



## VIRGINIA REAL ESTATE BOARD

# VREB *SPEAKING*

www.dpor.virginia.gov

Summer 2009

### Message from the Chair



**Carol F. Clarke**

The Virginia Real Estate Board has benefited the last eight years from the service of Schaefer Oglesby. We salute Schaefer for his contributions as a member and former chair of the Board. His dedication and hard work have set a great example for Board participation.

In July, Governor Kaine appointed Clifford Wells of Virginia Beach as the newest member of the VREB. I have had the privilege of knowing Cliff for a number of years, and he will make a great addition to the VREB. All of us welcome him aboard and look forward to working with him.

This issue of *VREB Speaking* has some great articles that I hope you enjoy reading and

readily absorb. Fingerprinting of new licensees went into effect July 1, 2009, and although it may take a bit of time to get "all the kinks" out of the new system, the end result will benefit the public. This new policy is something we have been hoping to implement for some time.

Another eye-opening article is the report from Housing Opportunities Made Equal, Inc. (HOME) which shares with Virginia licensees the results of a fair housing audit in the Hampton Roads area. The results are disappointing and definitely show discrimination continues to exist in real estate rentals. As licensees we must do a better job of treating all who come to us for assistance equitably.

Board member Scott Gaeser has written an excellent article about the responsibilities of the broker, especially in the situation known as a "broker for hire."

The current real estate climate demands that we pay more attention to the details of each transaction...from start to finish. When the Board receives a complaint about a licensee, we look carefully and critically at the actions of the licensee throughout the entire transaction...and not just at the elements of the complaint.

Feel free to email me at REboard@dpor.virginia.gov with questions or suggestions.

Carol Clarke

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

### INSIDE THIS ISSUE:

Board Members & Staff	2
Board Contact Information	2
Fingerprinting Required for New Applicants	3
Return Broker License Here	4
ARELLO Meeting Update	5
Fair Housing Cases	5
HOME Fair Housing Audit	6
Disciplinary Actions	7-10

### 2009 Meeting Dates

September 10, 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

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

**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

## Fingerprinting/Criminal Background Check Required for New Licensees Effective July 1, 2009

As reported in the Spring 2009 "VREB Speaking," the 2009 General Assembly passed HB 2541 which requires DPOR and the Real Estate Board (the Board) to obtain criminal history record information for first-time real estate license applicants. This law went into effect on July 1, 2009, and requires each new real estate salesperson license applicant or new real estate broker license applicant to submit a set of fingerprints to the Virginia Central Criminal Records Exchange (CCRE) for the purpose of conducting a state and national fingerprint-based criminal history record check.

PSI Exams, Inc. (PSI), the Board's license examination provider, will electronically fingerprint license applicants at one of PSI's Virginia testing locations during regular testing hours. This fingerprinting service is offered for walk-ins only on a first-come, first-serve basis. You cannot schedule an appointment. The fingerprinting cost is \$62 (a \$37 state processing fee and a \$25 PSI processing fee), and may be made payable by money order, cashier's check, VISA or MasterCard. All fingerprinting fees are non-refundable for any reason once the fingerprinting service has been provided.

After PSI takes an applicant's electronic fingerprints, the data is forwarded to the CCRE, which conducts a statewide criminal history check. The CCRE also sends the fingerprint data to the Federal Bureau of Investigation (FBI) which conducts a national fingerprint-based criminal background check. The results of both the state and national data checks are sent directly to DPOR and the Board as soon as they are complete. **THIS PROCESS MAY TAKE A FEW WEEKS**, so please plan accordingly.

New license applicants must submit to the Board, as part of their application, the verification form provided by PSI as proof that their fingerprints have been submitted for a criminal background check.

The following Virginia PSI locations provide the fingerprinting service during the days and hours noted:

Daniel Building  
3805 Cutshaw Avenue, Suite 310  
Richmond, VA 23230  
Monday through Saturday from 10:00 am to 3:00 pm

McIlvaine Building  
6201 Leesburg Pike, Suite 404  
Falls Church, VA 22044  
Monday through Thursday and Saturday from 10:00 am to 3:00 pm

1651 Old Meadow Road, Suite B01  
McLean, VA 22101  
Monday through Wednesday & Friday-Saturday from 10 am to 3 pm

Pembroke IV Building  
291 Independence Blvd., Suite 140  
Virginia Beach, VA 23462  
Tuesday through Saturday from 10:00 am to 3:00 pm

Fralin and Waldron Office Park  
2847 Penn Forest Blvd., Building D, Suite 200  
Roanoke, VA 24018  
Monday through Saturday from 10:00 am to 3:00 pm

2114 Angus Road, Suite 105-B  
Charlottesville, VA 22901  
Tuesday, Thursday and Saturday from 10:00 am to 1:00 pm



## Return Broker License Here By Scott M. Gaeser, Board Member

Real estate firms who seek out a broker to lend his broker's license to the organization in exchange for payment is sometimes referred to as a "Broker for Hire."

This situation is permitted, so long as the broker is managing all responsibilities of the brokerage, including the escrow accounts. This situation is not permitted if brokers lend their license in name only, and the company, not the broker, manages and maintains all the accounting and escrow responsibilities.



As principal or managing broker, YOU are ultimately held responsible, not the company for which you work. Your broker's license is at risk if you do not manage the major responsibilities of the managing broker correctly. One of those responsibilities is escrow.

The principal (and managing) broker of all firms is held responsible for the accounting and disbursement of funds from the escrow account, not the company for which he works.

Recently, situations have arisen where the "Broker for Hire" did not have access to the escrow accounts, and therefore could not perform his duties as outlined in the Real Estate Board's rules and regulations. Stated simply, the broker's inability to have proper management controls of the escrow is in violation of the Board's rules and regulations, and the broker's license would be subject to disciplinary action that can sometimes lead to revocation.

If you are managing your escrow accounts, and do not have a knack for accounting, hire an accountant to help set up a system for you to manage and maintain proper accounting procedures for your business and escrow accounts.

As brokers we have a fiduciary responsibility to protect all monies placed within escrow. Our ability to protect the public depends on our ability to effectively manage and maintain the escrow accounts placed within our control. Non-management of the escrow accounts and/or business accounts almost always creates problems.

Section 18 VAC 135-20-185 (Maintenance and management of financial records) of the Board Regulations describes the broker's responsibility:

**"The Principal Broker shall maintain a book-keeping or record keeping system which shall accurately and clearly disclose full compliance with the requirements outlined in this section."**

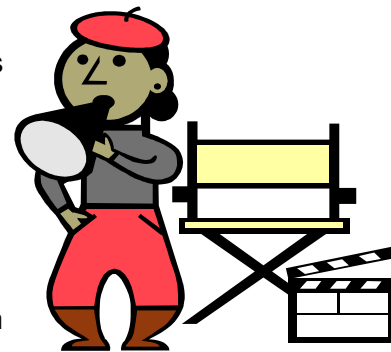
These "requirements" include:

A complete record of financial transactions which gives detail of the following:

- ◆ From whom money is received
- ◆ Date of receipt
- ◆ Place of deposit
- ◆ Date of deposit
- ◆ Detail of final disposition of funds.

As brokers, it is our duty, once settlement has occurred, to

quickly disburse funds as outlined in the contract and agreed upon by all the parties. In the event there is a dispute about to whom the escrow



money should go, no money should be released from escrow until all parties reach an agreement and sign a document agreeing to the disbursement of these funds. If in doubt, leave the funds in escrow, and seek legal advice before disbursing.

(Article Continued on Page 10).

# ARELLO UPDATE

By R. Schaefer Oglesby, Former Board Member



Judy Childress and I recently represented DPOR and the VREB at meetings of ARELLO (Association of Real Estate License Law Officials). There is timely information I would like to share with all Virginia licensees.

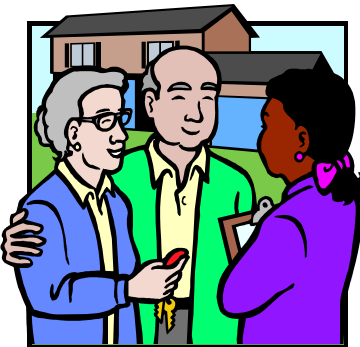
Arkansas Real Estate Commission staff pointed out they have received a number of complaints from their licensees because the Commission's disciplinary actions are published on their website just like ours are published in *VREB Speaking* on the Board's website. It appears that search engines like Google pick up that information from the Commission's website when a search is done using a disciplined licensee's name, and the disciplinary action is displayed as one of the search results for that person. Apparently this information stays on a person's "Google search record" for an indeterminate time. This is a compelling reason to understand and comply with the Board's laws and regulations.

Second, the National Association of Realtors (NAR) has been approached by ARELLO to set up a national information exchange to help make the exchange of reciprocal licensing information between the states easily available. Over the last 20 years there was a movement toward reciprocity, however, in the last few years many states have moved away from reciprocal agreements. ARELLO and NAR are attempting to set up a website that real estate licensees can access to determine what is required to be licensed in another state. This has not yet been established, but I hope NAR will provide funding for this website that can then be administered by ARELLO.

The biggest obstacle to reciprocity between states seems to be the requirement that the applicant who is currently licensed in one state must pass the other state's license examination as a licensure condition. Virginia requires this, and this makes sense. The good news about the possible ARELLO/NAR website is that it would remove any doubt about what a licensee needs to do to be licensed in another state.

It has been a pleasure serving you for the past eight years on the Real Estate Board. I wish I could continue to serve, but my time is up. I'm certain new Board Member Clifford Wells will do a great job.

## 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 May and July 2009 meetings:

<u>Action</u>	<u>Case Number</u>	<u>Case Name</u>
Conciliation Agreement	2008-03528	Sherry Brown and Angelo Brown v. Phillip Massa
Conciliation Agreement	2009-03465	Terrence Estu, Jr. v. A.J. Dvoskin & Associates, Albert J. Dvoskin, Trustee, and Amy Lee

## Fair Housing Audit Reveals Disappointing Results

By Connie Chamberlin, President/CEO, Housing Opportunities Made Equal, Inc.

Real Estate Board licensees, property managers and advocacy groups like Housing Opportunities Made Equal, Inc. (HOME) are all concerned about the continuing existence of housing discrimination – and with good reason. No matter what we do, studies across the country continue to show high levels of discrimination when it comes to housing.

HOME recently completed a fair housing audit in Hampton Roads. An audit is a controlled series of tests where trained volunteers contact or visit a housing provider as if they were actually seeking housing. To determine whether African-Americans were treated differently from whites in their search for rental housing, HOME conducted 50 matched-pair tests, with black and white testers matched for qualifications and desired units. Sixty-six percent of the time, the African-American tester was treated less well than his or her white counterpart.

In one test, both testers talked to the same agent within an hour of each other about a one bedroom apartment. The black tester was told one unit would be available with a \$132 application fee and one month's rent (\$929) as a security deposit, while the white tester was told a few one bedroom apartments would be available that month and the following month with a \$32 application fee and \$250 security deposit.

In another test, the black tester was told nothing was available and that the apartment she was shown was already rented. The white tester was shown the same unit and told it was available along with several other units. The black tester asked about a waiting list, and was told they had a waiting list, but that people rarely move.

Not all of the differences were this egregious, of course, but the pattern of treatment was clear.

HOME also sent testers to determine whether or not families with children were accepted,

and in 85% of these cases the children were accepted.

HOME also tested to determine whether people with disabilities were permitted to make the reasonable modifications to the unit required by law - in this test, the installation of grab bars in the bathroom. In 80% of these cases reasonable modifications were permitted.

In both of these situations there has been a substantial improvement over the course of the past decade.

However, when a tester asked for a reasonable accommodation in the policy of the housing provider to permit a guide dog, 76% either rejected the service animal altogether, discouraged the applicant, or imposed illegal fees.

HOME also evaluated whether or not new multi-family housing complied with the legal requirements for accessibility. Ninety-seven percent of the complexes tested did not comply.

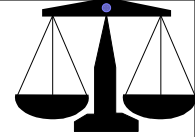
Discrimination is clearly still an issue. Why? In some cases it's deliberate, or the result of a lack of knowledge, or carelessness. In others it's because rental managers frequently believe that they can "go with their gut" in evaluating prospective tenants. Nothing is further from the truth. Using intuition as a guide is a sure way to get into trouble.

Instead, follow these simple rules: be clear, be consistent, and make no assumptions. *Give every housing applicant the same information!* If you attempt to guess who's going to be a good tenant, you are likely to get it wrong.

Board licensees who violate Fair Housing laws or regulations can suffer severe consequences, so they must never discriminate in real estate transactions involving rentals or sales.



## 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.

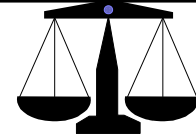
If an IFF is held, a recommendation from the IFF hearing officer consisting of proposed violations and sanctions is submitted to the Board for consideration at its next meeting. The Board can take the following disciplinary actions against a licensee: assess a monetary penalty; suspend or revoke a license; 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 MAY and JULY 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>
2009-01855	Frank M. Worrell Carrollton, VA	§54.1-2135.A.1- Failure to Exercise Ordinary Care in Managing Real Estate Fined \$500, \$150 Board Costs, 8 hours Continuing Education
2009-00093	Linda P. Mather Winchester, VA	§54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$400, \$350 Board Costs, 4 hours Continuing Education
2009-00652	Vicki L. Holmes Hampton, VA	18 VAC 135-20-210 - Failure to Disclose Interest 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$3000, License Revocation
2008-03716	Mondana Nicksolat McLean, VA	18 VAC 135-20-190 - Failure to Disclose in Online Advertising Fined \$1000, \$500 Board Costs, 6 hours Continuing Education
2009-01775	James C. Black, Jr. Lynchburg, VA	18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-260 - Unworthiness & Incompetence \$150 Board Costs, License Revocation
2008-00035	Dionetta N. Boone Newport News, VA	18 VAC 135-20-180 - Maintenance/Manage. Escrow Accts (2 counts) 18 VAC 135-20-185 - Maintenance/Management Financial Records 18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$3560, License Revocation
2008-04305	Dionetta N. Boone Newport News, VA	18 VAC 135-20-210 - Failure to Disclose Interest Fined \$500, License Probation until complete 4 hours Continuing Ed.



## DISCIPLINARY ACTIONS (Cont.)

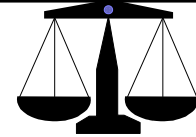


<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2009-00150	Kelley W. Randolph Leesburg, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) License Revocation
2009-02201	Charles G. Smith Danville, VA	18 VAC 135-20-270 - Conflict of Interest Fined \$1000, \$150 Board Costs, 8 hours Continuing Education
2009-02541	Joseph C. Foster Richmond, VA	18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-300 - Misrepresentation/Omission Fined \$2650, \$150 Board Costs, 6 hours Continuing Education
2009-01191	Tani R. Haggerty Dumfries, 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 (2 counts) Fined \$3550, License Revocation
2008-03236	Nancy G. Heflin Linden, VA	18 VAC 135-20-185 - Maintenance/Manag. Finan. Records (3 counts) 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$3800, Revoke Broker License & Issue Salesperson License
2009-01278	Sandra R. Wilkinson Alexandria, VA	§54.1-2135.A.2- Failure to Exercise Ordinary Care in Managing Real Estate \$150 Board Costs, 4 hours Continuing Education
2009-00797	Gloria L. Brown Chesapeake, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (4 counts) \$150 Board Costs, License Revocation
2009-01454	Darlene M. Harris Lovettsville, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$350, \$150 Board Costs, 8 hours Continuing Education
2009-01042	Lorenzo Gamez Leesburg, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$300, \$150 Board Costs, 4 hours Continuing Education
2008-04889	Patricia F. Copper Waynesboro, VA	18 VAC 135-20-210 - Failure to Disclose Interest Fined \$250, \$150 Board Costs
2009-00604	Anne S. Overington Fredericksburg, VA	18 VAC 135-20-310 - Delivery of Instruments Fined \$500, \$150 Board Costs, 8 hours Continuing Education
2009-02077	Keith L. Hartke Reston, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts §54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$700, \$150 Board Costs, 4 hours Continuing Education
2008-02925	Melinda E. Poirier Ruther Glen, VA	Virginia Real Estate Transaction Recovery Act claim of \$1,248 paid License Revocation
2009-03355	Cindy B. Sinanan Spencerville, MD	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) Fined \$750, License Probation until complete 4 hours Continuing Ed.
2008-04860	Judy F. Woten Lynchburg, VA	18 VAC 135-20-160 - Failure to Exercise Adequate Supervision \$100 Fine, \$150 Board Costs, 4 hours Continuing Education





## DISCIPLINARY ACTIONS (Cont.)



<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2009-02369	Michael B. Fuqua Stafford, VA	18 VAC 135-20-270 - Conflict of Interest 18 VAC 135-20-290 - Improper Dealing (2 counts) §54.1-2106.A.1 - Acting as a Real Estate Firm without a Real Estate Firm License \$150 Board Costs, License Revocation
2009-02997	Robert A. Craig, III Portsmouth, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) \$150 Board Costs, License Revocation
2008-01319	Meredith L. Minter Mechanicsville, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) Fined \$1850, 3 Years License Probation with Quarterly Reporting
2009-02393	Elsie L. Lilly Louisa, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (6 counts) Fined \$2250, License Revocation
2008-03449	Marie A. Schulte Virginia Beach, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (3 counts) 18 VAC 135-20-300 - Misrepresentation/Omission §54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$2100, License Probation until complete 4 hours Continuing Ed, Quarterly Reporting for Two Years
2009-00922	Figadelfo M. Jara Fairfax, VA	18 VAC 135-20-170 - Maintenance of License 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$600, License Revocation
2008-04287	Alfrieta J. Bennett Danville, VA	§54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$500, License Probation until complete 4 hours Continuing Ed.
2009-01780	Ernest B. Futo Buford, GA	18 VAC 135-20-240 - Failure to Provide Records to the Board 18 VAC 135-20-260 - Unworthiness & Incompetence Fined \$4000, License Revocation
2009-00291	William F. Gibson, Jr. Richmond, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care (2 counts) Fined \$750, \$150 Board Costs
2009-01707	Jawid Wali Springfield, VA	18 VAC 135-20-260 - Unworthiness & Incompetence 18 VAC 135-20-300 - Misrepresentation/Omission Fined \$2000, \$150 Board Costs, 16 hours Continuing Education
2009-01083	Nasir A. Bajwa Fairfax, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts Fined \$200, \$150 Board Costs, 8 hours Continuing Education
2009-02171	Herman A. Stamper Galax, VA	§54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$100, \$150 Board Costs
2009-00776	Sandra B. DeLapp Virginia Beach, VA	18 VAC 135-20-260 - Unworthiness & Incompetence License Revocation
2009-00726	Kathleen M. Weeks Herndon, VA	18 VAC 135-20-260 - Unworthiness & Incompetence (2 counts) §54.1-2131.A.4 - Failure to Exercise Ordinary Care Fined \$2400, Two-year License Probation & Quarterly Reporting, 6 hours Continuing Education



## DISCIPLINARY ACTIONS (Cont.)



<u>Case No.</u>	<u>Licensee</u>	<u>Violations &amp; Sanctions</u>
2008-02861	Vinay Gulati Burtonsville, MD	18 VAC 135-20-260 - Unworthiness & Incompetence §54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$2250, License Probation until finish 15 hours Continuing Ed.
2009-02204	William Paule, Jr. Fredericksburg, VA	18 VAC 135-20-180 - Maintenance/Management Escrow Accounts Fined \$300, \$150 Board Costs, 8 hours Continuing Education
2009-02511	Darlene B. Farrow Goochland, VA	§54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer (2 counts) Fined \$700, \$150 Board Costs
2009-02512	Loretta L. Wolfe-Johnson Bumpass, VA	§54.1-2132.A.4 - Failure to Exercise Ordinary Care when Engaged by a Buyer Fined \$350, \$150 Board Costs
2009-02469	Roy L. Davis, t/a Real Property Solutions, LLC Lynchburg, VA	Cease and Desist from Acting as an Unlicensed Real Estate Broker or Salesperson in Virginia

### ("Return Broker License Here" article - continued from page 4)

If you are a "Broker for Hire," or if you are a managing or principal broker, here is a small list of responsibilities that should be part of your broker routine and should be managed on an ongoing basis:

- ◆ Proper Handling of Escrow Deposits – keep a spreadsheet with details of \$ in and \$ out
- ◆ Compliance with federal and state fair housing laws and regulations
- ◆ Compliance with advertising requirements
- ◆ Sales training and negotiation and drafting of contracts, leases and brokerage agreements with your agents and other agents and brokers
- ◆ Distribution of information on new or changed statutory and regulatory requirements
- ◆ Create and maintain accounting for listings, sales, and distribution of escrow
- ◆ Provide training to new agents and experienced agents
- ◆ Administrate brokerage services and ensure compliance with state, local and federal regulations by all licensees
- ◆ Provide independent contractor agreements and policies and procedures
- ◆ Organize accounting and billing for agents
  - ◆ MLS Fees
  - ◆ Advertising Fees
  - ◆ Professional Fees
  - ◆ Lockbox fees
  - ◆ Other agent fees
  - ◆ Education Fees.

It's rewarding to be a broker and actively participate in your company. Challenge yourself to learn more, and do a better job.

And for those of you who think it is too much responsibility, **Return Broker License Here:**

VA DPOR at [www.dpor.virginia.gov](http://www.dpor.virginia.gov).