#### REAL ESTATE BOARD MINUTES OF MEETING

#### December 1, 2021

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

Sharon Johnson, Chair Ibrahim Moiz, Vice-Chair Margaret Davis Nan Piland David Perry Catina Jones Mayra Pineda Kemper Funkhouser

Board member absent from the meeting: Candice Bower

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

Mary Broz-Vaughan, Director
Tom Payne, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant

Elizabeth Payne and Helen Hardiman from the Office of the Attorney General were present.

Ms. Johnson called the meeting to Order at 10:06 A.M.

Call to Order

A motion was made by Ms. Davis and seconded by Mr. Moiz to approve the agenda. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

Agenda

A motion was made by Mr. Moiz and seconded by Ms. Pineda to adopt the October 7, 2021, Real Estate Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were

Minutes

Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

Deanda Shelton, Assistant Fair Housing Administrator, updated the Board on the current Fair Housing case load. Fair Housing Reports

Helen Hardiman gave the Board a Fair Housing litigation update. No action was taken by the Board.

Litigation Update

There was no public comment.

**Public Comment** 

Ms. Martine went through the names on the board meeting sign in sheet asking each person who signed it if they wanted to address the board. She then told these individuals that they would have the opportunity to speak when their agenda item was called.

**Attendance** 

In the matter of Irvin and Kyana Reuther v. Everette and Sandra Beverly, REB File Number 2021-00683, the case was deferred.

Irvin and Kyana
Reuther v. Everette
and Sandra Beverly,
REB File Number
2021-00683

In the matter of Alicia Windsong Diamond v. Fieldstone Senior, LP and Park Properties Management Company, LLC, REB File Number 2021-02752, the case was deferred.

Alicia Windsong
Diamond v.
Fieldstone Senior, LP
and Park Properties
Management
Company, LLC,
REB File Number
2021-02752

In the matter of Melissa White v. Green Tree Apartments LLC and Oak Grove Associates LLC, dba Templeton Property, REB File Number 2021-00734, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Davis and seconded by Mr. Moiz to find no reasonable cause the respondents discriminated against the complainant by retaliating for filing a fair housing complaint or by making housing available based on disability. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

Melissa White v.
Green Tree
Apartments LLC
and Oak Grove
Associates LLC, dba
Templeton Property,
REB File Number
2021-00734

In the matter of Mamie T. Grady v. Dodson Property Management, LLC, New Manchester Flats ICV, LLC and Samantha Guckert Miller, REB File Number 2021-02626, a

Mamie T. Grady v. <u>Dodson Property</u> <u>Management, LLC</u>,

motion was made by Ms. Davis and seconded by Mr. Moiz to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-01916, Thuan Trong Nguyen, 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. Davis and seconded by Mr. Perry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Nguyen's application for a real estate broker's license as he did not provide sufficient evidence that he has equivalent experience to that which is required therefore he has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding his application. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Pineda.

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

In the matter of File Number 2021-02624, George James Harris, 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. George James Harris, applicant, addressed the Board via teleconference. A motion was made by Mr. Moiz and seconded by Ms. Pineda to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and to deny Mr. Harris' application for a real estate broker's license and instead approve Mr. Harris for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Pineda.

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

In the matter of File Number 2021-00709, Joyce Evelyn Lamantia, the Board reviewed the Consent Order as seen and agreed to by Ms. Lamantia. A motion was made by Ms. Davis

New Manchester Flats ICV, LLC and Samantha Guckert Miller, REB File Number 2021-02626

File Number 2021-01916, Thuan Trong Nguyen

File Number 2021-02624, George James Harris

File Number 2021-00709, Joyce Evelyn Lamantia

and seconded by Mr. Moiz to accept the proposed Consent Order offer wherein Lamantia admits to a violation of §54.1-2137.B (Count 1) of the Code of Virginia, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for the violation of Count 1, Lamantia agrees to complete at least three (3) classroom hours of Board-approved post-license education pertaining to Ethics and Standards of Conduct and complete at least three (3) hours of Board-approved post-license education pertaining to Agency Law and provide proof of attendance and 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 post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Pineda.

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

In the matter of File Number 2021-01270, Joan Peaslee, the Board reviewed the Consent Order as seen and agreed to by Ms. Peaslee. Ms. Peaslee, respondent, was present and addressed the Board. The case was referred to an Informal Fact-Finding Conference at the request of Ms. Peaslee.

In the matter of File Number 2021-01926, Kyle Mears, the Board reviewed the Consent Order as seen and agreed to by Mr. Mears. A motion was made by Ms. Davis and seconded by Mr. Moiz to accept the proposed Consent Order offer wherein Mears admits to a violation of §54.1-2137.B (Count 1) of the Code of Virginia and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, the violation of Count 1, Mears agrees to complete at least three (3) classroom hours of Boardapproved post-license education pertaining to Agency Law 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 post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes"

File Number 2021-01270, Joan Peaslee

File Number 2021-01926, Kyle Mears

were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Pineda.

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

In the matter of File Number 2021-02711, Byung Jik Kim, the case was deferred.

In the matter of File Number 2021-02628, Timothy Ross Stewart, 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 Mr. Moiz seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the criteria contained in §54.1-204.B of the *Code of Virginia*, approve Mr. Stewart's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Stewart and his broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Piland and Pineda.

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

Ms. Johnson turned the position of Chair over to Mr. Moiz and recused herself from the meeting.

In the matter of File Number 2021-01199, Lucy Madison Turner, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Piland and Pineda.

A motion was made by Ms. Davis and seconded by Ms. Pineda

File Number 2021-02711, Byung Jik Kim

File Number 2021-02628, Timothy Ross Stewart

Transfer of Chair

File Number 2021-01199, Lucy Madison Turner

to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, and \$1,000.00 for the violation contained in Count 2, for a total of \$2,000.00. In addition, for violations of Counts 1 and 2, Turner's license is placed on probation for a period of six (6) months. For the violation of Count 1. Turner is required to complete three (3) hours of Board-approved post-license education pertaining to Escrow Requirements. Such course(s) shall be completed in a classroom. Further, Turner shall provide evidence acceptable to the Board that Turner has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition, for violation of Count 2. Turner is required to complete six (6) hours of Boardapproved post-license education pertaining to Contract Writing. Such course(s) shall be completed in a classroom. Further, Turner shall provide evidence acceptable to the Board that Turner has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Piland and Pineda.

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

In the matter of File Number 2021-01290, Noorjahan Syeda, 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. Noorjahan Syeda, applicant, was present and addressed the Board. A motion was made by Ms. Davis seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, after consideration of the previous disciplinary action, approve Ms. Syeda's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Ms. Syeda and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser,

File Number 2021-01290, Noorjahan Syeda

Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of File Number 2021-01292, Sarah Barrie Stedfast, 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. Sarah Barrie Stedfast, applicant, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Ms. Pineda to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Stedfast's application for a real estate broker's license as she did not provide sufficient evidence that she has equivalent experience to that which is required therefore she has not been actively engaged as a real estate salesperson and/or broker for 36 of the 48 months preceding her application. The motion passed by majority vote. Members voting "Yes" were Davis, Jones, Moiz, Perry and Pineda. Members voting "No" were Funkhouser and Piland.

<u>File Number 2021-</u>01292, Sarah Barrie Stedfast

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

In the matter of File Number 2021-01293, William Earl Cromwell, 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. Pineda and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) and, approve Mr. Cromwell's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

File Number 2021-01293, William Earl Cromwell

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

In the matter of File Number 2020-02108, Jessee Allen DeLoach, t/a Jessee A. DeLoach, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of

File Number 2020-02108, Jessee Allen DeLoach, t/a Jessee A. DeLoach

the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find a violation of 18 VAC 135-20-180.C.3 (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-180.A.1 (Count 2) of the Board's 2017 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 3) of the Board's 2018 Regulations, a violation of 18 VAC 135-20-260.12.b (Count 4) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-260.11.f (Count 5) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-300.9 (Count 6) of the Board's 2015 Regulations, a violation of §54.1-2135.A.1 (Count 7) of the Code of Virginia, a violation of 18 VAC 135-20-180.C.4 (Count 8) of the Board's 2020 Regulations, a violation of 18 VAC 135-20-180.C.4 (Count 9) of the Board's 2020 Regulations, a violation of 18 VAC 135-20-260.12.b (Count 10) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-300.9 (Count 11) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.11.f (Count 12) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the recommendation to impose a monetary penalty of \$2,500.00 for each violation contained in Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, for a total of \$30,000.00. In addition, the Board imposes license revocation for violations of Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of File Number 2021-01113, Natasha Ashley Miller DeLoach, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Davis and seconded by Ms. Pineda to find a violation of 18 VAC 135-20-180.B.A.1 (Count 1) of the Board's 2017 Regulations, a violation of 18 VAC 135-20-260.12.b (Count 2) of the Board's 2015 Regulations, a violation of §54.1-2135.A.1 (Count 3) of the Code of Virginia, a violation of 18 VAC 135-20-180.C.4 (Count 4) of the Board's 2020

File Number 2021-01113, Natasha Ashley Miller DeLoach

Regulations, a violation of 18 VAC 135-20-300.9 (Count 5) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.11.f (Count 6) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose monetary penalty of \$2,500.00 for each violation in Counts 1, 2, 3, 4, 5, and 6, for a total of \$15,000.00. In addition, the Board imposes license revocation for violations of Counts 1, 2, 3, 4, 5, and 6. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of File Number 2021-01010, Candice Marie Bolt, t/a Candice Bolt, the Board reviewed the Consent Order as seen and agreed to by Ms. Bolt. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Bolt admits to a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.12 (Count 2) of the Board's 2015 Regulations and agrees to no monetary penalty for the violation contained in Count 1 and Count 2, as well as \$150.00 in Board costs, for a total of \$150.00. In addition, the violation of Counts 1 and 2, Bolt agrees to revocation of her broker's license, with the simultaneous issuance of a salesperson's license, effective on the date of the Order. Further, Bolt agrees to complete at least three (3) classroom hours of Board-approved post-license education pertaining to Current Industry Issues and Trends 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 abovereferenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

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

File Number 2021-01010, Candice Marie Bolt, t/a Candice Bolt

In the matter of File Number 2021-01702, Anna H. Lee, t/a Anna Lee, the Board reviewed the Consent Order as seen and agreed to by Ms. Lee. A motion was made by Ms. Davis and seconded by Ms. Pineda to accept the proposed Consent Order offer wherein Lee admits to a violation of 18 VAC 135-20-300.2 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,100.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,250.00. In addition, the violation of Count 1, Lee 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 the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the abovereferenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

File Number 2021-01702, Anna H. Lee, t/a Anna Lee

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

In the matter of File Number 2020-02335, Richard Adams Maxino, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Richard Adams Maxino, respondent, was present and addressed the Board. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to find a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and a violation of §54.1-2137.B.1 (Count 2) of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Ms. Pineda and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: A monetary penalty of \$500.00 for the violation in Count 1 and \$350.00 for the violation in Count 2, for a total of \$850.00. For violations of Counts 1 and 2, license revocation is imposed. The motion passed unanimously. Members voting

File Number 2020-02335, Richard Adams Maxino

"Yes" were Davis, Funkhouser, Jones, Moiz, Perry, Piland and Pineda.

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

In the matter of File Number 2020-02850, Karen Lynnette Jones, t/a Karen Jones, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. John D. Gavitt, complainant, addressed the Board by teleconference. Karen Lynnette Jones, respondent, was present and addressed the Board. A motion was made by Mr. Moiz and seconded by Ms. Davis to find a violation of 18 VAC 135-20-260.11 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-300.9 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Mr. Moiz and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: A monetary penalty of \$1,400.00 for the violation in Count 1, and \$950.00 for the violation in Count 2, for a total of \$2,350.00. For violation of Count 1, Jones' real estate salesperson's license shall be placed on probation for a period of six (6) months. Jones is required to complete three (3) classroom hours of Board-approved post-license education pertaining to Agency, and six (6) classroom hours of Board-approved postlicense education pertaining to Contract Writing. Further, Jones shall provide evidence acceptable to the Board that Jones has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced post-license education hours will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-00982, Catherine Cox Jouet, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-

File Number 2020-02850, Karen Lynnette Jones, t/a Karen Jones

File Number 2021-00982, Catherine Cox Jouet

Finding Conference of the presiding Board member. A motion was made by Mr. Moiz and seconded by Ms. Pineda to find a violation of 18 VAC 135-20-260.8 (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 135-20-260.9 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Mr. Moiz and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: A monetary penalty of \$350.00 for the violation in Count 1 and \$600.00 for the violation in Count 2, for a total of \$950.00. For violation of Count 2, Jouet's license is placed on probation for a period of six (6) months and required to complete six (6) classroom hours of Board-approved post-license education pertaining to Real Estate Law and Board Regulations. Such course(s) shall be completed in a classroom. Further, Jouet shall provide evidence acceptable to the Board that Jouet has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced post-license education hours will not count towards any continuing education requirement, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-00356, Alkesh Tayal, t/a Kesh Tayal, the Board reviewed the record which consisted of the investigative file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. John C. Altmiller, attorney for the respondent, and Alkesh Tayal, respondent, were present and addressed the Board. A motion was made by Ms. Pineda and seconded by Ms. Davis to find a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Perry, Piland and Pineda.

A motion was made by Ms. Piland and seconded by Ms. Davis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose the following sanctions: For violation of Count 1, Tayal's real estate salesperson's license will be suspended for a period of two years.

File Number 2021-00356, Alkesh Tayal, t/a Kesh Tayal

The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Perry, Piland and Pineda.

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

In the matter of File Number 2021-00822, David Leonard Douglas, Sr., the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, revised including exhibits, and Report of Findings, Recommendation. A motion was made by Ms. Piland and seconded by Ms. Pineda to find a violation of 18 VAC 135-20-310.1 (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 135-20-170.A.3 (Count 2) of the Board's 2015 Regulations, and a violation of §54.1-2135.A.5 (Count 3) of the Code of Virginia. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

A motion was made by Ms. Piland and seconded by Ms. Pineda to accept the recommendation to impose a monetary penalty of \$550.00 for the violation contained in Count 1, \$550.00 for the violation contained in Count 2, and \$350.00 for the violation contained in Count 3, for a total of \$1,450.00. In addition, for violations of Counts 1, 2, and 3, Douglas shall be placed on probation for a period of six months and required to complete six (6) classroom hours of Board-approved post-license education pertaining to Real Estate Law and Regulations. Such course(s) shall be completed in a classroom. Further, Douglas shall provide evidence acceptable to the Board that Douglas has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones,

In the matter of File Number 2020-01363, Janneth Enriquez-Miranda, the Board reviewed the record which consisted of the Notice of Prima Facie Case, Report of Findings, revised Report of Findings, including exhibits, and the Recommendation. A motion was made by Ms. Davis and seconded by Mr. Moiz to find a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, a violation of 18 VAC 135-20-310.2 (Count 2) of the

Moiz, Perry, Piland and Pineda.

<u>File Number 2021-</u> 00822, <u>David</u> Leonard Douglas, Sr.

File Number 2020-01363, Janneth Enriquez-Miranda

Board's 2015 Regulations and a violation of 18 VAC 135-20-260.11.b (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Piland.

A motion was made by Mr. Moiz and seconded by Ms. Davis to accept and amend the recommendation to impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, and \$1,450.00 for the violation contained in Count 3, for a total of \$2,550.00. The Board also imposes the following sanctions: In addition, for violation of Counts 1, 2, and 3, Enriquez-Miranda's license shall be placed on probation for a period of six months. The terms of the probation shall be: [1] For violation of Count 1, Enriquez-Miranda is required to complete three (3) classroom hours of Board-approved post-license education pertaining to Escrow Requirements. Such course(s) shall be completed in a classroom. Further, Enriquez-Miranda shall provide evidence acceptable to the Board that Enriquez-Miranda has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. [2] For violation of Count 2, Enriquez-Miranda is required to complete three (3) classroom hours of Board-approved post-license education pertaining to Ethics and Standards of Conduct. Such course(s) shall be completed in a classroom. Further, Enriquez-Miranda shall provide evidence acceptable to the Board that Enriquez-Miranda has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. [3] For violation of Count 3, Enriquez-Miranda is required to complete six (6) classroom hours of Board-approved post-license education pertaining to Real Estate Law and Regulations. Such course(s) shall be completed in a classroom. Further, Enriquez-Miranda shall provide evidence acceptable to the Board that Enriquez-Miranda has successfully completed the course(s) within six (6) months of the effective date of the Order. The above-referenced education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license. In addition for the violation of Count 3, Enriquez-Miranda's license shall be suspended for a period of six (6) months. The Board amended the sanction in Count 3 to

include a suspension of Enriquez-Miranda's license for a period of six (6) months due to a prior violation of the same type. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry and Piland.

Due to a potential conflict of interest, Pineda did not vote or participate in the discussion in this matter.

A motion was made by Ms. Davis and seconded by Mr. Moiz to take cases 22-30, as a block vote. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-02361, Robert Hutter Gale, t/a R. Hutter Gale, the Board reviewed the Consent Order as seen and agreed to by Mr. Gale. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Gale admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia*, and a violation of 18 VAC 135-20-310.2 (Count 2) of the Board's 2015 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$600.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,250.00. In addition, Gale agrees to complete at least the number of classroom hours as specified below, of Boardapproved post-license education and provide proof of attendance and successful completion to the Board within six (6) months of the effective date of the Order. The course(s) must be completed in the classroom. For violation of Count 1, three (3) hours pertaining to Escrow Requirements; and for violation of Count 2, six (6) hours pertaining to Contract Writing. It is acknowledged that satisfactory completion of the above-referenced education hours will not count towards any education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-01224, Teresa Mary Forrest t/a Teri Forrest, the Board reviewed the Consent Order as seen and agreed to by Ms. Forrest. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Forrest admits to a violation of 18 VAC 135-20-260.11.g (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs,

**Consent Orders** 

File Number 2021-02361, Robert Hutter Gale, t/a R. Hutter Gale

File Number 2021-01224, Teresa Mary Forrest t/a Teri Forrest

for a total of \$650.00. In addition, for violation of Count 1, Forrest 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 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 post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-01599, Brooke Annette Conley, t/a Brooke Conley, the Board reviewed the Consent Order as seen and agreed to by Ms. Conley. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Conley admits to a violation of 18 VAC 135-20-260.11.1 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,200.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,350.00. In addition, Conley 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 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 post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-01691, Moyanne Evelyn Harding, the Board reviewed the Consent Order as seen and agreed to by Ms. Harding. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Harding admits to a violation of §54.1-2137.B.4 (Count 1) of the Code of Virginia, and a violation of §54.1-2131.A.4 (Count 1) of the Code of Virginia, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, Harding agrees to complete at least two

File Number 2021-01599, Brooke Annette Conley, t/a Brooke Conley

File Number 2021-01691, Moyanne Evelyn Harding

(2) classroom hours of Board-approved post-license education pertaining to Current Industry Issues and Trends 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 post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-02757, Scott Alan Glass, t/a Scott Glass, the Board reviewed the Consent Order as seen and agreed to by Mr. Glass. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Glass admits to a violation of §54.1-2132.A.4 (Count 1) of the Code of Virginia, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition. Glass 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 the Order. The course(s) must be completed in the classroom. It is acknowledged that satisfactory completion of the abovereferenced post-education hours will not count towards any education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-01854, James Martin Downs, Jr., t/a Jim Downs, the Board reviewed the Consent Order as seen and agreed to by Mr. Downs. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Downs admits to a violation of §54.1-2135.E.1-4 (Count 1) of the Code of Virginia, and agrees to a monetary penalty of \$450.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$600.00. In addition, Downs agrees to complete at least two (2) classroom hours of Board-approved post-license education pertaining to Current Industry Issues and Trends 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

File Number 2021-02757, Scott Alan Glass, t/a Scott Glass

File Number 2021-01854, James Martin Downs, Jr., t/a Jim Downs

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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

In the matter of File Number 2021-02117, David Randolph Pharr, Sr., the Board reviewed the Consent Order as seen and agreed to by Mr. Pharr. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Pharr admits to a violation of 18 VAC 135-20-260.6 (Count 1) of the Board's 2015 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$150.00. In addition, for violation of Count 1, Pharr agrees to revocation of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

File Number 2021-02117, David Randolph Pharr, Sr.

In the matter of File Number 2021-02277, Pastien Peou, the Board reviewed the Consent Order as seen and agreed to by Mr. Peou. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Peou admits to a violation of 18 VAC 135-20-210 (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$700.00. In addition, Peou agrees to complete at least three (3) classroom hours of Boardapproved post-license education pertaining to Ethics and Standards of Conduct and provide proof of attendance and 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 abovereferenced post-license education hours will not count towards any continuing education requirements, if applicable, for renewal or reinstatement of license. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

File Number 2021-02277, Pastien Peou

In the matter of File Number 2021-02216, Caroline Mary Stroyeck, the Board reviewed the Consent Order as seen and agreed to by Ms. Stroyeck. A motion was made by Ms. Davis and seconded by Mr. Funkhouser to accept the proposed Consent Order offer wherein Stroyeck admits to a violation of §54.1-

File Number 2021-02216, Caroline Mary Stroyeck

2132.A.4 (Count 1) of the *Code of Virginia*, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$650.00. In addition, Stroyeck 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 the 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. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser, Johnson, Jones, Moiz, Perry, Piland and Pineda.

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

The Board reviewed the report from the November 30, 2021, Real Estate Board Education Committee meeting. A motion was made by Mr. Perry and seconded by Ms. Davis to accept the Education Committee meeting report. The motion passed unanimously. Members voting "Yes" were Davis, Funkhouser,

Mr. Payne updated the Board on the application processing backlog.

Johnson, Jones, Moiz, Perry, Piland and Pineda.

There being no further business, the Board adjourned at 11:28 A.M.

**Administrative Issues** 

Education

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New Business

<u>Adjourn</u>

Sharon Johnson Chair

Demetrios "Mitch" Melis, Secretary

#### **REAL ESTATE BOARD**

#### **VISITOR SIGN-IN SHEET**

#### **BOARD MEETING**

December 1, 2021 – 10:00 A.M.

<u>NAME</u>	PHONE	<b>DO YOU WISH TO SPEAK?</b>
Mayra Andla		
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FRIN BARTON		

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٠.	Name: Nancy 'Nan' Piland
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date:
5.	I have a personal interest in the following transaction:  (Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	1.1
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	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.

1.	Name: Joseph Kemper Funkhouser, III
2.	Title: Board Member (Name of Board Member)
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: December 1, 2021
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.
	12 /1/2021   Date

1.	Name:Catina Jones
2	(Name of Board Member)  Title: Board Member
۷.	Title
3.	Agency: Real Estate Board  (Name of Board)
	* * * * * * * * * * * * * * * * * * * *
4.	Meeting/IFF Date: December 1, 2021
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	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 Date

1.	Name: <u>Ibrahim A. Moiz</u>
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: December 1, 2021
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 Date

1.	Name:David Perry
2.	(Name of Board Member)  Title: Board Member
	Agency: Real Estate Board  (Name of Board)
4.	Meeting/IFF Date: December 1, 2021
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.
	☐ I did not participate in the transaction.
<b>6</b> .	I do not have a personal interest in any transactions taken at this meeting.
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1.	Name: Margaret D. Davis
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: December 1, 2021 (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:
	<ul> <li>□ I am able to participate in this transaction fairly, objectively, and in the public interest.</li> <li>or</li> </ul>
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature $\frac{12}{ z }$

1.	Name: Sharon Johnson
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: December 1, 2021 (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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Mayra Pineda
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Board (Name of Board)
4.	Meeting/IFF Date: December 1, 2021 (Date)
5.	I have a personal interest in the following transaction:
	2021-00822 - Enriquez Miraud9. (Agenda Item)
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction: Personal Conflict or
	Interest of £ know the Indianidual.
	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.
	12-01-202) Signature Date