



VIRGINIA REAL ESTATE BOARD

VREB *SPEAKING*

www.dpor.virginia.gov

Fall 2010

Message from the Chair



Byrl P. Taylor

As Fall leaves spiral downward welcoming the Holiday Season, we all have much for which to give thanks. Although the economy and housing market are not recovering as quickly as we would like, we can all be thankful for our families, friends and freedoms. I hope you finish 2010 on a strong note and trust you will profit from this issue of *VREB Speaking*.

The Real Estate Board Advisory Council held its annual meeting on October 26 and once again recommended that the Code of Virginia be amended to remove the post license education program's three Practice Tracks. Hopefully, the 2011 General Assembly will address this matter. The Advisory Council also considered the draft recommendations of the Virginia

Association of Realtors Professionalism Work Group. The article on page 3 describes this meeting.

The Board's Regulatory Review Committee (Committee) has met a number of times during the past year and Committee Chair Sharon Parker Johnson provides an update on the Committee's progress in an article on page 4. Congratulations are also in order for Sharon who was elected Vice Chair of the Board at our November meeting.

The Board's disciplinary actions from its September and November 2010 meetings are listed on pages 5 through 9. The November meeting was especially busy as the Board considered and approved 29 Virginia Real Estate Transaction Recovery Act claims against one licensee - Athans, Inc., t/a St. John's Realty.

The Board must have proof from a Virginia court that a Board licensee has engaged in improper or dishonest conduct in practicing real estate to pay a Real Estate Transaction Recovery Act claim. As soon as the claim is paid, the Board revokes the regulant's license.

The Board's top ten regulatory violations during the past four years are listed on page 10. As usual, violations having to do with licensees engaging in "unworthiness and incompetence" lead the list.

Please feel free to contact the Board or me at 804-367-8526 or REBoard@dpor.virginia.gov with your ideas and concerns about real estate in Virginia.

Sincerely,

Byrl P. Taylor, Chair

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

Robert F. McDonnell
Governor

James S. Cheng
Secretary, Commerce & Trade

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2011 Meeting Dates

January 27, 2011

March 17, 2011

May 12, 2011

July 14, 2011

September 29, 2011

November 17, 2011

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

BOARD MEMBERS

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

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

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

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

Sandra Ferebee
Norfolk
Licensee Member
Four-year term ends on 6/30/14

Joseph Funkhouser, II
Harrisonburg
Licensee Member
Four-year term ends on 6/30/14

Jorge G. Lozano
Annandale
Citizen Member
Four-year term ends on 6/30/14

Clifford Wells
Virginia Beach
Licensee Member
Four-year term ends on 6/30/13

DPOR Staff

Gordon Dixon, 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
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Education Section - 804-367-2406
Fax Number - 804-527-4298
E-mail - REBoard@dpor.virginia.gov
Internet - www.dpor.virginia.gov
DPOR Main Number - 804-367-8500
Complaints Section - 804-367-8504
Common Interest Community Board- 804-367-8510

Real Estate Board Advisory Council Annual Meeting

By Joseph K. Funkhouser, II, Advisory Council Chairman



The Virginia Real Estate Board Advisory Council (Advisory Council) had its annual meeting in Richmond on October 26, 2010, 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*.

The Advisory Council welcomed two new members appointed by the Real Estate Board. They are Carmen Martin of Ford Real Estate in Hopewell and Gladys Fain of Prudential Towne Realty in Virginia Beach.

For the fourth consecutive year, 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 met the program's initial goal of providing the best education for new salespersons, and it again 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.

The recommendation to remove the three practice tracks from § 54.1-2105.01 of the *Code of Virginia* was not included in the DPOR legislative agenda for the 2010 General Assembly session. State agencies, such as DPOR, submit their legislative suggestions to the Administration each August, in accordance with the Governor's criteria.

The bulk of this year's Advisory Council meeting consisted of a presentation and discussion of the preliminary recommendations of the Virginia Association of Realtors Professionalism Work Group (Work Group). The goal of the Work Group is to increase professionalism among Virginia real estate licensees.

At its September 9, 2010, meeting the Board directed the Advisory Council to consider the Work Group's recommendation that the Code of Virginia be amended to grant the Board greater authority and

flexibility to set real estate continuing education license renewal requirements and then report its findings to the Board at its November 18, 2010, meeting.

At the October 26 meeting, Advisory Council member Boyd Smith, who also serves on the Work Group, said the continuing education recommendation is one of many Work Group recommendations and asked if the Advisory Council would like Work Group Chairman Brad Boland to share all the recommendations with the Advisory Council. The Advisory Council agreed and Mr. Boland explained the nine Work Group recommendations that addressed the following four subject areas: 1) Broker Supervision; 2) Continuing Education; 3) Testing; and 4) Single License.

After discussing the Work Group recommendations, the Advisory Council advised that the Board support "Broker Supervision" Recommendations 1 and 2 and that the Board support Recommendation 3 in concept.

The Advisory Council advised that the Board support "Continuing Education" Recommendation 1 and that it support Recommendation 2 with the provision that only surplus elective continuing education hours be carried forward for continuing education credit to the next two-year licensure term.

The Advisory Council advised that the Board support "Testing" Recommendation 2 and that it support Recommendation 1 with the provision that no limit be placed on the number of times a prospective licensee can take the license examination.

The Advisory Council also advised that the Board support the idea of a "Single License" as expressed in Recommendations 1 and 2, but more details are needed as to how this measure would actually be implemented.

The full Advisory Council Report and Work Group Recommendations can be viewed online at: http://www.townhall.virginia.gov/L/GetFile.cfm?File=E:\townhall\docroot\Meeting91\15272\Minutes_DPOR_15272_v3.pdf

At its November 18, 2010, meeting, the Board approved the Advisory Council recommendation that it continue to work to remove the three practice tracks from § 54.1-2105.01 of the *Code of Virginia*. The Board took under advisement and will reconsider at its January 27, 2011, meeting, the Advisory Council's recommendations concerning the Virginia Association of Realtors' Professionalism Work Group preliminary recommendations.

Real Estate Board Regulatory Review Committee

By Sharon Parker Johnson, Regulatory Review Committee Chair



The Virginia Real Estate Board (Board) is in the process of the standard periodic review of its regulations as required by the Virginia Administrative Process Act (APA) in the Code of Virginia.

Governor McDonnell established policies and procedures for the review of all regulations in Executive Order 14, *Development and Review of*

Regulations Proposed by State Agencies, which states in part, "All regulatory activity should be undertaken with the least possible intrusion in the lives of the citizens of the Commonwealth consistent with public health, safety and welfare. Proposed and final regulations shall reflect the Governor's initiative that state government operate more efficiently and effectively." Executive Order 14 can be reviewed at: http://www.governor.virginia.gov/Issues/ExecutiveOrders/pdf/EO_14.pdf

The Board is required to conduct a periodic review of its regulations every four years to ensure that each regulation complies with the principles set out in Executive Order 14. The Board's current regulations went into effect on April 1, 2008, and the review process usually takes between 18-36 months to complete. The standard regulatory review process consists of three stages: Stage 1 - Notice of Intended Regulatory Action (NOIRA); Stage 2 - Proposed Regulation; and Stage 3 - Final Regulation.

The Board established a Regulatory Review Committee (Committee) for this purpose and Board members Carol Clarke, Cliff Wells, Joe Funkhouser and I serve on this Committee. The Committee met six times during 2010 to evaluate, research and discuss the following regulations: 1) Place of Business - 18 VAC 135-20-160; 2) Maintenance and Management of Escrow Accounts - 18 VAC 135-20-180; 3) Maintenance and Management of Financial Records - 18 VAC 135-20-185; 4) Advertising by Licensees - 18 VAC 135-20-190; and 5) Disclosure of Interest - 18 VAC 135-20-210.

The Committee also requested that the Board's Education Committee review all education-related regulations for proposed changes. The Education Committee has suggested making the following changes: 1) Proprietary School Financial Responsibility Requirement - 18 VAC 135-20-360.A; 2) Distance

Learning Notarized Affidavit Requirement - 18 VAC 135-20-360.E; 3) Online Course Minimum Seat Time Requirement - 18 VAC 135-20-360.D & E; 4) ARELLO Distance Education Certification Required for Distance Learning Courses - 18 VAC 135-20-360.D & E; 5) Revise Pre-license Education Instructor Qualifications - 18 VAC 135-20-360.A; and 6) Change Course Expiration period from five to three years - 18 VAC 135-20-360.F.

When the Regulatory Review Committee completes its evaluation and research of the Board's current regulations, it will draft and submit to the Executive Branch for review the NOIRA, which must include all regulations that the Board intends to amend along with the reasons why these particular regulations should be amended. It is vital that the Board address every regulatory change prior to submitting the NOIRA because issues not raised in the NOIRA cannot be addressed at a subsequent stage of the regulatory review process unless they are first approved by the Governor's Chief of Staff.

After the NOIRA is approved by the Executive Branch, it will be published in the *Virginia Register of Regulations*, which begins a thirty day public comment period. The Board will then consider the public comments, make any necessary changes and approve the Proposed Regulation (Begin Stage 2).

The Proposed Regulation will then be submitted to the Executive Branch for review. After the Proposed Regulation is approved by the Executive Branch, it will be published in the *Virginia Register of Regulations*, which begins a sixty day public comment period. The Board will then consider the public comments, make any necessary changes and approve the Final Regulation (Begin Stage 3).

The Final Regulation will then be submitted to the Executive Branch for review. After the Final Regulation is approved by the Executive Branch, it will be published in the *Virginia Register of Regulations*, which begins a thirty day final adoption and public comment period.

The Final Regulation becomes effective at the conclusion of this thirty day period unless: 1) It is suspended; or 2) Changes with substantial impact have been made between the proposed and final stages and 25 or more people and/or the Governor petition the Board, which requires that an additional public comment period be held.

The Regulatory Review Committee will next meet at the DPOR Office in Richmond on Wednesday, January 26, 2011 to discuss 18 VAC 135-20-260.10 - "Unworthiness and Incompetence - Failing to act as a real estate broker or salesperson in such a manner as to safeguard the interests of the public." Feel free to attend this meeting. Please contact the Board office at 804-367-8526 or reboard@dpor.virginia.gov if you have any questions.



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 SEPTEMBER and NOVEMBER 2010 MEETINGS CAN BE VIEWED AT: 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 & Sanctions</u>
2010-05072	Emily M. Johnson Purcellville, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts \$150 Board Costs, 3 hours Continuing Education
2010-03491	Marion H. Hawkins Hopewell, VA	18 VAC 135-20-300 - Misrepresentation/Omission \$500 Monetary Penalty, \$150 Board Costs, 4 hours Cont. Education
2010-03550	Aaron J.L. Estrada Leesburg, VA	18 VAC 135-20-170 - Maintenance of License 18 VAC 135-20-260 - Unworthiness & Incompetence (6 counts) \$1500 Monetary Penalty, \$150 Board Costs, 2 hours Cont. Education
2010-01171	Teri F. Davidson Chesapeake, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, License Revocation
2010-01270	Racquel R. Harbaugh King George, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) 18 VAC 135-20-290 - Improper Dealing \$3500 Monetary Penalty, License Revocation
2010-02045	James R. Jordan Norfolk, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$600 Monetary Penalty, License Revocation
2010-01874	Malcolm M. Norris Milford, VA	18 VAC 135-20-260 - Unworthiness & Incompetence License Revocation
2010-04633	Vandeleite D. Ware Virginia Beach, VA	18 VAC 135-20-250 - Failure to Respond to Board Inquiry 18 VAC 135-20-260 - Unworthiness & Incompetence (3 counts) \$5750 Monetary Penalty, \$150 Board Costs, 3 hours Continuing Education, License Revocation



DISCIPLINARY ACTIONS (Cont.)



<u>Case Number</u>	<u>Licensee</u>	<u>Violations & Sanctions</u>
2010-04354	Kevin O. Ward Washington, D.C.	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$550 Monetary Penalty, \$150 Board Costs, 3 Hours Cont. Education
2010-01671	Lisbeth A. Viafara Sterling, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care as a Licensee Engaged by a Seller \$500 Monetary Penalty, \$150 Board Costs, 3 Hours Cont. Education
2010-03993	Hossein Goal Great Falls, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, 1-Year License Probation w/ Quarterly Reporting
2010-04227	Michael J. Bouchard Stafford VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts \$400 Monetary Penalty, \$150 Board Costs, 4 Hours Cont. Education
2010-03855	Milton M. Brown McLean, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, License Revocation
2010-03113	Tidewater Realty & Management, Inc Norfolk, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$17,287.50, License Revocation
2010-03858	Tidewater Realty & Management, Inc Norfolk, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$7,253.00, License Revocation
2010-03828	Dorcas M. Hall Yorktown, VA	§ 54.1-2105.2 - Cease and Desist from Acting as an Unlicensed Real Estate Broker or Salesperson in Virginia
2010-05577	Theresa I. Nam Falls Church, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$150 Board Costs, 6-month License Probation w/ Quarterly Reporting
2011-01416	Sara S. Adams Mechanicsville, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, 1-year License Probation w/ Quarterly Reporting
2011-00693	Lourdes Rojas-Almanza Falls Church, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) License Revocation, Agrees to not apply for, or obtain, a Virginia real estate salesperson or broker license in the future
2010-04163	Juan F. Chicas, Sr. Fredericksburg, VA	18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-310 - Delivery of Instruments \$1400 Monetary Penalty, \$150 Board Costs, 8 Hours Cont. Education
2010-02988	Noorjahan Syeda Arlington, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$2900 Monetary Penalty, \$150 Board Costs, License Revocation
2009-01896	Mirtes S. Happy-Nysven Fairfax, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$1500 Monetary Penalty, Broker License Revocation with Simultaneous Issuance of Salesperson License, 3-year Salesperson License Probation with Quarterly Reporting, Must retake and complete 180 class/clock hours of Board-approved broker pre-license education before submitting broker license application.
2010-04452	Gail A. Franke McLean, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts \$500 Monetary Penalty, \$150 Board Costs



DISCIPLINARY ACTIONS (Cont.)



<u>Case Number</u>	<u>Licensee</u>	<u>Violations & Sanctions</u>
2010-05638	Tony C. Cash Monroe, VA	18 VAC 135-20-210 - Disclosure of Interest 18 VAC 135-20-310 - Delivery of Instruments \$1150 Monetary Penalty, \$150 Board Costs, 8 Hours Cont. Education
2010-01582	Tony C. Cash Monroe, VA	18 VAC 135-20-210 - Disclosure of Interest 18 VAC 135-20-300 - Misrepresentation/Omission \$1500 Monetary Penalty, License Revocation
2010-03559	James L. Cash Madison Heights, VA	18 VAC 135-20-310 - Delivery of Instruments \$150 Board Costs, 2 Hours Continuing Education
2010-05661	Are J. Andresen Falls Church, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts \$300 Monetary Penalty, \$150 Board Costs, 4 Hours Cont. Education
2010-04829	Dale G. Strawser Fairfax, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts 18 VAC 135-20-300 - Misrepresentation/Omission \$1000 Monetary Penalty, License Probation until Complete 8 hours of Continuing Education
2010-01247	Kathleen G. Carter Powhatan, VA	18 VAC 135-20-210 - Disclosure of Interest 18 VAC 135-20-220 - Disclosure of Brokerage Relationships 18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$6000 Monetary Penalty, License Revocation
2010-05196	Nathan D. Rowe Richmond, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts \$500 Monetary Penalty, \$150 Board Costs
2010-00248	Nick Khawaja Broadlands, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$1500 Monetary Penalty, License Revocation
2010-00417	Aliyah N. Malik Leesburg, VA	18 VAC 135-20-260 - Unworthiness & Incompetence \$2500 Monetary Penalty, License Revocation
2010-01986	Janice W. Grenadier Alexandria, VA	18 VAC 135-20-240 - Provision of Records to the Board 18 VAC 135-20-250 - Failure to Respond to Board Inquiry 18 VAC 135-20-260 - Unworthiness & Incompetence (3 counts) \$12500 Monetary Penalty, License Revocation
2010-02801	Juliette S. Ghabbour Fairfax, VA	18 VAC 135-20-170 - Maintenance of License 18 VAC 135-20-210 - Disclosure of Interest License Revocation
2010-03854	Larry S. Brown Fairfax, VA	§ 6.7.5 - Unworthiness & Incompetence (Effective June 28, 1995) 18 VAC 135-20-260 - Unworthiness & Incompetence \$1500 Monetary Penalty, License Revocation
2011-00806	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2,459.25, License Revocation (Claim amount subject to proration)
2010-06057	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2,990.50, License Revocation (Claim amount subject to proration)



DISCIPLINARY ACTIONS (Cont.)



<u>Case Number</u>	<u>Licensee</u>	<u>Violations & Sanctions</u>
2010-06038	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$740.50, License Revocation (Claim amount subject to proration)
2011-00614	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1740.50, License Revocation (Claim amount subject to proration)
2011-00615	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1921.75, License Revocation (Claim amount subject to proration)
2010-06049	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2084.25, License Revocation (Claim amount subject to proration)
2010-06051	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1209.25, License Revocation (Claim amount subject to proration)
2010-06047	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$5803.00, License Revocation (Claim amount subject to proration)
2010-06060	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$678.00, License Revocation (Claim amount subject to proration)
2011-00612	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1928.00, License Revocation (Claim amount subject to proration)
2011-00029	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1546.75, License Revocation (Claim amount subject to proration)
2011-00609	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$4886.06, License Revocation (Claim amount subject to proration)
2011-00031	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2709.25, License Revocation (Claim amount subject to proration)
2010-06048	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$4428.00, License Revocation (Claim amount subject to proration)
2011-00028	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2021.75, License Revocation (Claim amount subject to proration)
2010-06053	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2276.75, License Revocation (Claim amount subject to proration)



DISCIPLINARY ACTIONS (Cont.)



<u>Case Number</u>	<u>Licensee</u>	<u>Violations & Sanctions</u>
2010-06035	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1421.75, License Revocation (Claim amount subject to proration)
2010-06054	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2365.50, License Revocation (Claim amount subject to proration)
2010-06058	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1678.00, License Revocation (Claim amount subject to proration)
2010-06059	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1615.50, License Revocation (Claim amount subject to proration)
2010-06036	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$3865.50, License Revocation (Claim amount subject to proration)
2011-00533	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1365.50 License Revocation (Claim amount subject to proration)
2011-00600	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1240.50, License Revocation (Claim amount subject to proration)
2011-00604	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2590.50, License Revocation (Claim amount subject to proration)
2011-00606	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$2303.00 License Revocation (Claim amount subject to proration)
2011-00608	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1303.00, License Revocation (Claim amount subject to proration)
2011-00611	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1021.75, License Revocation (Claim amount subject to proration)
2011-00796	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$3584.25, License Revocation (Claim amount subject to proration)
2011-00799	Athans, Inc., t/a St. John's Realty Richmond, VA	§ 54.1-2112 et seq - Virginia Real Estate Transaction Recovery Act Claim approved for \$1615.50, License Revocation (Claim amount subject to proration)

THE BOARD'S TOP TEN REGULATORY VIOLATIONS

From January 2007 through November 2010

1. Unworthiness and Incompetence – Failure to safeguard the interests of the public
[18 VAC 135-20-260.10] - **117 Occurrences***
2. Failure to Maintain and Manage Escrow Accounts
[18 VAC 135-20-180] - **85 Occurrences***
3. Unworthiness and Incompetence – Engaging in improper, fraudulent or dishonest conduct
[18 VAC 135-20-260.11] - **71 Occurrences***
4. Unworthiness and Incompetence – Criminal conviction
[18 VAC 135-20-260.5] - **61 Occurrences***
5. Improper Delivery of Instruments
[18 VAC 135-20-310] - **49 Occurrences***
6. Failure to Maintain and Manage Financial Records
[18 VAC 135-20-185] - **40 Occurrences***
7. Unworthiness and Incompetence – Failure to inform the Board within 30 days of a criminal conviction
[18 VAC 135-20-260.6] - **39 Occurrences***
8. Misrepresentation/Omission
[18 VAC 135-20-300] - **36 Occurrences***
9. Failure to Disclose Interest
[18 VAC 135-20-210] - **28 Occurrences***
10. Unworthiness and Incompetence – Obtaining a license by false or fraudulent representation
[18 VAC 135-20-260.1] - **24 Occurrences***



[] Regulation Citation in brackets

* Number of Violation Occurrences during this time period

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 if reasonable cause exists to support a charge of discrimination. In cases where the Board determines reasonable cause and issues a charge of discrimination, the Attorney General's Office brings civil suit in circuit court seeking relief for the complainant. The following are the fair housing actions rendered by the Real Estate Board at its September and November 2010 meetings:

<u>Action</u>	<u>Case Number</u>	<u>Case Name</u>
Conciliation Agreement	2010-05047	Housing Opportunities made Equal v. Brenda Griffin and Drucker and Falk
Conciliation Agreement	2010-04796	Darryl Johnson v. Whittle & Roper, Inc. and Joseph P. Whittle, Jr.
Conciliation Agreement	2010-05058	Timothy Voigtsberger v. S.L. Nusbaum Realty Co.
Conciliation Agreement	2010-03596	Andrea Vaughan v. Community Housing Partners
Conciliation Agreement	2010-05856	Dimetra Redd v. Landmark Property Services, Inc.
Conciliation Agreement	2010-05765	Nora Ward v. Hercules Real Estate Services and Todd Copeland
Discrimination by Refusing to Rent and Making Discriminatory Statements Based upon Familial Status	2010-02896	Frances Owens v. Billy Eudailey and W. W. Eudailey, t/a Eudailey & Co./GMAC Real Estate