As summer draws to a close, and a new school year begins, it is a good time for real estate licensees to review their practice to ensure compliance with all Virginia laws and Board regulations. Brokers should especially provide instruction and training to make sure the licensees under their authority understand and comply with all laws and regulations.

The Board and DPOR are finalizing the “Online Salesperson Transfer” process. This process will allow a salesperson to transfer his/her active license to a new real estate firm completely online. Even if the broker of the new firm doesn’t participate in online approval, the transfer process will be faster and easier, even for paper approvals initiated online by the salesperson. The article on page 2 describes this process.

Two new Board Members have been appointed by the Governor recently. They are Jennifer Boysko and Antonio Elias, and they are introduced in an article on page 3.

The Board’s Education Committee has been busy the past year receiving public input, discussing ideas and making recommendations on how to improve the Board’s education program. The article on pages 4 through 6 summarizes the Committee’s work.

On a related matter, pre-license course pass rate information for Board-approved schools is now on the Board’s website here.

The Board’s disciplinary actions from its May and July 2014 meetings are listed on pages 7 through 9. The two regulations violated most by licensees were 18 VAC 135-20-180 (Maintenance & Management of Escrow Accounts) and 18 VAC 135-20-260 (Unworthiness and Incompetence).

The changes to the Board’s regulations outlined in the Spring 2014 newsletter are still under review by the Governor’s Office. There is no deadline for the Governor to complete his review, so it is unknown when these changes will go into effect.

Please contact Board staff or me at REBoard@dpor.virginia.gov or 804-367-8526 with your ideas about real estate in Virginia.

Joe Funkhouser, Chairman
Launching Soon -
Online Salesperson License Transfer

The Board will soon be offering an online option for active real estate salespersons to transfer their licenses to a new real estate firm. This will be an optional alternative to the current all-paper application process.

Principal brokers, sole proprietors and brokers with signature authority who want to approve a salesperson to transfer to his firm or sole proprietorship will be able to do so completely online, instead of signing and submitting a hard-copy application to the Board. However, even if a salesperson starts the process online, and for whatever reason the new broker does not want to approve it online, the broker will still be able to complete the transfer by emailing or faxing a paper approval form called the “Online Approval-Broker Acknowledgement Form” to the Board.

To initiate the online transfer application process, the salesperson must first create a DPOR Online Services profile, complete the Online Salesperson Transfer application (an online video tutorial will be available soon) and then send the new broker the APPLICATION SUMMARY (by email, fax or mail). This SUMMARY includes instructions on how the broker completes the transfer approval.

Online approvals require the broker to create and use his own DPOR Online Services profile. After the broker receives and reviews the Application Summary, he can approve the transfer online. If a broker does not want to approve the transfer online, he can instead submit the Broker Acknowledgement Form, which will be available on the board’s website when the online application goes live.

The transfer will take effect once the broker provides either online approval or signs the hard-copy Broker Acknowledgment Form. A salesperson should not practice real estate with the new firm to which he is transferring until the new broker approves his transfer either online or by signing the paper form. License Lookup will update the day after the Board records the transfer.

In order to make the process easier, we encourage all users to create a User ID and password in advance (a video tutorial, PDF Registration Guide, and FAQs are currently available on the DPOR website).
Meet the New Real Estate Board Members

Two new Board Members have been appointed by the Governor to four-year terms. They are Jennifer Boysko and Antonio Elias.

Ms. Boysko of Herndon, a citizen member, serves as aide to Fairfax County Supervisor John Foust on housing, economic, finance and transportation issues. She formerly served as Mr. Foust's health and human services aide and as his liaison to the Town of Herndon for the Phase II Silver Line Metro project. Ms. Boysko has a long history of community involvement and has spent much time volunteering while raising two daughters. She currently serves on the Herndon High School PTSA, St. Timothy’s Episcopal Church Diocesan Council and the Herndon Fortnightly Club. Ms. Boysko is a Hollins University graduate.

Mr. Elias of Charlottesville, a citizen member, is a student at the University of Virginia Law School where he serves as a member of the Editorial Board of the Virginia Law Review. Prior to starting law school, Mr. Elias worked as a legislative aide for Delegate Betsy Carr of the 69th House District. Antonio graduated from the College of William & Mary in 2009.

Continuing Education Elective Course Guidance Document

At its May 22, 2014, meeting, the Real Estate Board (Board) approved a guidance document on “Continuing Education General Elective Courses” to make clear the subjects the Board will approve for continuing education (CE) elective credit. The Board’s regulations identify 34 specific subjects that can be approved for elective CE credit in 18 VAC 135-20-101.2. Over time, the Board approved CE elective course applications on subjects that do not appear to meet these criteria, such as Business Planning, MLS Training, Facebook Business Management, Realtor Safety, and How Federal Tax Laws Affect a Licensee’s Business. By issuing this guidance document, the Board made clear to its approved schools and licensees the elective CE subjects it will approve. The text of this guidance document follows and can be accessed on the Board’s website here.

The Board is issuing this guidance document to interpret and implement the requirements of 18 VAC 135-20-101, 18 VAC 135-20-101.2, and 18 VAC 135-20-101.4 of the Board’s Regulations as a means of providing information or guidance of general applicability to the public: To ensure that Board-approved salesperson and broker general elective continuing education courses meet the standards of quality deemed by the Board to be necessary to protect the public health, safety and welfare pursuant to §§ 54.1-2105.02.A, 54.1-2105.02.B, 54.1-2105.03.A.1.c and 54.1-2105.03.A.2.b of the Code of Virginia, every general elective continuing education course application must be for one of the subject matters listed in 18 VAC 135-20-101.2.a.-hh as a condition for approval. However, the Board may approve additional subjects at its discretion in accordance with 18 VAC 135-20-101.4.
The Real Estate Board’s Education Committee (Committee) extended its 2013 and 2014 meetings to receive proposals and suggestions from licensees and the public on ways to improve the Board’s education program. Beginning with the September 2013 meeting, the Committee received input, considered, and provided recommendations or made decisions on the following fifteen subjects. The Committee will continue to receive input on improving the Board’s education program at its September 17 and November 19 meetings, which both begin at 2:00 p.m.

**Item One – Association of Real Estate Licensing Law Officials (ARELLO) Distance Education Certification (DEC) for Distance Learning Courses**

Board-approved education providers requested the Board eliminate the ARELLO DEC requirement for all non-correspondence distance education course applications since the cost for ARELLO DEC exceeded the educational value it provides. Distance learning courses with ARELLO DEC meet a set of established online educational standards. The Committee agreed the cost of requiring ARELLO DEC outweighed the public benefit. At its November 19, 2013, meeting the Board withdrew its January 1, 2011, Guidance Document requiring ARELLO Distance Education Certification as a condition to approve online and other distance education course applications.

**Item Two - Continuing Education Test-out Option**

The Committee discussed going to a “Test-out” system on the continuing education content licensees need to know every two years. “Testing-out” would require licensees to challenge or pass an exam to meet the CE license renewal requirement instead of completing the mandatory 16-hour or 24-hour CE requirement. The Committee will continue to study the test-out option to determine if it is a viable option.

**Item Three - North Carolina Real Estate Commission (NCREC) and Virginia Real Estate Board (VREB) Education Staff Comparison**

The Committee reviewed the education staffs of the NCREC and the VREB and noted the following significant differences between the two staffs: 1) The NCREC has more total staff and more professional education staff; 2) The NCREC does not review and approve school, course and instructor applications – its education staff does this; and 3) The NCREC has a less complicated education program, but their staff provides more guidance and exercises greater control over the program. The Committee recognizes that statutory, regulatory and budget changes would need to be made to establish education course application fees and authorize new VREB education staff positions.

**Item Four - VREB Speaking Newsletter – Frequency, Format, Delivery**

The VREB Speaking newsletter contains important information for licensees. Education providers and real estate licensees benefit by knowing the most common current Board violations to better target their educational offerings. VREB Speaking was last published in Spring 2012 and is supposed to be published quarterly. The increased workload in the Real Estate Board section due to the Board’s database migration and its ongoing effects are the primary reasons for recent non-publication. The committee recommended that quarterly publication of VREB Speaking be resumed immediately, and the newsletter be distributed to reach as many licensees as possible. The Spring 2014 edition of VREB Speaking was published in early May.

*(Continued on page 5)*
Item Five - Desirability of a Volunteer Panel to Review Course Applications
The Committee discussed the large number of approved courses, the content of some approved continuing education courses, and the idea that course applications may be reviewed better by a panel of Board-designated licensed brokers and salespersons. The Committee determined the establishment of a volunteer course review panel is not feasible at this time due to possible confidentiality issues, but this matter may be worthy of further study.

Item Six - Distance Education Course Review Funded by Education Providers
The Committee discussed the possibility of initiating course application fees to support Board staff’s review of online course applications and determined statutory, regulatory and budget changes would need to be made to establish education course application fees and authorize new Board education staff positions.

Item Seven - License Exam Questions not Taught or Mentioned in the Pre-license Class
Some license applicants indicated they did not know they were responsible for all the “Examination Study Materials” listed in the PSI “Candidate Information Bulletin” (CIB) until they arrived at the PSI testing location on the day of their license examination. These applicants said they were not taught many of the “Examination Study Materials” in their pre-license course but were expected to know this content for the license examination. The Committee directed Board staff to send an email to all education providers that teach Board-approved pre-license education courses instructing these schools to distribute the PSI Exams Candidate Information Bulletin (CIB) to all students at the beginning of each course.

Item Eight - Pre-license Education Course Materials’ Quality
The Committee discussed improving the Board’s pre-license education to better prepare licensees and protect the public. The regulations governing the pre-license course content have not changed since 1999. The pre-license course and license examination are the beginning of real estate knowledge. The Committee concluded the broker-salesperson relationship is the place for lifelong real estate education, and this educational relationship should be improved.

Item Nine - Guidance Document for Continuing Education Elective Courses
The Committee recommended approving a guidance document to clarify what content qualifies for “General Elective” continuing education (CE) credit. There are 34 accepted Real Estate Related CE subjects in 18 VAC 135-20-101.2 of the Board’s regulations, and 18 VAC 135-20-101.4 of the Board’s regulations authorizes the Board to approve additional subjects at its discretion and in accordance with the Continuing Education statute. The Board approved this guidance document at its May 22, 2014, meeting (see article on page 3).

Item Ten - Breadth of the PLE “Current Industry Issues and Trends” Category
The Committee determined the post license education (PLE) “Current Industry Issues and Trends” category should be broad to include subjects such as technology, business planning, realtor safety, etc., since this two-hour course is the only “elective” course in the 30-hour PLE curriculum. These courses must protect the public health, safety and welfare and meet the minimum competency standard for a salesperson licensee.

(Continued on page 6)
Improving the Board’s Education Program

(Continued from page 5)

Item Eleven – License Examination Contract Extension
The Committee discussed the Board’s current contract with PSI Examinations, Inc. (PSI) to administer license examinations. This three-year contract went into effect on June 1, 2012, and ends May 31, 2015, with the option for two one-year contract renewals. The Committee recommended the Board approve a one-year contract extension, with modifications, of the current license examination contract with PSI and that the Board designate an ad hoc Committee to determine which modifications are needed. The Board concurred and approved this recommendation at its May 22, 2014, meeting.

Item Twelve - National and State License Examinations Content and Questions
The Committee discussed the content and length of the broker and salesperson license examination. The broker license examination consists of 80 national questions and 50 state questions. The salesperson license examination consists of 80 national questions and 40 state questions. The national examination of 80 items is ARELLO-accredited and was created based on a job analysis and test specification process which involved a large number of representative licensees. The state examination is created by using an existing examination question bank. PSI then brings in subject matter experts and Board members to write additional questions to supplement this examination question bank and to meet the Board’s specific examination needs.

Item Thirteen - More Meaningful and Interesting Continuing Education Courses
The Committee received comments from licensees indicating that many continuing education (CE) courses are repetitive and uninteresting - especially the mandatory courses that must be taken every two years. A statutory change is required to change the content and number of mandatory CE courses. The Committee encouraged Board-approved schools to offer more meaningful and interesting CE courses.

Item Fourteen - Training New Salespersons Adequately
The Committee discussed what could be done to train new salesperson licensees more effectively. The Committee recognized that the 30-hour post license education requirement for new salespersons is only a small part of the training a new salesperson should receive and that principal and supervising brokers are primarily responsible for training and educating the new salespersons under their authority. The Committee acknowledged that ensuring a minimum level of competency for new licensees is a difficult undertaking, and that the current system may not be achieving this objective. The Board may want to establish a strategic vision and course of action to address the essential competency issues and determine what would be the best model for pre-license education, post license education and on-the-job training for new salespersons.

Item Fifteen – The Future of Continuing Education
The Committee discussed whether real estate continuing education is accomplishing its statutory and regulatory objectives of ensuring minimum competency standards and protecting the public. The Committee noted the Virginia Board for Contractors is examining its Tradesman Licensure CE program to determine if Tradesman CE accomplishes its regulatory objective of protecting the public. The Board for Contractors has yet to reach a conclusion on this subject.
The Real Estate Board (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 FROM ITS MAY 2014 AND July 2014 MEETINGS CAN BE VIEWED AT: www.dpor.virginia.gov. Click on “License Lookup.” Then type the licensee’s name in the “Search License Records and Complaint History” box. Then check the box next to “Real Estate Individuals.” Then click the “Search Licenses” button. Then click on the highlighted “File Number” in the “Closed Complaints” section. The Order and Report of Findings for that case will appear.

<table>
<thead>
<tr>
<th>Case Number</th>
<th>Licensee</th>
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<td>Fort Belvoir, VA</td>
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<td>2014-00444</td>
<td>Ramiro Matos</td>
<td>18 VAC 135-20-260 - Unworthiness &amp; Incompetence 18 VAC 135-20-300 - Misrepresentation/Omission $1950 Monetary Penalty, $150 Board Costs, 6 hours Cont. Education</td>
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<td>Springfield, VA</td>
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<td>2013-01731</td>
<td>Pauline C. Thompson</td>
<td>18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-260 - Unworthiness &amp; Incompetence 18 VAC 135-20-300 - Misrepresentation/Omission $5600 Monetary Penalty, 6 hours Continuing Education, Six-Month License Suspense</td>
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<td>Falls Church, VA</td>
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<td>Cindy L. Stuart</td>
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<td>Bland, VA</td>
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<td>2013-03197</td>
<td>Chanel C. Harper</td>
<td>18 VAC 135-20-180 - Maintenance &amp; Management Escrow Accounts (Two Violations) $1400 Monetary Penalty, $150 Board Costs, 3 hours Continuing Education, One-Year License Probation and Quarterly Reporting to the Board</td>
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<td>2013-01740</td>
<td>Helen T. R. Barnard</td>
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<td>Amelia, VA</td>
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| 2013-03430 | Mario G. L. Sarmiento | 18 VAC 135-20-250 - Failure to Respond to Board Inquiry  
Fairfax, VA  
18 VAC 135-20-260 - Unworthiness & Incompetence  
$2600 Monetary Penalty, License Revocation |
| 2013-03031 | Traci R. Oliver-Kilgariff | 18 VAC 135-20-310 - Delivery of Instruments  
Chantilly, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
Virginia Beach, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
| 2013-01626 | Srinivas R. Matta | 18 VAC 135-20-260 - Unworthiness & Incompetence  
Ashburn, VA  
18 VAC 135-20-300 - Misrepresentation/Omission  
18-VAC 135-20-310 - Delivery of Instruments  
$3500 Monetary Penalty, License Probation and Quarterly Reporting for Two Years to the Board, 6 hours Continuing Education |
| 2013-02106 | Srinivas R. Matta | 18 VAC 135-20-260 - Unworthiness & Incompetence  
Ashburn, VA  
18 VAC 135-20-300 - Misrepresentation/Omission  
18-VAC 135-20-310 - Delivery of Instruments  
$2000 Monetary Penalty, License Revocation, 6 hours Cont Education |
Ashburn, VA  
License Revocation |
| 2014-00695 | Gary P. Lange, Jr. | 18 VAC 135-20-260 - Unworthiness & Incompetence  
Alexandria, VA  
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Salem, VA  
$150 Board Costs, 3 hours Continuing Education |
Salem, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
| 2014-01102 | Judy A. Wonus | 18 VAC 135-20-190 - Advertising by Licensees  
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| 2014-01355 | Lynn S. Avis | 18 VAC 135-20-180 - Maintenance & Management Escrow Accounts  
Roanoke, VA  
$300 Monetary Penalty, $150 Board Costs |
| 2014-01140 | Ralph C. Burchett, Jr. | 18 VAC 135-20-180 - Maintenance & Management Escrow Accounts  
Roanoke, VA  
$500 Monetary Penalty, $150 Board Costs, 6 hours Cont. Education |
| 2014-00527 | Mkyung Reaux | 18 VAC 135-20-180 - Maintenance & Management Escrow Accounts  
Mechanicsville, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
Virginia Beach, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
| 2014-00250 | Tresha S. Lee | 18 VAC 135-20-180 - Maintenance & Management Escrow Accounts  
Virginia Beach, VA  
$500 Monetary Penalty, $150 Board Costs, 3 hours Cont. Education |
| 2014-00240 | Bentley G. Affendikis | 18 VAC 135-20-300 - Misrepresentation/Omission  
Midlothian, VA  
$950 Monetary Penalty, $150 Board Costs, 4 hours Cont. Education |
| 2013-03511 | Phyllis A. Johnson | §54.1-2135.A.1 - Failure to Perform within the Terms of Property Management Agreement  
Buchanan, VA  
$450 Monetary Penalty, $150 Board Costs, 4 hours Cont. Education |
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<td>§ 54.1-2112 et seq. - Virginia Real Estate Transaction Recovery Act Claim Approved for $8609, License Revocation</td>
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<td>§ 54.1-2112 et seq. - Virginia Real Estate Transaction Recovery Act Claim Denied</td>
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<td>Fredrick R. Slatter</td>
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<td>Greene H. Lawson, Jr.</td>
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<td>§ 54.1-2112 et seq. - Virginia Real Estate Transaction Recovery Act Claim Approved for $4387, License Revocation</td>
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DPOR Staff

Jay DeBoer, Director
Nick Christner, Deputy Director
Mark Courtney, Senior Director
Lizbeth Hayes, Director
Fair Housing Office

Board Licensees
As of September 1, 2014

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<td>Pre-license Instructors</td>
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Total Licensees - 65,773

Real Estate Board Staff

Christine Martine
Executive Director

Kevin Hoeft
Education Administrator

Jeffrey Williams
Board Administrator

Emily Trent
Administrative Assistant

You Tube

Various Real Estate Application Video Tutorials on YouTube at:
http://www.youtube.com/user/VirginiaDPOR

- Online Renewal and Services Registration
- Broker License Activate/Transfer
- Salesperson License Activate/Transfer

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- Scheduled maintenance and service interruptions
- Office hours, holiday schedules, or weather delays
- Links to relevant articles, newsletters & releases