2013-00928, Carmen Novoa Quinn**

majority vote. Members voting "Yes" were Do, Funkhouser, Hoover, Noonan and Odems. Member voting "No" was Ferebee.

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

In the matter of **File Number 2013-00934, Russell B. Lewis**, the Board reviewed the Consent Order as seen and agreed to by Mr. Lewis. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Lewis neither admits or denies to the violation of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) and agrees to \$150.00 in Board costs, for a total of \$150.00. For violation of Counts 1 and 2, Lewis agrees to surrender of his broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of execution of the Order by the Board. Further, for violation of Counts 1 and 2, Lewis agrees to a three (3) year probation of the salesperson's license during which time Lewis agrees to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Lewis and his principal broker that Lewis is in compliance with the rules and regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Lewis' salesperson's license until such reporting requirements are met. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Hoover, Noonan and Odems.

**File Number 2013-00934, Russell B. Lewis**

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

In the matter of **File Number 2013-02319, Kelly Virginia Trebour**, the Board reviewed the Consent Order as seen and agreed to by Ms. Trebour. Ms. Trebour, respondent, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to accept the proposed Consent Order offer. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems. A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to reconsider the motion. The motion passed unanimously. Members voting

**File Number 2013-02319, Kelly Virginia Trebour**

“Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems. A motion was made by Ms. Ferebee and seconded by Ms. Noonan to remand the case to an Informal Fact-Finding Conference as the respondent no longer agrees with the Consent Order offer. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

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

In the matter of **File Number 2013-01155, Michael Keith Everhardt**, the Board reviewed the Consent Order as seen and agreed to by Mr. Everhardt. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Everhardt admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board’s 2003 Regulations and agrees to a monetary penalty of \$1,500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. Further, for violation of Count 1, Everhardt agrees to a two (2) year probation of his license as of the effective date of the Order. During the two (2) year probation, Everhardt agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Everhardt and his principal broker that Everhardt is in compliance with the regulations of the Real Estate Board. Failure to comply with this quarterly reporting requirement will result in suspension of Everhardt’s license until such reporting requirements are met. If Everhardt violates any terms of this probation, his license may be revoked, pending review by the Board or any of its agents. The motion passed unanimously. Members voting “Yes” were Do, Ferebee, Funkhouser, Grimsley, Noonan and Odems.

**File Number 2013-01155, Michael Keith Everhardt**

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

In the matter of **File Number 2013-02339, Deborah Renee Edwards**, the Board reviewed the Consent Order as seen and agreed to by Ms. Edwards. A motion was made by Ms. Grimsley and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Edwards admits to a

**File Number 2013-02339, Deborah Renee Edwards**

violation of 18 VAC 135-20-310.2 (Count 1) of the Board's 2003 Regulations, agrees to a monetary penalty of \$400.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Edwards agrees to complete at least four (4) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and to 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 the satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-02145, Valerie Sawyer Gaskins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Gaskins. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02145, Valerie Sawyer Gaskins**

In the matter of **File Number 2013-02345, Sung-Bae Moon**, the Board reviewed the Consent Order as seen and agreed to by Mr. Moon. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Moon admits to a violation of 18 VAC 135-20-180.B.1.a (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, and agrees to a monetary penalty of \$750.00 for the violation of Count 1, \$900.00 for the violation of Count 2, as well as \$150.00 in Board costs, for a total of \$1,800.00. Further, for violation of Counts 1 and 2, Moon agrees to a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Moon agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a quarterly basis and in a form acceptable to the Board, a written statement from Moon and his principal broker that Moon is in compliance with the regulations of the Real Estate Board. In addition, for violation of Count 1, Moon agrees to complete at least three (3)

**File Number 2013-02345, Sung-Bae Moon**



classroom hours of Board-approved continuing education pertaining to Short Sales, and for violation of Count 2, Moon agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Ethics and Standards of Conduct. Moon agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

In the matter of **File Number 2013-01085, Matthew Shumate**, the Board reviewed the Consent Order as seen and agreed to by Mr. Shumate. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to address all potential regulatory issues. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-01085, Matthew Shumate**

In the matter of **File Number 2013-02914, Thomas L. Bateman**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bateman. A motion was made by Ms. Noonan and seconded by Ms. Grimsley to accept the proposed Consent Order offer wherein Mr. Bateman admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$300.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for violation of Count 1, Bateman to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-02914, Thomas L. Bateman**

In the matter of **File Number 2013-01525, Vinod R. Pavangat**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pavangat. A motion was made by Ms. Noonan and seconded by Mr. Hoover to reject the proposed Consent Order offer and instead remand the case to an Informal Fact-Finding Conference to obtain address all potential regulatory issues. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-01525, Vinod R. Pavangat**

In the matter of **File Number 2013-01811, Kathleen M. Werneke**, the Board reviewed the Consent Order as seen and agreed to by Ms. Werneke. A motion was made by Ms. Noonan and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Werneke admits to a violation of 18 VAC 135-20-180.B.1.a (Count 1) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation of Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Werneke agrees to complete at least three (3) hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

**File Number 2013-01811, Kathleen M. Werneke**

The Board recessed from 10:23 A.M. to 10:37 A.M.

**Break**

Ms. Martine updated the Board on the regulatory review process. Board members Ferebee, Noonan, Grimsley and Hoover will serve on the Regulatory Review Committee.

**Administrative Issues**

A motion was made by Ms. Ferebee and seconded by Ms. Grimsley to adopt the following resolution to honor the years of dedicated service by former Board Member Clifford L. Wells to the Board:

**Resolution**

**RESOLUTION IN HONOR OF**

Clifford L. Wells

WHEREAS, **Clifford L. Wells**, has faithfully and diligently served as a member of the Real Estate Board since 2009; and

WHEREAS, **Clifford L. Wells**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Clifford L. Wells**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this nineteenth day of September, 2013 that **Clifford L. Wells** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.


The Board reviewed the information from the September 18, 2013, Real Estate Education Committee meetings. A motion was made by Mr. Hoover and seconded by Ms. Ferebee to approve the 10:00 a.m. Education Committee meeting minutes addressing the ARELLO Distance Education Certification requirement and input from regulated education providers on how to improve the Board's education program and to approve the 3:00 p.m. Education Committee report. The motion passed unanimously. Member voting "Yes" were Do, Ferebee, Funkhouser, Grimsley, Hoover, Noonan and Odems.

Education

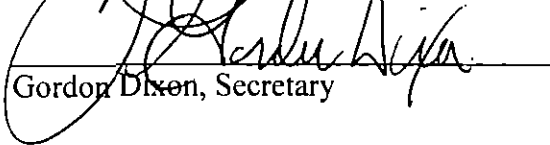
There being no further business, the Board adjourned at 10:51

**Adjourn**

A.M.



\_\_\_\_\_  
Joseph Funkhouser, II, Chair



\_\_\_\_\_  
Gordon Dixon, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Steve Hoover  
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board  
(Name of Board)

4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

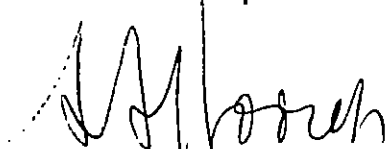
\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

9-19-13  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Anh Tu Do  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_

(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Anh Tu Do  
Signature

09/19/13  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Sandra Ferebee  
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board  
(Name of Board)

4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:


\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

9-19-13  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Lee Odems  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

1st FILE number 2013-03219  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: PERSONAL knowledge  
of Applicant and Incident

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Lee OL  
Signature

9/19/13  
Date



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Joe Funkhouser  
(Name of Board Member)

2. Title: Board Member

3. Agency: Real Estate Board  
(Name of Board)

4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

9-19-13  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Lynn G. Grimsley  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_

(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Lynn Grimsley  
Signature

9/19/13  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Catherine M. Noonan  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board  
(Name of Board)
4. Meeting/IFF Date: September 19, 2013  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

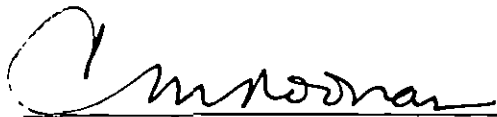
\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

9/19/13  
Date