

REAL ESTATE BOARD
MINUTES OF MEETING

September 21, 2011

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

Clifford L. Wells, Chairman
Judith L. Childress, Vice-Chair
Carol Clarke
Sandra Ferebee
Joe Funkhouser
Nathaniel Brown (arrived at 9:49 a.m.)

Board member not present: Sharon Johnson
Anh Tu Do
Jorge G. Lozano

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint Analysis & Resolution
Liz Hayes, Fair Housing Administrator
Ann-Marie Brigil, Legal Analyst
Victoria Traylor, Legal Analyst
Kevin Hoeft, Education Administrator
Emily Trent, Administrative Assistant

Cindy Norwood and Tom Payne from the Office of the Attorney General were present.

Cliff Wells called the meeting to order at 9:07 A.M.

Call to Order

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

Agenda

A motion was made by Ms. Clarke and seconded by Mr. Funkhouser to adopt the following minutes: July 12, 2011, Informal Fact-Finding Conference; July 13, 2011, Regulatory

Minutes

Review Committee Meeting; July 14, 2011, Informal Fact-Finding Conference; July 14, 2011, Real Estate Board Meeting; August 4, 2011, 9:00 A.M., Informal Fact-Finding Conference; August 4, 2011, Informal Fact-Finding Conference; August 9, 2011, Informal Fact-Finding Conference; and August 29, 2011, Recovery Fund Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

There was no public comment.

Nick Christner, Deputy Director of Compliance & Investigations, advised the Board of David Dorner's retirement and introduced Valerie Matney, Director of Field Operations, and Johnathan Darden, Director of Central Operations, to the Board. Mr. Christner updated the Board on the random Real Estate inspections. No action was taken by the Board.

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

In the matter of **Dorice Tanner-Shepherd v. Carroll Nelson Smith and First Virginia Realty Company Number 2011-04315**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. Carroll Nelson Smith, and Joan Volante, Owner/Managing Broker, for First Virginia Realty Company, respondents, were present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

In the matter of **Veronica Chrisp v. Jennifer Grant, Lauren Crow, and JRK Residential America, LLC, REB File Number 2011-04349**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Lenora Solodar, Attorney for Respondents, was present and addressed the Board.

At 9:30 A.M., Ms. Clarke offered a motion which was seconded by Ms. Ferebee, that the Board meeting be recessed

Public Comment

Administrative Issues

Fair Housing Administrators Report

Dorice Tanner- Shepherd v. Carroll Nelson Smith and First Virginia Realty Company, REB File Number 2011-04315

Veronica Chrisp v. Jennifer Grant, Lauren Crow, and JRK Residential America, LLC, REB File Number 2011- 04349

Closed Session

and that the Real Estate Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff pertaining to actual or probable litigation as permitted by §2.2-3711.A.27 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Angela Keefe-Thomas and Liz Hayes.

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

Fair Housing Case 5. File Number 2011-04349, Veronica Chrisp v. Jennifer Grant, Lauren Crow, and JRK Residential America, LLC

At 9:40 A.M., a motion was made by Ms. Clarke and seconded by Ms. Ferebee that the Board reconvene in open session.

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

Certification

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

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

VOTE: 5-0

AYES: Childress, Clarke, Ferebee, Funkhouser and Wells.

NAYS: None.

ABSENT DURING THE VOTE: Brown.

ABSENT DURING THE MEETING: Do, Johnson and

Lozano.

In the matter of **Veronica Chrisp v. Jennifer Grant, Lauren Crow, and JRK Residential America, LLC, REB File Number 2011-04349**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to find no reasonable cause that Jennifer Grant or Lauren Crow discriminated against the complainant for refusal to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find reasonable cause that JRK Residential America, LLC discriminated against the complainant for refusal to make reasonable accommodations based upon disability. The motion passed unanimously. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells.

Veronica Chrisp v. Jennifer Grant, Lauren Crow, and JRK Residential America, LLC, REB File Number 2011-04349

In the matter of **Abel Martinez v. Open Door Realty, Inc. and Arthur Maxwell, REB File Number 2011-02224**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, a written statement from the respondents, and an Official Consultation Memorandum from the Office of the Attorney General. Sheree and Abel Martinez were present and addressed the Board.

Abel Martinez v. Open Door Realty, Inc. and Arthur Maxwell, REB File Number 2011-02224

Board member Nate Brown arrived at 9:49 A.M.

Arrival of Board Member

At 9:55 A.M., Ms. Clarke offered a motion which was seconded by Ms. Ferebee, 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 pertaining to actual or probable litigation as permitted by §2.2-3711.A.27 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Matt Benson.

Closed Session

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

Fair Housing Case 6. File Number 2011-02224, Abel Martinez v. Open Door Realty, Inc. and Arthur Maxwell

At 10:05 A.M., a motion was made by Ms. Clarke and seconded by Ms. Ferebee that the Board reconvene in open session.

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

VOTE: 6-0

AYES: Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Do, Johnson and Lozano.

In the matter of **Abel Martinez v. Open Door Realty, Inc. and Arthur Maxwell, REB File Number 2011-02224**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation, a written statement from the respondents, and an Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously.

Certification

**Abel Martinez v.
Open Door Realty,
Inc. and Arthur
Maxwell, REB File
Number 2011-02224**

Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

In the matter of **Lava Kumar Chaturvedula and Sridevi Yadaville v. Mo Wilson Properties, Inc., and Marvin Wilson, REB File Number 2011-04259**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

**Lava Kumar
Chaturvedula and
Sridevi Yadaville v.
Mo Wilson
Properties, Inc., and
Marvin Wilson, REB
File Number 2011-
04259**

In the matter of **Jonathan Atkinson and April Engram v. Stephen F. Pappas and Welcome Home Realty & Associates, LLC, REB File Number 2011-04001**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

**Jonathan Atkinson
and April Engram v.
Stephen F. Pappas
and Welcome Home
Realty & Associates,
LLC, REB File
Number 2011-04001**

In the matter of **Joan Barnes v. Vernon McClure, REB File Number 2011-03518**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Recommendation. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

**Joan Barnes v.
Vernon McClure,
REB File Number
2011-03518**

In the matter of **Holly Burdell and Larry Barfield v. Cindy Hornsby, The Hornsby Homefront, LLC, and Callebs Realty, Inc., REB File Number 2010-04087**, a motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

**Holly Burdell and
Larry Barfield v.
Cindy Hornsby, The
Hornsby Homefront,
LLC, and Callebs
Realty, Inc., REB
File Number 2010-
04087**

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to approve the Fair Housing Sub-Committee minutes of July 14, 2011. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

**Fair Housing
Minutes**

In the matter of **File Number 2011-04517, Chester Budd**, 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. Chester Budd, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Budd's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Budd and his broker will provide quarterly reports to the Board with the correction to the recommendation within the Summary removing the phrase "play on words here" and removing item #4 as a condition. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-04517, Chester Budd

In the matter of **File Number 2011-04702, KeJuan Seegar**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Mr. Brown to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, to approve Mr. Seegar's application for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Seegar and his broker will provide quarterly reports to the Board due to the severity of past criminal convictions and to safeguard the public. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-04702, KeJuan Seegar

In the matter of **File Number 2011-04457, Aric V. Cooper**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the

File Number 2011-04457, Aric V. Cooper

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

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

In the matter of **File Number 2011-04031, Shawn Eckert**, 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. Shawn Eckert, applicant, was present and addressed the Board. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Eckert's application based upon the record. After reviewing the facts, Eckert's description of his experience, testimony at the IFF, and the documentation/listings provided by Eckert for the Board's review which fail to list his name, and the 1099 and transaction report which does not provide a clear indication of being actively engaged, there is insufficient evidence to show Eckert meets the regulatory requirements for experienced brokers, therefore the Board is of the opinion that Eckert does not meet the requirements of being actively engaged in real estate activities for the 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee and Funkhouser.

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

In the matter of **File Number 2011-04034, Keith Hartke**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Hartke's application based upon the record. After reviewing the facts, the Summary of the IFF and the Recommendation, the Board

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File Number 2011-04031, Shawn Eckert

File Number 2011-04034, Keith Hartke

considered Hartke's past real estate activity and his performance as a broker which resulted in the revocation of his license. Further, the Board considered the nature of the previous disciplinary action and found Hartke presented insufficient evidence to show he has the ability, capacity or fitness required to perform the duties and discharge the responsibilities of a broker therefore the Board voted to deny the license at this time. Members voting "Yes" were Brown, Childress, Clarke, Ferebee and Funkhouser.

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

In the matter of **File Number 2011-03619, Adnan Mirza**, 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. Adnan Mirza, applicant, and John Forest, attorney for the applicant, were present and addressed the Board. A motion was made by Mr. Brown to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny the application; having no second the motion failed.

File Number 2011-03619, Adnan Mirza

A motion was made by Ms. Clarke, and seconded by Mr. Funkhouser to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead of approving the broker's license application approve Mr. Mirza for a real estate salesperson's license, subject to an agreement for licensure for a period of two years wherein Mr. Mirza and his broker will provide quarterly reports to the Board due to the severity of the past violation of Board regulations. The motion passed by majority vote. Members voting "Yes" were Childress, Funkhouser, Johnson and Taylor. Member voting "No" was Brown.

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

In the matter of **File Number 2011-04700, Michael Poole**, the Board reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to

File Number 2011-04700, Michael Poole

accept the recommendation contained in the Summary of the Informal Fact-Finding Conference (IFF) to deny Mr. Poole's application based upon the record. After reviewing the facts and the Summary of the IFF and the Recommendation, the Board considered Poole's general background and real estate activity over the last 48 months. The Board is of the opinion that Poole has not submitted sufficient evidence to verify his experience in the field of real estate to meet the eligibility requirements of being actively engaged in real estate activities for the 36 of the last 48 months. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee and Funkhouser.

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

Mr. Wells returned and assumed the position of Chair.

In the matter of **File Number 2011-04458, Thomas Cowdrey**, 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. Thomas Cowdrey, applicant, was present and addressed the Board. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and, instead approve Mr. Cowdrey's application for a real estate broker's license based upon testimony and years of experience with a correction to the Summary changing the year from 1969 to 1964. The motion passed by majority vote. Members voting "Yes" were Childress, Clarke, Ferebee, Funkhouser and Wells. Member voting "No" was Brown.

In the matter of **File Number 2011-04327, Jodi Danielle Robinson**, the Board reviewed the Consent Order as seen and agreed to by Ms. Robinson. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Robinson admits to a violation of 18 VAC 135-20-260.5 (Count 1) of the 2003 Regulations and agrees to no monetary penalty in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Count 1, Robinson agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke,

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File Number 2011-04458, Thomas Cowdrey

File Number 2011-04327, Jodi Danielle Robinson

Ferebee, Funkhouser and Wells.

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

In the matter of **File Number 2011-04993, Pamela Helen Wiggins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wiggins. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Wiggins admits to a violation of 18 VAC 135-20-310.2 (Count 1) of the 1999 Regulations and agrees to a monetary penalty of \$600.00 in Count 1, and no Board costs for a total of \$600.00. In addition, for the violation of Count 1, Wiggins agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Board costs have been imposed in the Consent Order for companion file 2011-003893 where the Respondent is the same individual. Therefore, Board costs are not imposed for this file. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-04993, Pamela Helen Wiggins

In the matter of **File Number 2011-03893, Pamela Helen Wiggins**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wiggins. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Wiggins admits to a violation of §54.1-2135.A.2 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$900.00 in Count 1, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, for the violation of Count 1, Wiggins agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Agency and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license.

File Number 2011-03893, Pamela Helen Wiggins

The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

In the matter of **File Number 2011-04616, Dina L. Thomas**, the Board reviewed the Consent Order as seen and agreed to by Ms. Thomas. A motion was made by Ms. Childress and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Thomas admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$400.00 in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for the violation of Count 1, Thomas agrees to complete at least two (2) classroom hours of Board-approved continuing education pertaining to Escrow Management and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-04616, Dina L. Thomas

In the matter of **File Number 2011-04401, Jaime Palacios**, the Board reviewed the Consent Order as seen and agreed to by Mr. Palacios. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Mr. Palacios admits to a violation of 18 VAC 135-20-220.A.3 (Count 1) of the 2008 Regulations, a violation of 18 VAC 135-20-180.C.2 (Count 2) of the 2008 Regulations, a violation of 18 VAC 135-20-270.3 (Count 3) of the 2003 Regulations, and a violation of 18 VAC 135-20-260.10 (Count 4) of the 2003 Regulations, and agrees to no monetary penalty for Counts 1-4, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1 through 4, Palacios agrees to revocation of his license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-04401, Jaime Palacios

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

In the matter of **File Number 2011-04408, Dori M. Matthews**, the Board reviewed the Consent Order as seen and

File Number 2011-04408, Dori M.

agreed to by Ms. Matthews. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Matthews admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Matthews agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of the order. The course must be completed in the classroom. It is acknowledged that *satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license.* The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Funkhouser and Wells.

Matthews

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

In the matter of **File Number 2011-03319, Keri E. Wilfong**, the Board reviewed the Consent Order as seen and agreed to by Ms. Wilfong. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Wilfong admits to a violation of §54.1-2132.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$400.00 in Count 1, as well as \$150.00 in Board costs for a total of \$550.00. In addition, for the violation of Count 1, Wilfong agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that *satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license.* The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-03319, Keri E. Wilfong

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

In the matter of **File Number 2011-03016, Leonor Perez**, the Board reviewed the Consent Order as seen and agreed to by Ms. Perez. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Perez admits to a violation of 18 VAC 135-20-260.B (Count 1) of the 2003 Regulations, a violation of 18 VAC 135-20-185.C.1 (Count 2) of the 2003 Regulations, and agrees to no monetary penalty for Counts 1-2, and no Board costs. In addition, for the violation of Count 1 and Count 2, Perez agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-03016, Leonor Perez

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

In the matter of **File Number 2011-03409, Henry T. Thrasher**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thrasher. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Mr. Thrasher admits to a violation of 18 VAC 135-20-185.C.3 (Count 1) of the 2003 Regulations, a violation of 18 VAC 135-20-185.C.2 (Count 2) of the 2003 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$100.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$350.00. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Ferebee, Funkhouser and Wells.

File Number 2011-03409, Henry T. Thrasher

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

In the matter of **File Number 2011-03061, W. Ann Rowan**, the Board reviewed the Consent Order as seen and agreed to by Ms. Rowan. A motion was made by Ms. Ferebee and seconded by Ms. Clarke to accept the proposed Consent Order offer wherein Ms. Rowan admits to a violation of §54.1-2131.A.4 (Count 1) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. The motion passed

File Number 2011-03061, W. Ann Rowan

unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee and Wells.

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

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

In the matter of **File Number 2011-03253, Jeanette M. Childress**, the Board reviewed the Consent Order as seen and agreed to by Ms. Childress. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Childress 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 in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Childress agrees to complete at least three (3) classroom hours of Board-approved continuing education pertaining to Real Estate Contracts and provide proof of attendance and successful completion within six (6) months of the effective date of this order. The course must be completed in the classroom. It is acknowledged that satisfactory completion of the above-referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. The motion passed by majority vote. Members voting "Yes" were Childress, Clarke, Ferebee and Funkhouser. Member voting "No" was Brown.

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

In the matter of **File Number 2011-03257, Jean Ester Favors**, the Board reviewed the Consent Order as seen and agreed to by Ms. Favors. A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to accept the proposed Consent Order offer wherein Ms. Favors admits to a violation of 18 VAC 135-20-260.1 (Count 1) of the 2003 Regulations, and agrees to a monetary penalty of \$1,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for the violation of Count 1, Favors agrees to a two (2) year probation of her

Transfer of Chair

File Number 2011-03253, Jeanette M. Childress

File Number 2011-03257, Jean Ester Favors

license as of the effective date of the Order. During this two (2) year period, Favors agrees to enter into an Agreement for Licensure which requires that she and her principal broker report to the Board quarterly, that she is in compliance with the rules and regulations of the Board, for a period of two (2) years. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Ferebee and Funkhouser.

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

In the matter of **File Number 2011-03309, Richard L. Joyeusaz**, 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 L. Joyeusaz, respondent, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Ferebee to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find 2 violations of 18 VAC 135-20-260.5 (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 135-20-260.6 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Ferebee and Funkhouser.

File Number 2011-03309, Richard L. Joyeusaz

A motion was made by Mr. Funkhouser and seconded by Ms. Ferebee to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license. The motion passed by majority vote. Members voting "Yes" were Clarke, Childress, Ferebee and Funkhouser. Member voting "No" was Brown.

A motion was made by Ms. Ferebee and seconded by Ms. Clarke to remand the case back to an Informal Fact-Finding Conference to obtain more information to include a report from Mr. Joyeusaz's probation officer, and information from police regarding his work and cooperation with them. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Ferebee and Funkhouser.

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

In the matter of **File Number 2011-04727, Virginia Real Estate Transaction Recovery Act Claim of Eric Duffy (Claimant) and Kathryn Sessoms Carraway (Regulant)** the Board reviewed the record, which consisted of the claim review file, the transcript and exhibits from the Informal Fact-Finding Conference and Summary. A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve payment in the amount of \$8,094.00. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Ferebee and Funkhouser.

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

Mr. Wells returned and assumed the position of Chair.

In the matter of **File Number 2012-00233, Maria M. Ramirez**, 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. Childress, and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Ramirez's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Clarke, Childress, Funkhouser and Wells.

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

The Board recessed from 11:27 A.M. to 11:40 A.M.

At 11:41 A.M., Ms. Ferebee offered a motion which was seconded by Mr. Funkhouser, 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 pertaining to legal matters within the jurisdiction of the Board 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: Gordon Dixon, Christine Martine, Tom Payne and Cindy

File Number 2011-04727, Virginia Real Estate Transaction Recovery Act Claim of Eric Duffy (Claimant) and Kathryn Sessoms Carraway (Regulant)

Transfer of Chair

File Number 2012-00233, Maria M. Ramirez

Break

Closed Session

Norwood.

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

**-Old Business – File Number 2009-01896 – Mirtes Sousa
Happy-Nysven**

At 11:48 A.M., a motion was made by Ms. Clarke and seconded by Ms. Ferebee that the Board reconvene in open session.

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

Certification

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

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

VOTE: 6-0

AYES: Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Do, Johnson and Lozano.

A motion was made by Ms. Ferebee and seconded by Mr. Funkhouser to authorize legal counsel to negotiate a settlement agreement with Ms. Happy-Nysven. The motion passed

**File Number 2009-
01896, Mirtes Sousa
Happy-Nysven**

unanimously. Members voting "Yes" were Brown, Clarke, Childress, Ferebee, Funkhouser and Wells.

The Board reviewed the Education Committee Report. A motion was made by Mr. Funkhouser and seconded by Ms. Clarke to accept the September 20, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.

Education

The following Board members agreed to serve on the Fair Housing Sub-Committee: Nate Brown, Joe Funkhouser and Sandee Ferebee. Ms. Ferebee will serve as Chair of the Fair Housing Sub-Committee.

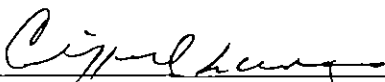
Anh Do was appointed to serve as a member of the Real Estate Education Committee.

Kevin Hoeft, Education Administrator, gave a report from the September 12, 2011, Real Estate Advisory Council Meeting. A motion was made by Ms. Ferebee and seconded by Mr. Brown to accept the September 12, 2011, Real Estate Advisory Report. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Ferebee, Funkhouser and Wells.


New Business

There being no further business, the Board adjourned at 12:45 P.M.

Adjourn



Clifford Wells, Chair



Gordon Dixon, Secretary

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

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

1. Name: Carol Clarke
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: September 21, 2011
(Date)

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

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

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

Carol J. Clarke
Signature

9/21/11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Nathaniel Brown
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: September 21, 2011
(Date)

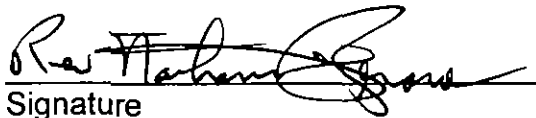
5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

9/21/2011
Date

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

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

1. Name: Joe Funkhouser
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: September 21, 2011
(Date)

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

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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


Signature

9-21-11
Date

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

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

1. Name: Judith Childress
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: September 21, 2011
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.

Judith L. Childress
Signature

09/21/11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Sandra Ferebee
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Board
(Name of Board)
4. Meeting/IFF Date: September 21, 2011
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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


Signature

9-21-11
Date

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

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

1. Name: Clifford L. Wells
(Name of Board Member)

2. Title: Board Member

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

4. Meeting/IFF Date: September 21, 2011
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

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

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

or

I did not participate in the transaction.

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


Signature

9/21/11
Date