

REAL ESTATE BOARD
MINUTES OF MEETING

March 21, 2024

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 'Kemper' Funkhouser, III, Chair
Kermit 'Kit' Hale
Catina Jones
Cavelle Mollineaux (arrived at 10:20 AM)
David Perry
Nancy 'Nan' Piland
Anna Thronson (departed at 12:35 PM)

Board members absent from the meeting:

Margaret "Maggie" Davis, Vice-Chair
Douglas Roth

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

Kishore S. Thota, DPOR Director
Tom Payne, CID Deputy Director
Stephen Kirschner, LRPD Deputy Director
Anika Coleman, Executive Director
Breanne Lindsey, Regulatory Operations Administrator
Lee Bryant, CIC/Cemetery Board Administrator
Lizbeth Hayes, Fair Housing Administrator
Angela Keefe-Thomas, Fair Housing Investigator
Greg Emerson, Director of Examinations
Gezelle Glasgow, Administrative Coordinator

Elizabeth Peay and Todd Shockley from the Office of the Attorney General were present.

Alice Kendrick, Board Liaison was present.

Mr. Funkhouser called the meeting to Order at 10:10 A.M. **Call to Order**

Ms. Coleman reviewed the emergency evacuation **Emergency Egress**
procedures.

Mr. Funkhouser determined that a quorum was present. **Determination
of Quorum**

Mr. Funkhouser informed the Board that the Litigation update would be moved to New Business. Ms. Piland moved to approve the agenda. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Piland, Perry, and Thronson.

Approval of Agenda

Mr. Hale moved to approve the minutes from the January 18, 2024, Real Estate Board meeting. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Piland, Perry, and Thronson.

Approval of Minutes

Mr. Hale moved to approve the minutes from the January 18, 2024, Real Estate Board Regulatory Review Committee meeting. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Piland, Perry, and Thronson.

Ms. Thronson moved to approve the minutes from January 18, 2024, Real Estate Board Fair Housing Sub-Committee meeting. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Piland, Perry, and Thronson.

Ms. Jones moved to approve the minutes from February 29, 2024, Real Estate Board Regulatory Review Committee meeting. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Piland, Perry, and Thronson.

There was no public comment.

Public Comment

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

Fair Housing Report

Mr. Mollineaux arrived at 10:20AM.

Arrival of Board Member

FAIR HOUSING CASES

In the matter of **Carol Lasting v. Christel Hoy, Artcraft Management, Inc. and Centerbrooke Commons Apartments Associates, LP REB File Number: 2023-**

Carol Lasting v. Christel Hoy, Artcraft Management, Inc. and

02964, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Carol Lasting, Complainant, was present and addressed the Board.

Ms. Jones moved to find no reasonable cause to believe the respondents discriminated against the complainant by retaliating against her based on her previous Fair Housing complaint. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson.

In the matter of **File Number 2023-00731 – Edward Lamar Gerardo-Ferrer, dba Eddie Gerardo-Ferrer**, due to the recusal of Board members; Perry, Mollineaux, and Funkhouser, the Board requested this case be moved to the next Board meeting on May 16, 2024, due to there being no quorum.

Ms. Coleman informed the Board, that after receiving advice from Board counsel, and to avoid being in violation of the law, a decision was made to stay the sanction of revocation imposed upon Mr. Gerardo-Ferrer, until the Board could hear the case in May. To ensure that reconsiderations are addressed within the timeframe set forth in the statute, Ms. Coleman asked permission from the Board to allow reconsiderations to be addressed by the Executive Director, as set forth in the statutes (§ 22.1-4023.1 and § 22.1-4028 of the *Code of Virginia*).

Ms. Jones made a motion to allow the Executive Director of the Real Estate Board to address reconsiderations. Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson.

Mr. Perry recused himself for the following case, **File Number 2023-00790 – Armand Xavier Mariscal d/b/a/ Xavier Mariscal**.

In the matter of **File Number 2023-00790 – Armand Xavier Mariscal d/b/a/ Xavier Mariscal**, the Board reviewed the record which consisted of the investigative

Centerbrooke Commons Apartments Associates, LP
REB File Number: 2023-02964
HUD File Number: 03-23-3647-8

REAL ESTATE CASES
Disciplinary Case Files

File Number 2023-00731 – Edward Lamar Gerardo-Ferrer, dba Eddie Gerardo-Ferrer

Recusal of Board Member

File Number 2023-00790 – Armand Xavier Mariscal d/b/a/ Xavier

file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Mariscal appeared at the Board meeting by telephone.

Mariscal

Ms. Piland moved to find violations of **§54.2132.A.4** of the *Code of Virginia* (Count 1), **18 VAC 135-20-310.1** (Count 2), **18 VAC 135-20-310.2** (Count 3), and **18 VAC 135-20-300.9** (Count 4) of the Board's Regulations. Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

A motion was made by Ms. Piland accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

For violations of Counts 1, 2, 3, and 4, Mariscal will be on probation for a period of two (2) years. The terms of the probation shall be as follows:

During the probationary period, Mariscal and his broker shall provide quarterly reports to the Board to verify that Mariscal is in compliance with the Board's rules and regulations.

- For violation of Count 1, Mariscal shall pay a monetary penalty of \$550.00.
- For violation of Count 1, Mariscal shall complete three (3) classroom hours of Board-approved post-license education in Escrow Requirements within six (6) months of this Order;
- For violation of Count 1, Mariscal shall complete three (3) classroom hours of Board-approved post-license education in Risk Management within six (6) months of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

A motion was made by Ms. Piland accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For the violation of Count 2, Mariscal shall pay the monetary penalty of \$500.00.

- For violation of Count 2, Mariscal shall complete six (6) classroom hours of Board-approved post-license education in Contract Writing within six (6) months of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

A motion was made by Ms. Piland accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For the violation of Count 3, Mariscal shall pay the monetary penalty of \$600.00.
- For violation of Count 3, Mariscal shall complete three (3) classroom hours of Board-approved post-license education in Ethics and Standards of Conduct within six (6) months of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

A motion was made by Ms. Piland accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For the violation of Count 4, Mariscal shall pay the monetary penalty of \$1,050.00.
- For violation of Count 4, Mariscal shall complete six (6) classroom hours of Board-approved post-license education in Real Estate Law and Regulations within six (6) months of this Order.

Further, Mariscal shall provide evidence acceptable to the Board that he has successfully completed the above-referenced course(s) within six (6) months of the effective date of this Order. The above-referenced post-license education will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license.

Ms. Thronson seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

Mr. Perry returned to the meeting.

**Return of Board
Member**

In the matter of **File Number 2023-01659 - Sarah Grace Schroder**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Schroder did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

**File Number 2023-01659
- Sarah Grace Schroder**

Ms. Piland moved to find a violation of **§54.1-2132.A.2** of the *Code of Virginia* (Count 1). Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Schroder shall pay a monetary penalty of \$550.00.
- For violation of Count 1, Schroder will be on probation for a period of six (6) months and required to complete four (4) classroom hours of Board-approved post-license education in Property Management. Further, Schroder shall provide evidence acceptable to the Board that she has successfully completed the course(s) within six (6) months of the effective date of this Order. The above-referenced post-license education will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Thronson.

Mr. Perry and Ms. Thronson recused themselves for the following case, **File Number 2023-02730 – Bryan Thomas Duncan, dba Bryan Duncan**.

**Recusal of Board
Members**

In the matter of **File Number 2023-02730 – Bryan Thomas Duncan, dba Bryan Duncan**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Duncan did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-02730
– Bryan Thomas
Duncan, dba Bryan
Duncan

Ms. Piland moved to find violations of **§54.1-2132.A.4** of the *Code of Virginia* (Count 1), **18 VAC 135-20-260.11.g** (Count 2), **§54.1-2132.A.4 of the Code of Virginia** (Count 3), and **18 VAC 135-20-310.2** (Count 4).

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Duncan shall pay a monetary penalty of \$550.00.

Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Duncan shall pay a monetary penalty of \$500.00.
- For violation of Count 2, Duncan shall complete six (6) classroom hours of Board-approved post-license education in Real Estate Law and Regulations within six (6) months of the effective date of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the

Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Duncan shall pay a monetary penalty of \$550.00.
- For violation of Count 3, Duncan shall complete three (3) classroom hours of Board-approved post-license education in Escrow Requirements within six (6) months of the effective date of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Duncan shall pay a monetary penalty of \$600.00.
- For violations of Counts 1 and 4, Duncan shall complete six (6) classroom hours of Board-approved post-license education in Contract Writing within six (6) months of the effective date of this Order.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violations of Counts 1, 2, 3, and 4, Duncan and his broker shall provide quarterly reports to the Board for one (1) year to verify that Duncan is in compliance with the Board's rules and regulations.

Further, Duncan shall provide evidence acceptable to the Board that he has successfully completed the above-referenced course(s) within six (6) months of the effective date of this Order. The above-referenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

Mr. Perry and Ms. Thronson returned to the meeting.

**Return of Board
Members**

In the matter of **File Number: 2023-03059—Jennifer Jean Barrington**, the Board reviewed the record which consisted of the investigative file, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference. Barrington was present and addressed the Board.

**File Number: 2023-
03059—Jennifer Jean
Barrington**

Ms. Piland moved to find a violation of **18 VAC 135-20-260.11.j** (Count 1). Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland and Thronson.

A motion was made by Ms. Piland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions:

- For violation of Count 1, Barrington shall pay a monetary penalty of \$1,500.00.

In addition, for the violation of Count 1, the Board voted to suspend Barrington's license for a period of six (6) months, or until Barrington provides evidence satisfactory to the Board that she has completed thirty (30) classroom hours of Board-approved PLE, including the entire PLE curriculum, whichever date is later. Such courses shall be completed in the classroom. The above-referenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

**LICENSING CASE
FILES**

In the matter of **File Number 2024-00861 – Michael C. Levin**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the

**File Number 2024-00861
– Michael C. Levin**

Informal Fact-Finding Conference. Levin was present and addressed the Board.

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) that Michael R. Levin's application for a Real Estate Salesperson license by reciprocity be approved.

Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2024-00863 – Jessica Marie Simpkins**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Simpkins was present and addressed the Board.

File Number 2024-00863
– Jessica Marie Simpkins

Mr. Mollineaux moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) Simpkins's application for a Real Estate Salesperson be approved.

Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2024-00864 – Sho-Don Lamont Gilliam**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Gilliam was present and addressed the Board.

File Number 2024-00864
– Sho-Don Lamont
Gilliam

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Gilliam's application for a real estate salesperson's license be approved contingent upon Gilliam providing the Board a letter from his broker acknowledging that they are aware of his prior criminal convictions and the nature of those convictions. Gilliam provided this letter to the Board.

Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2024-00982 – Malkia L. Lynch**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Lynch was present and addressed the Board.

File Number 2024-00982
– Malkia L. Lynch

Mr. Mollineaux moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and approve Lynch's application for a Real Estate Salesperson's license contingent upon two years of probation with quarterly reporting by Lynch and her Supervising Broker.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2024-01419 –Roy Payne Strader, III**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Strader did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-01419
–Roy Payne Strader, III

Ms. Piland moved to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) that Strader's application for a Real Estate Salesperson be approved.

Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

A motion was made by Mr. Hale to take Consent Order item number 3, 5-12, as a block vote.

CONSENT ORDERS
Block vote for items
number 3, 5-12

Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, and Piland.

In the matter of **File Number 2023-01561 – Jason Winslow Johnson**, the Board reviewed the Consent Order as seen and agreed to by Johnson. Johnson did not appear at the Board meeting in person, by counsel, or by any other

File Number 2023-01561
– Jason Winslow
Johnson

qualified representative.

Ms. Piland moved to accept the proposed Consent Order offer wherein Johnson admits to a violation of **18 VAC 135-20-190.C.3** (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$800.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$950.00.

In addition, the Board shall waive imposition of the \$800.00 monetary penalty for violation of Count 1 provided Johnson agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, Piland, and Thronson.

In the matter of **File Number 2023-01979 – Scott L. Bunn, t/a Scott Bunn**, the Board reviewed the Consent Order as seen and agreed to by Bunn. Bunn did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-01979
– Scott L. Bunn, t/a Scott
Bunn

Ms. Piland moved to accept the proposed Consent Order offer wherein Bunn admits to a violation of **§54.1-2131.A.4** of the *Code of Virginia* (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$1,150.00.

Further, for violation of Count 1, Bunn agrees to provide to the Board, on a semi-annual basis for a period of one (1) year and in a form acceptable to the Board, a written statement from Bunn that Bunn is in compliance with the regulations of the Real Estate Board.

In addition, for violation of Count 1, Bunn agrees to complete at least three (3) classroom hours of Board-

approved Post-License education pertaining to Ethics and Standards of Conduct and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2023-02094 – Paula Park**, the Board reviewed the Consent Order as seen and agreed to by Park. Park did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-02094
– Paula Park

Ms. Piland moved to accept the proposed Consent Order offer wherein Park admits to violations of **18 VAC 135-20-260.11.g** (Count 1), **18 VAC 135-20-260.11.m** (Count 2), **18 VAC 135-20-280.2** (Count 3), and **18 VAC 135-20-280.2** (Count 4) of the Board's Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1; a monetary penalty of \$950.00 for the violation contained in Count 2; a monetary penalty of \$1,200.00 for the violation contained in Count 3; a monetary penalty of \$1,200.00 for the violation contained in Count 4; and \$150.00 for Board costs for a total of \$4,000.00.

In addition, Park agrees to a two (2) year probation of her license as of the effective date of this Order. During this two (2) year probation, Park agrees to provide to the Board, on a quarterly basis for a period of two (2) years and in a form acceptable to the Board, a written statement from Park that Park is in compliance with the regulations of the Real Estate Board.

If Park violates any terms of this probation, her license may be revoked, pending review by the Board.

Further, Park agrees to complete at least the number of classroom hours, as specified below, of Board-approved Post-License education and provide proof of attendance

and successful completion to the Board within six (6) months of the effective date of this Consent Order. The courses must be completed in the classroom.

- For violation of Count 4, six (6) hours pertaining to Real Estate Law and Regulations; and
- Three (3) hours pertaining to Ethics and Standards of Conduct.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2023-02910 – James Turner Wilson, III., t/a Jim Wilson**, the Board reviewed the Consent Order as seen and agreed to by Wilson. Wilson did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-02910
– James Turner Wilson,
III., t/a Jim Wilson

Ms. Piland moved to accept the proposed Consent Order offer wherein Wilson admits to a violation of **18 VAC 135-20-260.11.1** (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$1,200.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$1,350.00.

Further, Wilson agrees to a one (1) year probation of his license as of the effective date of this Order. During this one (1) year probation, Wilson agrees to comply with the regulations of the Real Estate Board; and to provide to the Board, on a semi-annual basis and in a form acceptable to the Board, a written statement from Wilson and his principal broker that Wilson is in compliance with the regulations of the Real Estate Board.

If Wilson violates any terms of this probation, his license may be revoked, pending review by the Board.

In addition, Wilson agrees to complete at least the number of classroom hours, as specified below, of Board-approved Post-License education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of this Consent Order. The

courses must be completed in the classroom.

- For violation of Count 1, six (6) hours pertaining to Real Estate Law and Regulations; and
- Three (3) hours pertaining to Ethics and Standards of Conduct.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2023-02932 – Rhyan Joseph Finch**, the Board reviewed the Consent Order as seen and agreed to by Finch. Finch did not appear at the Board meeting in person, by counsel, or by any other qualified representative. **File Number 2023-02932 – Rhyan Joseph Finch**

Ms. Piland moved to accept the proposed Consent Order offer wherein Finch admits to a violation of **§54.1-2138.2** of the *Code of Virginia* (Count 1) of the Board's Regulations and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$600.00.

In addition, Finch agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Contract Writing and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in either a physical or a virtual, real-time classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2023-03074 – Charles** **File Number 2023-03074**

Allan Ober, the Board reviewed the Consent Order as seen and agreed to by Ober. Ober did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

– Charles Allan Ober

Ms. Piland moved to accept the proposed Consent Order offer wherein Ober admits to a violation of **§54.1-2137.B** of the *Code of Virginia* (Count 1), **18 VAC 135-20-260.11.g** (Count 2), and **18 VAC 135-20-310.2** (Count 3) of the Board's Regulations, and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1; a monetary penalty of \$500.00 for the violation contained in Count 2; a monetary penalty of \$600.00 for the violation contained in Count 3; and \$150.00 for Board costs for a total of \$1,600.00.

In addition, Ober agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2024-00129 – Julie V. Scott**, the Board reviewed the Consent Order as seen and agreed to by Scott. Scott did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2024-00129
– Julie V. Scott

Ms. Piland moved to accept the proposed Consent Order offer wherein Scott admits to a violation of **18 VAC 135-20-260.11.a** (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1 and \$150.00 for Board costs for a total of \$650.00.

In addition, Scott agrees to complete at least three (3) classroom hours of Board-approved Post-License

education pertaining to Escrow Requirements and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2024-00295 – Samantha Layne Wright**, the Board reviewed the Consent Order as seen and agreed to by Wright. Wright did not appear at the Board meeting in person, by counsel, or by any other qualified representative. **File Number 2024-00295 – Samantha Layne Wright**

Ms. Piland moved to accept the proposed Consent Order offer wherein Wright admits to a violation of **18 VAC 135-20-170.A.1** (Count 1) and **18 VAC 135-20-260.11** (Count 2) of the Board's Regulations, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1; a monetary penalty of \$1,350.00 for the violation contained in Count 2; and \$150.00 for Board costs for a total of \$2,050.00.

In addition, Samantha Layne Wright agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Real Estate Law and Regulations and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson

In the matter of **File Number 2024-00400 – Thomas** **File Number 2024-00400**

Eldridge Stanley, Jr, the Board reviewed the Consent Order as seen and agreed to by Stanley. Stanley did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

Thomas Eldridge Stanley, Jr

Ms. Piland moved to accept the proposed Consent Order offer wherein Stanley admits to a violation of **18 VAC 135-20-260.11.g** (Count 1) and **18 VAC 135-20-310.2** (Count 2) of the Board's Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1; a monetary penalty of \$600.00 for the violation contained in Count 2; and \$150.00 for Board costs for a total of \$1,250.00.

In addition, Stanley agrees to complete at least the number of classroom hours, as specified below, of Board-approved Post-License education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of this Consent Order. The courses must be completed in the classroom.

- For violation of Counts 1 and 2, six (6) hours pertaining to Real Estate Law and Regulations; and
- For violation of Counts 1 and 2, three (3) hours pertaining to Escrow Requirements.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Mr. Hale seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson.

End of Block Vote for Consent Orders

Ms. Piland recused herself for the following cases, **File Number 2023-00689 -- Joan W. Volante** and **File Number 2023-00690 -- Brian Daniel Olson**.

Recusal of Board Member

In the matter of **File Number 2023-00689 -- Joan W. Volante**, the Board reviewed the Consent Order as seen and agreed to by Volante. Volante did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-00689 -- Joan W. Volante

Mr. Hale moved to accept the proposed Consent Order offer wherein Volante admits to violations of **18 VAC 135-20-260.11.a** (Count 1) of the Board's Regulations, and agrees to a monetary penalty of \$0.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total of \$150.00.

Further, Joan W. Volante agrees to a one (1) year probation of her license as of the effective date of this Order. During this one (1) year probation, Joan W. Volante 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 Joan W. Volante that she is in compliance with the regulations of the Real Estate Board.

If Joan W. Volante violates any terms of this probation, her license may be revoked, pending review by the Board.

In addition, Joan W. Volante agrees to complete at least three (3) classroom hours of Board-approved Post-License education pertaining to Escrow Requirements and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Perry, and Thronson.

In the matter of **File Number 2023-00690 – Brian Daniel Olson**, the Board reviewed the Consent Order as seen and agreed to by Olson. Olson did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-00690
– Brian Daniel Olson

Mr. Hale moved to accept the proposed Consent Order offer wherein Olson admits to a violation of **18 VAC 135-20-260.12** (Count 1), **18 VAC 135-20-180.C.2** (Count 2),

and **18 VAC 135-20-260.6** (Count 3) of the Board's Regulations, and agrees to a monetary penalty of \$0.00 for the violation contained in Count 1 –3 as well as \$150.00 in Board costs, for a total of \$150.00.

In addition, Brian Daniel Olson agrees to revocation of his license.

Ms. Jones seconded the motion which was unanimously approved by members: Davis, Funkhouser, Hale, Roth, and Thronson

Ms. Piland returned to meeting.

Return of Board Member

Mr. Hale recused herself for the following cases, File Number 2023-01911 – Joel D. Kramar.

Recusal of Board Member

In the matter of **File Number 2023-01911 – Joel D. Kramar**, the Board reviewed the Consent Order as seen and agreed to by Kramar. Kramar did not appear at the Board meeting in person, by counsel, or by any other qualified representative.

File Number 2023-01911 – Joel D. Kramar

Ms. Piland moved to accept the proposed Consent Order offer wherein Kramar admits to a violation of **§54.1-2131.A.4** of the *Code of Virginia* (Count 1) and **§54.1-2131.A.4** of the *Code of Virginia* of the Board's Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1; a monetary penalty of \$500.00 for the violation contained in Count 2; and \$150.00 in Board costs, for a total of \$1,650.00.

In addition, Kramar agrees to complete at least six (6) classroom hours of Board-approved Post-License education pertaining to Contract Writing and provide proof of attendance and successful completion within six (6) months of the effective date of this Consent Order. The course(s) must be completed in the classroom.

It is acknowledged that satisfactory completion of the above-referenced Post-License education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license.

Ms. Jones seconded the motion which was unanimously approved by members: Davis, Funkhouser, Piland, Roth, and Thronson

Ms. Piland provided a report from the March 20, 2024, Real Estate Education Committee meeting. The Board in consensus adopted the March 20, 2024, Real Estate Education Committee Meeting report.

Education

NEW BUSINESS

Litigation Update

CLOSED SESSION

At 11:30 A.M., Mr. Perry moved that the Board meeting be recessed and that the Real Estate 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:

Elizabeth Peay
Todd Shockley
Kishore Thota
Stephen Kirschner
Anika Coleman
Lizbeth Hayes
Hope Larson
Breanne Lindsey
Tom Sanford
Erin McNeill

Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson.

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

**Hadassah H. Carter v. Virginia Real Estate Board.
Case No. CL19-4150**

At 12:36 P.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open

Certification of Closed Meeting

meeting.

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

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 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: 7-0

AYES: Funkhouser, Hale, Jones, Mollineaux, Piland, Perry, and Thronson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Margaret 'Maggie' Davis and Douglas Roth

Ms. Thronson departed the Board meeting at 12:35PM.

Departure of Board Member

Mr. Shockley provided the Board with the litigation update.

Litigation Updates

Ms. Coleman informed the Board that in 2020, as result of the concerns associated with the pandemic; an approval was granted for licenses subject to disciplinary action to complete Post-License education (PLE) courses in either a

Post-License education Language

physical or virtual, real-time classroom. Ms. Coleman requested the Board discuss allowing licensees to continue completing PLE courses virtually, in a real-time classroom. The Board had concerns with virtual classroom and the definition of classroom needs to be specified.

Greg Emerson, Director of Examinations, informed the Board about PSI remote exams and presented the Board with a video presentation from PSI explaining the remote exam proctoring process. PSI representatives, Alon Schwartz and Cathy Laitinen, were available via Teams to address the Board.

PSI Remote Exams

After a lengthy discussion, Ms. Piland moved that the Board move forward with online testing for Real Estate examinations. Ms. Jones seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Perry.

The Board received and reviewed the transcript from the public hearing on January 3, 2024, for the fee adjustment.

Public Hearing Fee Adjustment transcript

Ms. Coleman informed the Board that one public comment was submitted via email by Gregory Burrus Green, with Atkins Realty. A summary of Mr. Green's was provided to the Board, asking that the Board not raise fees.

Regulatory Update- Fee Adjustment next step

Ms. Coleman informed the Board that a draft response from the Board needed to be approved.

Mr. Hale moved to approve the draft response from the Board. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Perry.

Ms. Coleman informed the Board that the next steps for the fee adjustment is for the Board to approve the fee package; once completed, Board staff will submit the final regulatory package for approval.

Ms. Piland moved to approve the fee package. Mr. Mollineaux seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Perry.

Ms. Coleman informed the Board the four bills have passed the House and Senate. HB 383 and its companion SB 330 have been approved. The bill was backed by Virginia Realtors. It changes the continuing education requirements for real estate brokers and salesperson.

**Legislative Updates-
Required Regulatory
Changes**

HB 383 (Reaser) and SB 330 (Jordan) - Approved

Real estate board; continuing education requirements for real estate brokers and salespersons.

Under current Virginia law, real estate licensees are required to complete continuing education for license renewal. These continuing education credits are divided into mandatory and elective. This bill increases CE hours from eight to eleven in the topics of ethics and standards of conduct, fair housing, legal updates and emerging trends, real estate agency, and real estate contracts. The bill also decreases the number of hours of general elective courses from eight to five. The bill directs the Real Estate Board to adopt regulations to implement the provisions of the bill beginning in the licensees next full renewal cycle, following the effective date of the new regulations. The bill is designed to impact current and future licensees. The total amount of CE credits required for renewal would not change.

HB 917 (Shin) and SB 358 (VanValkenburg)

Real estate broker; definition.

This bill seeks to define “wholesaling,” or the assignment of contracts for compensation more than two times in 12 months as an activity that requires a real estate license in the Commonwealth. The new language clearly defines the work associated with real estate brokers and extends the number of transactions from one, to two or more occasions within a 12-month period. This change will require an individual who performs two or more broker transactions to become licensed. It will also require individuals or business entities engaging in the business of selling real estate for compensation to become licensed, this includes independent contractors.

HB 1237 (Willett) and SB 437 (Suetterlein)

Real estate brokers: prohibits certain locations from being used as places of business.

This legislation aims to clarify and define for real estate professionals what is considered a ‘place of business’ for the purposes of needing a branch license. The bill also seeks to establish that if a neighboring state has a requirement that a Virginia real estate broker must have a brick-and-mortar office in that state to practice, then a non-resident broker from that neighboring state must also have a brick-and-mortar office in Virginia to practice in the Commonwealth. Principal brokers will be required to maintain all licenses for the firm and individuals in the primary place of business. Branch offices will be required to maintain rosters of everyone assigned to their office, in addition to making licenses available to the public upon request.

SB 554 (Jordan)

Licenses or certificates; reciprocal licensing for neighboring states.

This legislation builds off the 2023 Universal License Recognition statute and creates a reciprocal licensing process for four boards under DPOR, including the Board for Waste Management Facility Operators (WMFO), the Board for Waterworks and Wastewater Works and Onsite Sewage System Professionals (WWWOSSP), the Real Estate Board (RE) and the Real Estate Appraiser Board (REA). The bill requires DPOR to grant a license to an individual who holds a comparable license in another state or a neighboring state, without an examination. The individual holding a license in the other state must have no ongoing investigations or unresolved complaints, possess a clean criminal record without disqualifying offenses, and exhibit no disciplinary history aside from instances involving solely financial penalties and demonstrate no harm to the health or economic well-being of the public. The bill also adds a definition for “neighboring state” and clarifies ‘equivalent scope of practice as determined by the board’ under the reciprocity for neighboring states.

Board staff are expecting HB 917, HB 1237, and SB 554 to be signed by Governor Youngkin by April 8, 2024; however, the governor can veto or amend as he sees fit. A record of note, the General Assembly will reconvene on April 17, 2024.

Ms. Coleman requested the Board approve to implement the required regulatory changes in response to the new legislation.

Mr. Hale moved to approve to implement the required regulatory changes in response to the new legislation. Ms. Piland seconded the motion which was unanimously approved by members: Funkhouser, Hale, Jones, Mollineaux, Piland, and Perry.

**OTHER BOARD
BUSINESS**

The Board reviewed the Board financial statement and recovery fund as presented. No action was taken by the Board.

**Board Financial
Statement and Recovery
Fund**

Mr. Funkhouser informed the Board of the upcoming regulatory review committee meetings on March 21, 2024 and April 15, 2024.

**Regulatory Review
Meetings**

Ms. Coleman informed the Board that the Board Member Training Conference will take place October 10-11, 2024, at Great Wolf Lodge.

**Board Member Training
Conference**

There being no further business, the Board adjourned at 1:23 PM.

Adjourn

Joseph 'Kemper' Funkhouser, III, Chair

Kishore S. Thota, Secretary