



## VIRGINIA REAL ESTATE BOARD

# VREB *SPEAKING*

www.dpor.virginia.gov

Winter 2009

### Message from the Chair



**Carol F. Clarke**

In the past couple of years, DPOR and the Real Estate Board (the Board) have stressed exceptional customer service from their staff. I hope you have had a good experience if you have interacted with Board staff. The Board's intent is that your questions are answered promptly and phone calls and e-mails returned in a timely manner.

DPOR investigators are thorough and the investigative process takes time. When an investigator asks you to provide information or documentation, the quicker you respond thoroughly with the requested information and documentation, the sooner the investigation can be completed. For especially complicated cases Board members may be consulted for technical assistance.

Cases which indicate a potential regulatory violation are subject to an Informal Fact-Finding (IFF) Conference.

An IFF may seem anything but informal as a court reporter documents every spoken word, but it is an informal proceeding in the sense it is not an adversarial process. A Board member presides at the IFF, and this is your opportunity to present your case along with any and all supporting documents, witnesses, etc. that will help the presiding member make the best recommendation to the Board. All IFF recommendations are subject to full Board review at one of its regular meetings in Richmond (See the "2009 Meeting Dates" in the right-hand column on this page).

It is important that you take advantage of these opportunities to present your perspective on a case during an IFF or at the Board meeting. Our duty is to protect the public and ensure that our licensees comply with all Board laws and regulations. Our intent is to make this difficult situation less stressful for you. Board staff can explain in detail your options if you have a case before the Board.

In the last few years, our fines for violations have increased and we usually attach an educational component to our sanctions. Increasingly, we are requiring those educational sanctions be completed in the classroom, as opposed to an online or correspondence course. The reason for this is quite evident. Nothing can substitute for the ability to learn from others and interact with a qualified instructor **(Continued on Page 9)**.

Virginia Real Estate Board  
Perimeter Center, Suite 400  
9960 Mayland Drive  
Richmond, VA 23233  
804-367-8526

Timothy M. Kaine  
Governor

Patrick O. Gottschalk  
Secretary, Commerce & Trade

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### 2009 Meeting Dates

March 26, 2009

May 14, 2009

July 9, 2009

September 17, 2009

November 19, 2009

All meetings are held on the Second Floor of the Perimeter Center at the above address.

**BOARD MEMBERS**

Carol F. Clarke, Chair  
Charlottesville  
Licensee Member  
Four-year term ends on 6/30/12

Byrl P. Taylor, Vice-Chair  
White Stone  
Licensee Member  
Four-year term ends on 6/30/11

Nathaniel Brown  
Charlottesville  
Citizen Member  
Four-year term ends on 6/30/12

Judith L. Childress  
Martinsville  
Licensee Member  
Four-year term ends on 6/30/12

Marjorie Clark  
Richmond  
Citizen Member  
Four-year term ends on 6/30/10

Florence Daniels  
Alexandria  
Licensee Member  
Four-year term ends on 6/30/10

Scott M. Gaeser  
Manakin-Sabot  
Licensee Member  
Four-year term ends on 6/30/10

Sharon Parker Johnson  
South Hill  
Licensee Member  
Four-year term ends on 6/30/12

R. Schaefer Oglesby  
Lynchburg  
Licensee Member  
Four-year terms ends on 6/30/09

**DPOR Staff**

Jay DeBoer, Director

Mark Courtney, Deputy Director  
Licensing & Regulation Division

Nick Christner, Deputy Director  
Compliance & Investigations Division

Steven Arthur, Deputy Director  
Administration & Finance Division

Lizbeth Hayes, Director  
Fair Housing Office

Trisha Henshaw, Executive Director  
Common Interest Community Board

**Real Estate Board Staff**

Christine Martine  
Executive Director

Kevin Hoeft  
Education Administrator

Maryanne Woo  
Licensing Supervisor

Emily Trent  
Administrative Assistant

**Board Contact Information**

Executive Director - 804-367-8552

Licensing Section - 804-367-8526

Education Section - 804-367-2406

Fax Number - 804-527-4298

E-mail - REBoard@dpor.virginia.gov

Web - www.dpor.virginia.gov

DPOR Main Number - 804-367-8500

Complaints Section - 804-367-8504

Common Interest Community Board- 804-367-8510

## Property Management Information

### Virginia Residential Landlord Tenant Act Annual Interest Rate Schedule

The following property owners are subject to the authority of the Virginia Residential Landlord Tenant Act (VRLTA): 1) Owners of a multi-family dwelling - including duplexes; 2) Owners of four or more single-family or condominium units in any city or county with an urban county executive or county manager form of government; and 3) Owners in all other jurisdictions of Virginia who own more than ten single-family dwellings or condominiums.

If you are under the authority of the VRLTA, you **MUST** pay annual interest on security deposit money you have held from any tenant who moves out as long as the tenant leased the property for at least 13 months. Don't forget that the interest for each year of tenancy is calculated separately. While it doesn't compound, you have to calculate and pay interest for each year based on the rate for that particular year. Paying interest on security deposit money you held is not something you can negotiate with your departing tenant.

The following Annual Interest Rate schedule is used to calculate the total interest you owe the tenant:

<u>Year</u>	<u>Annual Interest Rate</u>	<u>Year</u>	<u>Annual Interest Rate</u>
7/1/74 to 7/1/80	- 3%	2001	- 5%
7/1/80 to 7/1/82	- 4%	2002	- 0.25%
7/1/82 to 7/1/85	- 4.75%	2003	- 0%
7/1/85 to 1/1/95	- 5%	2004	- 1%
1995	- 4.75%	2005	- 2.25%
1996	- 5.25%	2006	- 4.25%
1997	- 5%	2007	- 5.25%
1998	- 4.56%	2008	- 0.75%
1999	- 3.5%	2009	- 0%
2000	- 4%		

### How to Upgrade from a Salesperson to a Broker License by Exam

The process for a Virginia licensed salesperson to upgrade to a Virginia licensed broker by examination is not complicated. Before applying for a broker license with the Board, the salesperson must determine the type of broker license needed: 1) Principal Broker; 2) Associate Broker; or 3) Sole Proprietor. The salesperson must then: 1) complete 180 hours of approved broker pre-license education (See the "Broker Education Requirements" document on the Board's website); and 2) pass the National and State portions of the "Real Estate Broker" examination administered for the Board by PSI Exams (See the "Real Estate Candidate Information Bulletin" at [www.psiexams.com](http://www.psiexams.com)). A passing examination score is valid for one year if both portions are passed at the same time. If the individual fails one portion, the exam score for the passing portion is valid for one year from the date the exam was originally taken.

Next, the salesperson must submit to the Board either a "Virginia Salesperson Upgrading to Associate Broker License By Exam and Upgrade Application" or a "Principal Broker and Sole Proprietor License by Exam and Upgrade Application." The fee for either of these applications is \$85. This application must include: 1) one or more "Experience Verification Forms" completed by the principal broker(s) and/or supervising broker(s) who can personally attest to the applicant having worked an average of at least 40 hours per week as a real estate salesperson during at least 36 of the previous 48 months prior to application; and 2) Certifications of Licensure/Letters of Good Standing, dated within 60 days prior to application, from each jurisdiction in which the applicant holds a current or expired real estate license (excluding Virginia).

All the documents and applications referred to in this article are available on the "Applications and Other Forms" link on the Board's website ([http://www.dpor.virginia.gov/dporweb/reb\\_main.cfm](http://www.dpor.virginia.gov/dporweb/reb_main.cfm)). Please contact the Board's Licensing Section with questions at 804-367-8526 or [reboard@dpor.virginia.gov](mailto:reboard@dpor.virginia.gov).

### Important Information for New Salespersons Licensed on or after July 1, 2008

New salespersons, brokers and education providers need to know that §54.1-2105.01 of the *Code of Virginia* requires all New Real Estate Salespersons initially licensed by the Virginia Real Estate Board (the Board) on or after July 1, 2008, complete the 30-hour Post License Education Curriculum within one year of obtaining their salesperson license.

If a new salesperson fails to complete the 30-hour post license education requirement within one year of initial licensure, then the Board will place his/her license on "Inactive" status. A licensee cannot practice real estate in Virginia with an inactive license. A new salesperson licensee can activate an inactive license only by: 1) Completing the 30-hour post license education requirement; and 2) Filling out and submitting an "Activate/Transfer Application" form with a \$60 fee to the Board.

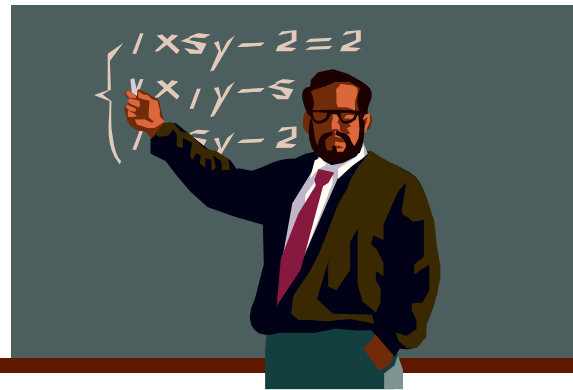
New salespersons, brokers and education providers also need to understand that although new salespersons must complete the 30-hour post license education curriculum within one year of initial licensure, they must then wait until their first two-year licensure term ends before they can begin to receive Board credit for completing continuing education courses.

This is addressed by 18 VAC 135-20-101 of the *Real Estate Board's Regulations* (Qualifications for Renewal; Continuing Education Requirements), which states in part: "All active salespersons... shall be required to complete a total of 16 instruction hours DURING EACH LICENSING TERM." The licensee must complete the continuing education hours DURING the LICENSING TERM, not BEFORE the LICENSING TERM begins.

Some new salesperson licensees may be inclined to think that since they completed their 30-hour post license education requirement, they can then immediately start completing the 16 hours of continuing education that will be required of them during their second two-year licensure term. This is not so. New salespersons will not receive any Board credit for continuing education courses they complete during their first two-year licensure term.

### Principal Brokers, Associate Brokers and Sole Proprietors must Complete Broker Management Continuing Education Requirement

Virginia law and the *Real Estate Board Regulations* define Principal Brokers, Associate Brokers and Sole Proprietors as "real estate brokers." Therefore all individuals who hold these types of active broker licenses must complete eight hours of continuing education "courses relating to supervision and management of real estate agents and the management of real estate brokerage firms" (Broker Management and Agent Supervision) to renew their license(s). For more details on this, please review the letter located on the Board's website at: [http://www.dpor.virginia.gov/dporweb/broker\\_ce\\_req.pdf](http://www.dpor.virginia.gov/dporweb/broker_ce_req.pdf).



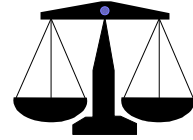
### A Message for Brokers with Concurrent Licenses and Education Providers

Board staff occasionally receive calls from brokers who have more than one Virginia broker license inquiring why the continuing education courses they have completed have not been applied to all their broker licenses on the "License Look-up" page on the DPOR website. This occurs because education providers do not provide the Board with all the required information.

Brokers with concurrent licenses can prevent this from happening by giving their education provider the following information when signing up for a continuing education course: 1) All of your individual broker license numbers; OR, 2) Your Social Security Number and one of your individual broker license numbers. Education providers will then send this information to the Board electronically, and your course completion data will be automatically downloaded to all your broker license numbers.



## DISCIPLINARY ACTIONS



The Real Estate Board (the Board) licenses or certifies real estate salespersons, brokers, firms, proprietary schools and pre-license instructors. If a complaint is filed against a licensee who is subject to the laws and regulations of the Board, the complaint is reviewed by the Compliance and Investigations Division (CID) of DPOR to determine if a violation of these laws or regulations may have occurred. If there is probable cause of a violation, an investigation is initiated. If the investigation reveals that one or more violations may have occurred, the licensee receives notice to appear at an informal fact-finding conference (IFF) to address these alleged violations.

In some cases the licensee may be offered a pre-IFF Consent Order. A Consent Order is an agreement between the licensee and the Board consisting of specific violations and sanctions. Pre-IFF Consent Orders eliminate the time and expense associated with conducting an IFF.

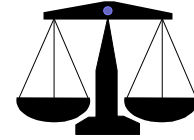
If an IFF is held, a recommendation from the IFF hearing officer consisting of proposed violations and sanctions is submitted to the Board for consideration at its next meeting. The Board can take the following disciplinary actions against a licensee: assess a monetary penalty; suspend or revoke a license; place an individual on probation; require additional education; or deny renewal. A licensee can continue to practice throughout the disciplinary process until the Board either revokes or suspends his license.

**THE FOLLOWING DISCIPLINARY ACTIONS RENDERED BY THE BOARD AT ITS NOVEMBER 2008 and JANUARY 2009 MEETINGS CAN BE VIEWED AT: [www.dpor.virginia.gov](http://www.dpor.virginia.gov). Click on "License Lookup." Then click on "Search Disciplinary Actions Occurring since April 1, 2002." Then enter the Case Number in the blank "Search" box. Then click on the "Search" button. Then click on the highlighted "File Number." The Order and Report of Findings for that case will appear.**

<u>Case Number</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2008-02285	Jose L. Semidey Leesburg, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-185 - Maintenance/Management Finan. Records 18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-330 - Broker's Responsibility for Licensees' Acts Fined \$3700, \$150 Board Costs, 8 hours of Continuing Education
2008-02761	Joanne McElroy-Hall Virginia Beach, VA	§54.1-2133.A.4 - Failure to Exercise Ordinary Care Fined \$550, \$150 Board Costs, 2 Hours of Continuing Education
2008-00420	John Arthur Sears Stafford, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$2500, 2 Years License Probation with Quarterly Reporting, 3 Hours Continuing Education
2008-02736	Linda G. Moore Newport News, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (4 Counts) Fined \$2000, 2 Years License Probation with Quarterly Reporting, 3 Hours Continuing Education
2007-03819	Cheryl Lillian Carte Purcellville, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$2000, 2 Years License Probation with Quarterly Reporting, 8 Hours Continuing Education
2008-02636	George W. Glaize, Jr. Winchester, VA	18 VAC 135-20-190 - Advertising by Licensees Fined \$400, \$150 Board Costs
2008-00964	Helen Akins McLean, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-310 - Delivery of Instruments Fined \$5700, License Revocation



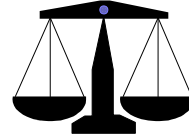
## DISCIPLINARY ACTIONS (Cont.)



<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2008-01578	Patricia A. Hill Alexandria, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$500, \$150 Board Costs, 4 Hours Continuing Education
2008-03515	Mia T. Tharp Ashburn, VA	18 VAC 135-20-250 - Failure to Respond to Board Inquiry 18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-310 - Delivery of Instruments (2 Counts) Fined \$6000, License Revocation
2008-00285	Charles A. Wigington Ashburn, VA	18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-260 - Unworthiness & Incompetence (5 Counts) 18 VAC 135-20-300 - Misrepresentation/Omission (3 Counts) 18 VAC 135-20-310 - Delivery of Instruments Fined \$19,050, License Revocation
2008-01392	Kathryn W. Bonzano Centreville, VA	18 VAC 135-20-180 - Maintenance/Manage Escrow Ac. (2 Counts) 18 VAC 135-20-185 - Maintenance/Manage Finan. Rec. (2 Counts) 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$4250, \$150 Board Costs, License Suspension until Complete 8 Hours of Continuing Education
2008-03186	Ataul Haq Woodbridge, VA	18 VAC 135-20-270 - Conflict of Interest 18 VAC 135-20-300 - Misrepresentation/Omission \$150 Board Costs, License Revocation
2008-01960	Eddie L. Jackson, Jr. Chesterfield, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$300, \$150 Board Costs, 8 Hours of Continuing Education
2008-01781	Susan M. Moody Louisa, VA	18 VAC 135-20-300 - Misrepresentation/Omission Fined \$200, \$150 Board Costs, 4 Hours of Continuing Education
2008-03771	George T. Garten Covington, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, 2 Years License Probation w/ Quarterly Reporting
2008-02831	Dora L. Taylor Portsmouth, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$500, \$150 Board Costs, 2 Hours of Continuing Education
2008-04655	Tahir H. Alaragy, Jr. Vienna, VA	18 VAC 135-20-170 - Maintenance of License 18 VAC 135-20-250 - Failure to Respond to Board Inquiry 18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-300 - Misrepresentation/Omission (2 Counts) Fined \$9500, License Revocation
2008-03836	James R. Rogers Chesapeake, VA	18 VAC 135-20-260 - Unworthiness & Incompetence License Revocation
2008-03363	Philip A. Oakley Fairfax Station, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-185 - Maintenance/Management Finan. Records Fined \$1900, License Probation until Complete 4 Hours of CE
2008-01138	Frank W. Haines Springfield, VA	§54.1-2135.A.1- Failure to Perform According to the Terms of a Property Management Agreement (2 Counts) 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$4200, 6 Month License Suspension, 3 Year License Proba- tion with Quarterly Reporting, 16 Hours of Continuing Education
2007-01874	Gloria L. Gardner-Shaw Purcellville, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$3200, License Suspension until Completes 8 Hours of CE, 2 Year License Probation with Quarterly Reporting



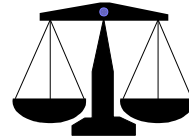
## DISCIPLINARY ACTIONS (Cont.)



<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2008-00784	Darlene D. Moran Virginia Beach, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$800, License Probation until Completes 4 Hours of CE
2008-01951	Dawn L. Klassen Ashburn, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (3 Counts) Fined \$4500, License Probation until Completes 8 Hours of CE
2008-01377	Eugene J. Fisher, Jr. Aldie, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 Counts) Fined \$4000, License Revocation
2009-01225	John K. Collins Mount Airy, NC	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs
2008-00471	Paige A. Kormeluk Centreville, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$350, \$150 Board Costs
2008-04368	Karlene C. Tolbert Woodbridge, VA	18 VAC 135-20-260 - Unworthiness & Incompetence License Revocation
2008-01574	Insoo Kim Dunn Loring, VA	18 VAC 135-20-170 - Maintenance of License 18 VAC 135-20-240 - Failure to Provide Records to the Board Fined \$3500, License Revocation
2008-01344	Soon H. Chung Alexandria, VA	§54.1-2132.A.4 - Failure to Exercise Ordinary Care \$150 Board Costs, 3 Hours of Continuing Education
2008-03850	I. Renate Alvarez Chesapeake, VA	18 VAC 135-20-310 - Delivery of Instruments Fined \$500, License Probation until Completes 3 Hours of CE
2008-02537	Ira Heard, III Virginia Beach, VA	18 VAC 135-20-270 - Conflict of Interest 18 VAC 135-20-280 - Improper Brokerage Commission Fined \$1750, License Revocation
2008-00257	Richard R. Wynn Fredericksburg, VA	§54.1-2139.B - Failure to Disclose Dual Representation 18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-270 - Conflict of Interest Fined \$3750, License Revocation
2008-04557	Victor M. Stemberger, Jr. Aldie, VA	18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$2500, \$150 Board Costs, 6 Hours of Continuing Education
2008-02590	Mary G. McClellan Suffolk, VA	18 VAC 135-20-300 - Misrepresentation/Omission Fined \$300, \$150 Board Costs, 2 Hours of Continuing Education
2009-00826	Alberta Huwar Fredericksburg, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care 18 VAC 135-20-310 - Delivery of Instruments Fined \$850, \$150 Board Costs, 8 Hours of Continuing Education
2008-03932	George A. Spruill Portsmouth, VA	18 VAC 135-20-280 - Improper Brokerage Commission Fined \$2500, License Revocation
2007-03716	Donna G. Hawkins Mount Sidney, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-270 - Conflict of Interest Fined \$1600, License Revocation
2008-01378	Thomas W. Beck, III Woodbridge, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (3 Counts) License Revocation
2008-04066	Tamara A. Inzunza Woodbridge, VA	18 VAC 135-20-300 - Misrepresentation/Omission Fined \$250, \$150 Board Costs, 4 Hours of Continuing Education



## DISCIPLINARY ACTIONS (Cont.)



<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2008-04485	Monique L. Summerlin Virginia Beach, VA	§54.1-2138.A - Failure to Disclose Brokerage Relationship Fined \$350, \$150 Board Costs, 2 Hours of Continuing Education
2009-01237	Mohamud H. Ali Herndon, VA	18 VAC 135-20-190 - Advertising by Licensees Fined \$250, \$150 Board Costs, 6 Hours of Continuing Education
2009-01197	Bernadine W. Doggett Richmond, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, License Revocation
2009-00456	German Pomajambo Springfield, VA	§54.1-2131.A.2.a - Failure to Promote the Interests of the Seller Fined \$500, \$150 Board Costs, 8 Hours of Continuing Education
2009-00455	James D. Hardy Chester, VA	18 VAC 135-20-210 - Failure to Disclose Interest Fined \$500, \$150 Board Costs, 4 Hours of Continuing Education
2009-00712	Steven H. So Fairfax, VA	18 VAC 135-20-270 - Conflict of Interest \$150 Board Costs, License Revocation
2009-01029	Jonathan S. McGinnis Centreville, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts Fined \$300, \$150 Board Costs, 2 Hours of Continuing Education

## Fair Housing

The Fair Housing Board administers and enforces the Virginia Fair Housing Law, although the Real Estate Board is responsible for fair housing cases involving real estate licensees or their employees. Each board investigates housing discrimination through the Virginia Fair Housing Office at the Department of Professional and Occupational Regulation. All fair housing cases must attempt conciliation – an alternative dispute resolution approach using informal negotiation. Successful conciliation agreements are public unless both parties request and agree to a confidentiality clause. If conciliation is unsuccessful in resolving the complaint, the Board determines whether reasonable cause exists to support a charge of discrimination. In cases where the Board determines reasonable cause and issues a charge of discrimination, the Office of the Attorney General brings civil suit in circuit court seeking relief for the complainant. The following cases represent fair housing actions rendered by the Real Estate Board at its November 2008 and January 2009 meetings:

<u>Action</u>	<u>Case Number</u>	<u>Case Name</u>
Conciliation Agreement	2009-00555	Melissa Jackson and Keith Marousek v. John M. Ryan and Anne Marie T. Ryan. Greenbackville, VA
Discrimination based on Familial Status	2008-03947	Sandra Tabb v. Michelle Bell, Steven Rowe, and Bay Country, Inc. Gloucester, VA
Discrimination based on Refusing to make a Reasonable Accommodation based on Handicap	2008-04043	Patricia Walsh v. Bettie Tussey, Carolyn Brockwell and Dawn Bradley Midlothian, VA
Settlement Agreement	2007-00009	Bettie High v. Hercules Real Estate Services, Inc., et al. Front Royal, VA
Settlement Agreement	2007-02016	Rosalyn Jackson-Rush and Alphonso Rush v. Georges & Company and Christopher A. Georges Charlottesville, VA
Settlement Agreement	2007-01497	Shelby James v. George's Realty, Inc. and Ray Priola Newport News, VA



## Real Estate Board Advisory Council Annual Meeting Summary

### By Joseph K. Funkhouser, II, Advisory Council Chairman



The Virginia Real Estate Board Advisory Council (Advisory Council) met in Richmond on December 8, 2008, to review the Board's post license education program for new salesperson licensees pursuant to § 54.1-2105.01.B of the *Code of Virginia*.

At its October 29, 2007, meeting, the Advisory Council concluded the post license education program's three practice track format (Residential Real Estate, Commercial Real Estate and Property Management) has not succeeded in meeting the program's initial goal of providing the best education for new salespersons. As a result, the Advisory Council recommended the Real Estate Board (the Board) work to amend the *Code of Virginia* to remove the three practice tracks from the post license education program.

At its November 8, 2007, meeting, the Board approved this Advisory Council recommendation. Since it was too late at that time for the Board to request this change be made during the 2008 General Assembly session, the Board requested this proposal be addressed by the 2009 General Assembly.

On December 8, 2008, DPOR Director Jay DeBoer informed the Advisory Council that its 2007 meeting recommendation to remove the three practice tracks from §54.1-2105.01 of the *Code of Virginia* will not be included in the DPOR legislative agenda for the 2009 General Assembly session due to Governor Kaine's legislative priorities for this year. Mr. DeBoer explained that although the Advisory Council recommendation is important, it did not rise to the level of being included as part of the Governor's 2009 legislative agenda. The Advisory Council then voted to reaffirm to the Board its 2007 recommendation to remove the three practice tracks from §54.1-2105.01 of the *Code of Virginia*.

The Advisory Council also listened to a presentation on "Commercial Designation for Real Estate Licenses" from Curtis Mummau and Conrad Koneczny of the Virginia Association of Realtors Commercial Alliance. Mr. Mummau and Mr. Koneczny stated there are many real estate licensees who are practicing commercial real estate in Virginia without having achieved a minimal level of competency in commercial real estate transactions. They recommended: 1) The Board explore requiring additional hours of one-time training for any Board licensee who performs commercial real estate; and 2) Establishing a separate certification for licensees practicing commercial real estate. The Advisory Council voted to forward the information received by Mr. Mummau and Mr. Koneczny to the Board for its consideration at its next meeting.

At its January 15, 2009, meeting, the Board approved the 2008 Advisory Council report and accepted its recommendation. You can review this report at: [http://www.townhall.virginia.gov/L/GetFile.cfm?File=E:\townhall\docroot\Meeting\91\12126\Minutes\\_DPOR\\_12126\\_v3.pdf](http://www.townhall.virginia.gov/L/GetFile.cfm?File=E:\townhall\docroot\Meeting\91\12126\Minutes_DPOR_12126_v3.pdf)

#### Message from the Chair (Continued from Page 1)

Our number of licensees is dwindling as the economy has affected our industry in a big way, but the number of cases we are hearing has not significantly decreased. We do our best to examine the merits of each case and make good decisions. The best decision on YOUR part is to KNOW the rules and regulations, ask questions of your broker or Board staff, and act ethically, professionally and responsibly. An excuse of "I didn't know" or "I didn't understand" is not a good defense. Empower yourself, and remember that acting in the best interest of the client, and not your own, is always the best decision.

If you ever have challenges with our communication systems or questions, please let us know at (804) 367-8526 or [REBoard@dpor.virginia.gov](mailto:REBoard@dpor.virginia.gov)

Good Luck,

Carol

#### VREB Speaking Accessible Only On Web

Effective January 6, 2009, Governor Kaine prohibited the use of state resources to pay for the printing of documents due to the tight economic times. Therefore, *VREB Speaking*, the Real Estate Board's (the Board) quarterly newsletter, will no longer be printed and mailed to Board licensees.

*VREB Speaking* is available on the Board's website. Please keep up to date on current Board matters by reviewing each newsletter on-line.

*VREB Speaking* may be accessed by going to the Board's website: [http://www.dpor.virginia.gov/dporweb/reb\\_main.cfm](http://www.dpor.virginia.gov/dporweb/reb_main.cfm) and clicking on "Newsletters" on the right side of the web page.