Commission Reelects Skip Alston, Marsha Jordan to Second Terms

Melvin L. “Skip” Alston of Greensboro has been reelected Chairman of the North Carolina Real Estate Commission and Marsha H. Jordan of Lincolnton, reelected Vice Chair, for the 2008-2009 term beginning August 1, it was announced by Phillip T. Fisher, Executive Director.

Alston has been a member of the Commission since 2003.

He is serving his fifth four-year term as a member of the Guilford County Board of Commissioners and was elected its first African American chairman.

For the past 26 years, Alston has served as president and owner of the Alston Realty Group, Inc., a real estate firm in Greensboro specializing in property management and real estate sales.

He is also involved with other business ventures in the Greensboro community, including East Market Street Square, Inc., a commercial development company, and Alston and Alston, LLC, a residential renovation and consulting firm.

Alston is immediate past president (See Second Terms, page 4)
REAL ESTATE BULLETIN
Published as a service to real estate licensees to promote a better understanding of the Real Estate License Law and Commission rules, and proficiency in real estate practice. The articles published herein shall not be reprinted or reproduced in any other publication without specific reference being made to their original publication in the Commission’s Real Estate Bulletin.

NORTH CAROLINA REAL ESTATE COMMISSION
1313 Navaho Drive
P. O. Box 17100
Raleigh, North Carolina 27619-7100
Phone (919) 875-3700
Michael F. Easley, Governor

COMMISSION MEMBERS
Melvin L. Alston, Chairman
Marsha H. Jordan, Vice Chair
Benjamin Cone, III
Joe L. Hodge, Jr.
Jeffery J. Malaney
Jerry A. Mannen, Jr.
Wanda J. Proffitt
S. R. Rudd, Jr.
M. Rick Watts
Greensboro
Lincolnton
Charlotte
Raleigh
Manteo
Wilmington
Burnsville
Oak Island
Fayetteville

Philip T. Fisher
Executive Director

AUDITS AND INVESTIGATIONS
Emmet R. Wood, Director
Michael B. Gray, Chief Auditor/Investigator
Gary R. Caddell, Senior Auditor/Investigator, Training Officer
Jennifer K. Boger, Senior Auditor/Investigator
Rebecca S. Wilkins, Senior Auditor/Investigator
William F. Dowd, Senior Auditor/Investigator
Robin F. Tanner, Senior Auditor/Investigator
Bart H. Allen, Auditor/Investigator
M. Spier Holtoman, Auditor/Investigator
Pamela V. Millward, Auditor/Investigator

EDUCATION AND LICENSING
Larry A. Outlaw, Director
Anita R. Burt, Education/Examination Officer
Pamela R. Rorie, Continuing Education Officer
Patricia A. Hoylan, Legal Education Officer
Lisa R. McQuillen, Education/Licensing Officer
Matthew A. Wentz, License Application Analyst

LEGAL SERVICES
Thomas R. Miller, Legal Counsel, Director; Special Deputy Attorney General
Miriam J. Baer, Assistant Director, Legal Counsel
Janet B. Thoren, Chief Deputy Legal Counsel
Charlene D. Moody, Deputy Legal Counsel
Sandra L. Good, Associate Legal Counsel
Stephen L. Fussell, Consumer Protection Officer
Joan H. Floyd, Consumer Protection Officer
Carolyn A. Haase, Consumer Protection Officer
Peter C. Evans, III, Information Officer
Elizabeth W. Penney, Information Officer
Jean A. Wolinski-Hobbs, Information Officer

To request a speaker from the Commission, please submit the “Request for Program Presenter” form available on the Commission’s website, www.ncrec.state.nc.us.

Appearances

Thomas R. Miller, Director of Legal Services and Special Deputy Attorney General, spoke at a Legal Seminar sponsored by the Wilmington Regional Association of REALTORS® and a Broker-in-Charge Seminar sponsored by the Durham Regional Association of REALTORS®, both on the Commission’s rules governing brokerage compensation.

Miriam J. Baer, Assistant Director, Legal Services, spoke to the Winston-Salem Regional Association of REALTORS® on short sales and participated in the North Carolina Association of REALTORS® “Webinar” discussing the recent amendment to Commission rules addressing broker compensation and compensation incentives.

Janet B. Thoren, Chief Deputy Legal Counsel and Special Assistant United States Attorney, spoke to the Central Carolina Chapter of Certified Fraud Examiners on mortgage fraud.

Peter C. Evans, Information Officer, spoke to the Sanford Area Association of REALTORS®.

Alston, Jordan Reappointed

Melvin L. “Skip” Alston of Greensboro and Marsha H. Jordan of Lincolnton have been reappointed to the Commission for new three-year terms.

Alston, current Commission Chairman and a member since 2003, was reappointed by House Speaker Joe Hackney. Jordan, current Vice Chair and a member since 1999, was reappointed by Senate President Pro-Tem Marc Basnight.

Alston Receives Community Service Award

Melvin L. “Skip” Alston, Chairman of the Real Estate Commission, has received the Ben Ball Community Service Award from the North Carolina Association of REALTORS® at the recent NCAR annual convention in Charlotte.

The award is given to select REALTORS® who deserve recognition for their contributions to the betterment of their communities through outstanding public service.
**Allan R. Dameron Legal Internships**

Jessica M. Pearce of New York and Scott G. Allen of Morrisville received the Allan R. Dameron Legal Internship awards for 2008 from the Real Estate Commission. Both are second year law students at the University of North Carolina. The awards are given annually in memory of and tribute to former Commission Chairman Dameron for his dedicated service in protecting the interests of North Carolina real estate consumers.

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**COURSE SCHEDULES**

This schedule provides locations, dates, and times for the courses indicated through December, 2008. Register online at the Commission’s website, www.ncrec.state.nc.us.

**Broker-in-Charge Course**
*(Two-days. Day one, 1-5 p.m.; Day two, 8:30-5:30 p.m.)*

<table>
<thead>
<tr>
<th>Location</th>
<th>Dates</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asheville</td>
<td>December 2, 3</td>
<td>Holiday Inn East/Blue Ridge Parkway</td>
</tr>
<tr>
<td>Banner Elk</td>
<td>October 22, 23</td>
<td>Best Western Mountain Lodge</td>
</tr>
<tr>
<td>Charlotte</td>
<td>October 8, 9 November 5, 6, December 8, 9</td>
<td>Holiday Inn Airport</td>
</tr>
<tr>
<td>Greensboro</td>
<td>November 18, 19</td>
<td>Clarion Hotel (formerly the Radisson)</td>
</tr>
<tr>
<td>Raleigh</td>
<td>October 13, 14 November 24, 25, December 15, 16</td>
<td>McKimmon Conference Center</td>
</tr>
<tr>
<td>Wilmington</td>
<td>October 27, 28</td>
<td>Coastline Inn &amp; Convention Center</td>
</tr>
</tbody>
</table>

**Basic Trust Account Procedures**

<table>
<thead>
<tr>
<th>Location</th>
<th>Dates</th>
<th>Venue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlotte</td>
<td>December 9, 2008, 9 a.m. - 1 p.m.</td>
<td>Holiday Inn Airport</td>
</tr>
<tr>
<td>Raleigh</td>
<td>November 4, 1-5 p.m.</td>
<td>McKimmon Conference Center</td>
</tr>
<tr>
<td>Wilmington</td>
<td>October 28, 2008, 9 a.m. - 1 p.m.</td>
<td>Coastline Inn &amp; Convention Center</td>
</tr>
</tbody>
</table>

Confirm dates and times at the Commission website.

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All meetings, unless otherwise noted, begin at 9 a.m. and are held in Raleigh in the Commission’s Conference Room at 1313 Navaho Drive (27609). Occasionally, circumstances necessitate changes in meeting times and locations.
Second Terms
(Continued from page one)

of the North Carolina State Conference of NAACP Branches which consist of 120 Adult Branches and 60 Youth and College Chapters across the state. He has also served on the NAACP National Board of Directors since 2001 and been a member of its National Board of Trustees since 1988.

Alston is co-founder and chairman of the board of directors for the Sit-In Movement, Inc., a nonprofit corporation formed for the purpose of purchasing and renovating into an international Civil Rights Center and Museum the historic Woolworth Building in downtown Greensboro where the 1960 sit-ins took place.

He is a former member of the North Carolina Martin Luther King, Jr. Holiday Commission, served two terms as president of the North Carolina Association of Black County Officials, and been a member of a host of other boards and commissions throughout the state and country.

Alston resides in Greensboro with his wife, Gwendolyn, who is a licensed real estate broker and Vice President of The Alston Realty Group, Inc. He has two sons, DeSean Jahleel Alston, 25, who is also a real estate broker currently residing in Los Angeles, and Ryan De-Markus Alston, 16, who attends Dudley High School in Greensboro. Alston attends St. James Baptist Church in Greensboro.

Marsha H. Jordan

A graduate of the University of Virginia (MWC), Jordan entered the real estate business in 1986. She is owner of Apple Realty in Lincolnton, a Graduate of the REALTORS® Institute and a Certified Residential Specialist.

Appointed to the Commission in 1999, Jordan is president of the North Carolina Real Estate Education Foundation and past president and 2001 REALTOR® of the Year of the Lincoln County Board of REALTORS®. Active in community affairs, she is a former director of the Lincolnton Chamber of Commerce, past president for Downtown Development, and currently president of the Lincolnton Rotary Club.

She and her husband, Max, a REALTOR® and contractor, reside in Lincolnton and have one son, Jason, a student at the University of North Carolina at Charlotte and a REALTOR®.

The North Carolina Real Estate Commission is responsible for the licensing and regulation of 11,000 real estate firms and 100,000 real estate agents in the state.

Incentive
(Continued from page one)

Protect Your Client’s Property

Listing a property brings with it more than just an opportunity for a sale. You acquire a responsibility and the obligation to see that access is managed so that the property is secure and protected.

Release of keys to individuals such as other agents, appraisers, maintenance services, etc., is a common occurrence in a real estate office. And, in a busy office, handing over the keys can be done hastily and without questions or identification.

To avoid potential problems, follow a prudent policy of knowing who has received keys and been granted access and when the keys are to be returned. A sign-in sheet and copying the recipient’s driver license can yield that ounce of prevention against pounds of trouble later on.

Know Who Gets the Keys

The disclosure must simply state the amount (or describe the value) of the incentive and who is offering it to you.

NOTE: The requirement applies to all sales transactions (both residential and non-residential) but not to lease or other transactions. You’re not required to tell anyone other than your client the compensation you expect to receive in a transaction, nor are you required to tell your client the amount of compensation you expect to receive from your employing broker (company).

You can find on the Commission’s website Rule A.0109 (Brokerage Fees and Compensation) containing the recent amendments. You will also receive a detailed explanation of the changes in your 2008-2009 continuing education Update Course.

Moroccans Visit Commission

Commission Executive Director Fisher and attorneys Tom Miller, Miriam Baer and Janet Thoren met with visitors from Morocco to answer their questions concerning real estate financing and financial market conditions in the United States.

The July 25 visit from Mr. Said El Moustafid, Chief of Projects for the National Telecommunication Regulation Agency, and Dr. Mostafa Ezzyyani, Professor/Researcher at the School of Science and Techniques, was arranged by the International Affairs Council under the auspices of the U.S. State Department’s International Visitor Leadership Program.
The statistics here generally reflect the activities of the Real Estate Commission during the period from May 1, 2007 to April 30, 2008.

**Contact**
- 260,500 telephone calls
- 1.1 million+ website “hits”

**Publications**
- 1,100,000+ publications distributed to brokers, consumers, applicants

**Technology**
- 8,400+ student rosters electronically processed for CE courses and 749 for postlicensing courses

**Licensing**
- 562,000 license records changed (a 40% increase)
- 11,000+ applications processed for licenses by examination
- 10,000+ license examinations administered
- 6,200+ licenses by examination issued
- 610 licenses issued by reciprocity
- 1,388 firm licenses issued
- 359 expired, surrendered and suspended licenses reinstated
- 3,800 Certificates of License History issued
- 383 license applications reviewed by Commission for character issues

- 171 license applicant conferences conducted

**Education**
- 15 new private real estate school licenses issued and 65 renewed
- 43 real estate instructors approved (a 19% increase) and 40 renewed
- 65 new continuing education elective courses approved (for a total of 406 courses)
- 21 new continuing education sponsors approved (for a total of 219)

**Legal**
- 1,361 case (complaint) files opened and 1,386 closed
- 26 licenses reprimanded
- 60 licenses suspended
- 38 licenses revoked
- 14 licenses surrendered
- 99 cases with conditional remedies

- 19 new continuing education Update Course instructors approved (for a total of 187)
- 42 Broker-in-Charge Course sessions conducted for 2,415 licensees

**Audits/Investigations**
- 142 field investigations completed
- 98 trust accounts examined
- 443 persons interviewed
- 16 trust account sessions conducted for 316 students
- 2,415 students instructed for trust account portion of BIC course

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Scholarship winners (front row, l. to r.) George (Jody) Rich, Stephanie Rhodes and Warren Moore, stand with Commission Chairman Melvin L. “Skip” Alston and Vice Chair Marsha H. Jordan and members (l. to r.) Jerry A. Mannen, Jr., Joe L. Hodge, Jr., Benjamin Cone, III, S. R. “Buddy” Rudd, Jr., Wanda J. Proffitt, M. Rick Watts, and Jeffrey J. Malarney.

The Real Estate Commission has awarded scholarships to Stephanie Rhodes of Cornelius, Warren Moore of Washington, and George (Jody) Rich of Concord for their outstanding academic achievements in REALTORS® Institute courses.

The recipients were selected by the North Carolina Real Estate Educational Foundation.

Rhodes received the Blanton Little Memorial Scholarship and Moore, the Joe Schweidler Memorial Scholarship. Both Little and Schweidler were former Executive Directors of the Commission.

Rich received the Phillip T. Fisher Scholarship. Fisher is currently Executive Director.
Free Publications
Questions and Answers on:
Fair Housing
Tenant Security Deposits
Condos and Townhouses
Residential Subdivisions and Planned Communities
Purchasing Coastal Real Estate in North Carolina
Renting Residential Real Estate
Trato Con Agentes de Bienes Raíces (Working With Real Estate Agents)

Preguntas y Respuestas sobre:
Vivienda Justa (Fair Housing)
El Depósito de Seguridad del Inquilino (Tenant Security Deposits)
Alquiler de Inmuebles para Viviendo (Renting Residential Real Estate)

Real Estate Licensing in North Carolina
(Contains license application)

Residential Property Disclosure Statement (Available online)

How To Order:
Online: www.ncrec.state.nc.us.
Mail: NC Real Estate Commission, ATTN: Publications, P. O. Box 17100, Raleigh, NC 27619-7100
Fax: 1-919-877-4227

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NAME _____________________________________
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Please allow 7 days from receipt of order for delivery.

Purchase Publications
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Residential Square Footage Guidelines ($0.65 per copy) $
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Offer and Acceptance ($0.25 per copy) $
Owning Vacation Rental Property ($0.25 per copy) $
Broker-in-Charge Guide ($10 per copy) $
North Carolina Real Estate License Law and Commission Rules ($3.00 per copy) $
Real Estate Agent Safety Guide ($0.25 per copy) $

How To Order:
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Select Publications on the Home page.
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Credit card orders must be a minimum of $1.00.

Signature: ________________________________

Please allow 7 days from receipt of payment for delivery.
2008-2009 Edition

NORTH CAROLINA REAL ESTATE MANUAL

The *North Carolina Real Estate Manual*, published by the Real Estate Commission, is a comprehensive reference addressing real estate law and brokerage practice, the North Carolina Real Estate License Law and Commission rules. It serves as the authorized textbook for the real estate broker postlicensing courses and is highly recommended for licensees, attorneys, instructors and anyone else engaged or interested in real estate law and brokerage practice.

**HOW TO ORDER:**

**ONLINE**

Go to the Commission’s website, [www.ncrec.state.nc.us](http://www.ncrec.state.nc.us), select “Publications/Bulletin” and click on NC Real Estate Manual to link directly with the book distributor. Follow the instructions for ordering using your MasterCard or Visa credit card.

**BY MAIL OR FAX**

Mail or fax an order form with payment. For credit card payments, only MasterCard and Visa are accepted. For checks, please send only cashier’s or certified check or money order, payable to: North Carolina Real Estate Manual. (The Manual sales price is $34.95 plus sales tax and shipping.)

**MAILING ADDRESS:**

North Carolina Real Estate Manual
P. O. BOX 28151
RALEIGH, NC 27611

**EMAIL:**

manua@ncsmail.com

**FAX:**

1-866-867-3746

**CUSTOMER SERVICE:**

1-866-833-5785

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Email ____________________________________________

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Quantity

TOTAL $ ______

☐ MasterCard ☐ Visa

Signature: ____________________________________________

*Manual sales price is $34.95 plus $2.45 sales tax plus shipping. Please allow 7 days from receipt of payment for delivery.
Smell a Crime? Drop a Dime.
By Emmet R. Wood, Director, Audits and Investigations

You may not be the qualifying broker or broker-in-charge of a real estate office or a member of its management team.

But, as a broker associated with the firm, it is still your responsibility to report to the Real Estate Commission any violations of the Real Estate License Law or Commission rules which you observe and to be alert to certain “red flags” which may suggest a problem with the firm’s trust account.

- Are landlords calling to complain that they have not received their rents, or their rental checks are always late, or (even worse) that they “bounced”?
- Are tenants complaining that their security deposits are not being refunded? Or have you seen trust account bank statements lying around the office unopened for days?
- Have you noticed that the person responsible for the office’s trust account doesn’t take vacations or much time off (or the opposite)?
- Have you noticed that the person does not return telephone calls?
- Do you observe in that person an extravagant lifestyle?

While there may be logical explanations to some client and customer complaints, if there is a pattern of complaints accompanied by some of the other “red flags” described, it may signal a problem which requires the Commission’s attention.

If so, you are encouraged to consult the Commission’s Legal Services Division or Audits and Investigations Division where a team of highly trained attorneys, auditors, consumer protection and information specialists are available to answer your questions and determine whether further inquiry is needed.

Trust account shortages ultimately injure real estate consumers. It may be your client whose earnest money deposit, security deposit or rents are not being safeguarded.
Guide to Contacting the Commission

Save time when you contact us by first identifying in this Guide the division/section of the Commission with which you wish to communicate. Your call, fax or email will reach those staff members who can most readily assist you.

When your call is answered by the automated phone attendant, dial the ACCESS CODE in parentheses.

### Administration

- Financial management
- Licensee information services, records and renewals
- Information technology
- Publications

**ACCESS CODES**
- Administration (9) - Administration, personnel, accounting
- Information Services (2) - continuing and postlicensing education requirements and status, record changes, license renewals
- Receptionist (0) - Application forms Other matters

**EMAIL**
- Executive - exec@ncrec.state.nc.us
- Administration - admin@ncrec.state.nc.us
- Information Services - informationservices@ncrec.state.nc.us

**FAX**
- Administration - 919-877-4217
- Executive - 919-877-4215
- Information Services - 919-877-4221
- Publications - 919-877-4227

### Education and Licensing

- Applications for licensure
- Prelicensing and postlicensing education
- License examination program
- Approval of continuing education schools and sponsors

**ACCESS CODES**
- Application Section (5) - Real estate license qualifications and examinations
- Licensing Section (6) - Firm licensing and licensing by reinstatement or reciprocity

**EMAIL**
- Education and Licensing - educ@ncrec.state.nc.us

**FAX**
- Education - 919-877-4216
- Character - 919-877-4228
- Licensing - 919-877-4229

### Audits and Investigations

- Investigate complaints against real estate brokers
- Examine brokerage firm trust accounts and time share projects
- Teach trust account courses

**ACCESS CODES**
- Audits and Investigations (8) - Complaints, investigations, audits

**EMAIL**
- Audits and Investigations - ai@ncrec.state.nc.us

**FAX**
- Audits and Investigations - 919-877-4218

### Legal Services

- Conduct inquiries and coordinate investigations of complaints
- Prosecute charges against licensees at Commission hearings
- Coordinate rule making process
- Provide legal counsel to the Commission
- Provide information to licensees and consumers
- Register time share projects and regulate time share sales

**ACCESS CODES**
- Legal Services (3) - Consumer complaints/inquiries, pending cases/hearings.

**EMAIL**
- Legal Services - legal@ncrec.state.nc.us

**FAX**
- Legal Services - 919-877-4220
Meet the North Carolina Real Estate Commission Staff

Administration

- Financial management
- Licensee information services, records and renewals
- Information technology
- Publications

Mary Frances Whitley
Director
29 years

Paula L. Ricard
Financial Officer
17 years

Vickie R. Crouse
Network Administrator
29 years

Wendy C. Harper
Administrative Officer
19 years

Robert L. Forshaw
Publications Officer
7 years

Brenda H. Badger
Information Services Officer
19 years

Mary Frances Whitley
Director
29 years

Paula L. Ricard
Financial Officer
17 years

Vickie R. Crouse
Network Administrator
29 years

Wendy C. Harper
Administrative Officer
19 years

Brenda H. Badger
Information Services Officer
19 years

Susan M. Tysor
Executive Assistant
11 years

Diana L. Carnes
Technology Specialist
6 years

Peggy Y. Chow
Accounting Technician
9 years

Juanita G. Bridges
Information Specialist
1 year

Tiffany Bryant
Information Specialist
1 year

April M. Conyers
Information Specialist
2 years

Daniel K. Creech
Information Specialist
2 years

Amber M. Evans
Information Specialist
2 years

Christin M. Hunter
Information Specialist
6 months

Patricia L. Street
Information Specialist
6 years

Bradford A. Cox
Information Specialist
3 months

Faye E. Ray
Receptionist
12 years

Larry A. Outlaw
Director
29 years

Anita R. Burt
Education/Examination Officer
19 years

Pamela R. Rorie
Continuing Education Officer
12 years

Patricia A. Moylan
Legal Education Officer
9 years

Lisa R. McQuillen
Education/Licensing Officer
1 year

Matthew A. Wentz
License Application Analyst
1 year

Vivian A. Sellers
License Specialist
11 years

Latoya S. Simms
License Specialist
5 years

Amber D. Reed
License Specialist
2 years

Samantha Morgan
Administrative Specialist
1 year

Wanda E. Johnson
Chief License Specialist
16 years

Wanda E. Johnson
Chief License Specialist
16 years

Vivian A. Sellers
License Specialist
11 years

Latoya S. Simms
License Specialist
5 years

Amber D. Reed
License Specialist
2 years

Samantha Morgan
Administrative Specialist
1 year

Christin M. Hunter
Information Specialist
6 months

Bradford A. Cox
Information Specialist
3 months

Lisa R. McQuillen
Education/Licensing Officer
1 year

Matthew A. Wentz
License Application Analyst
1 year

Meet the North Carolina Real Estate Commission Staff

- Applications for licensure
- Prelicensing and postlicensing education
- License examination program
- Continuing education

Larry A. Outlaw
Director
29 years

Anita R. Burt
Education/Examination Officer
19 years

Pamela R. Rorie
Continuing Education Officer
12 years

Patricia A. Moylan
Legal Education Officer
9 years

Lisa R. McQuillen
Education/Licensing Officer
1 year

Matthew A. Wentz
License Application Analyst
1 year

Vivian A. Sellers
License Specialist
11 years

Latoya S. Simms
License Specialist
5 years

Amber D. Reed
License Specialist
2 years

Samantha Morgan
Administrative Specialist
1 year

Wanda E. Johnson
Chief License Specialist
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Vivian A. Sellers
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Latoya S. Simms
License Specialist
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Amber D. Reed
License Specialist
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Samantha Morgan
Administrative Specialist
1 year

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1 year

Matthew A. Wentz
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1 year

Vivian A. Sellers
License Specialist
11 years

Latoya S. Simms
License Specialist
5 years

Amber D. Reed
License Specialist
2 years

Samantha Morgan
Administrative Specialist
1 year

Wanda E. Johnson
Chief License Specialist
16 years
Serving 104,000 licensed individuals and firms with 610 years of service

Audits and Investigations

- Investigate complaints against real estate brokers
- Examine brokerage firm trust accounts and time share projects
- Teach trust account courses

Emmet R. Wood
Director
26 years

Michael B. Gray
Chief Auditor/Investigator
12 years

Gary R. Caddell
Senior Auditor/Investigator
17 years

Jennifer K. Boger
Senior Auditor/Investigator
16 years

Rebecca S. Wilkins
Senior Auditor/Investigator
12 years

William F. Dowd
Senior Auditor/Investigator
9 years

Rubbi F. Tanner
Senior Auditor/Investigator
13 years

Bart H. Allen
Auditor/Investigator
6 years

M. Spies Hullman
Auditor/Investigator
6 years

Partricia V. Millward
Auditor/Investigator
9 years

Susanne H. Vierra
Administrative Specialist
13 years

Legal Services

- Conduct inquiries and coordinate investigations of complaints
- Prosecute charges against licensees at Commission hearings
- Coordinate rulemaking process
- Provide legal counsel to the Commission
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Thomas R. Miller
Director, Legal Counsel

Melissa A. Clark
Legal Assistant
6 months

Juan H. Floyd
Consumer Protection Officer
10 years

Carolyne A. Haaste
Consumer Protection Officer
7 years

Peter C. Evans, III
Information Officer
9 years

Elizabeth W. Petriney
Information Officer
2 years

Karissa B. Sluss
Paralegal
1 year

Sammye G. Isenhour
Legal Assistant
18 years

Susan R. Tippett
Legal Assistant
8 years

Melissa A. Clark
Legal Assistant
6 months

Sandra L. Good
Associate Legal Counsel
2 years

Jean A. Wollinski-Hubbs
Information Officer
2 years

Charlene D. Moody
Deputy Legal Counsel
2 years

Jennifer K. Boger
Consumer Protection Officer
7 years

Elizabeth W. Petriney
Information Officer
2 years

Stephen L. Fussell
Consumer Protection Officer
18 years

Frances N. Johnson
Senior Administrative Specialist
22 years

M. Spies Hullman
Auditor/Investigator
6 years

Sandra L. Good
Associate Legal Counsel
2 years

Jean A. Wollinski-Hubbs
Information Officer
2 years

William F. Dowd
Senior Auditor/Investigator
9 years
### Forms, Information Available 24/7

Forms and other information such as course schedules and school lists are available through the Interactive Voice Response and Fax On Demand services at (919) 850-2757 and on the Commission’s website, [www.ncrec.state.nc.us](http://www.ncrec.state.nc.us).

Three forms are available only on the website: Certificate of Notice and Deposit of Disputed Funds, Nonresident Commercial License Application, and Declaration of Affiliation of Limited Commercial License.

Online, you may purchase and print a replacement pocket card, declare yourself as broker-in-charge, and register for the Basic Trust Account Course and the Broker-in-Charge Course.

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### 13 Ways To Save Time

**Contact Us on the Web**
[www.ncrec.state.nc.us](http://www.ncrec.state.nc.us)

1. Change your residence and email address, phone and fax numbers.
2. Check on your completed continuing education credits.
3. Renew your license online.
4. Order replacement pocket cards.
5. Plan class attendance with the frequently updated continuing education and postlicensing schedules and with the Broker-in-Charge course schedule.
6. Register for the Broker-in-Charge and Trust Account courses.
8. As a broker-in-charge, print a list of all affiliated licensees, see their renewal date and postlicensing and CE credits; complete the BIC Declaration form.
9. Search for commercial brokers.
10. Purchase rosters of new licensees and/or applicants.
11. Read and print out the text of 22 publications.
12. Download any of 20 forms.
Penalties for violations of the Real Estate Law and Commission rules vary depending upon the particular facts and circumstances present in each case. Due to space limitations in the Bulletin, a complete description of such facts cannot be reported in the following Disciplinary Action summaries.

THOMAS A. ADAM (Wilmington) – By Consent, the Commission suspended the broker license of Mr. Adam for a period of 90 days effective May 1, 2008. Thirty days of the suspension were active with the remainder stayed for a probationary period of one year. The Commission found that Mr. Adam, as broker-in-charge of a real estate brokerage firm, certified to the Commission that the declaration of experience of a broker associated with the firm was correct and true when, in fact, it was not. The Commission further found that Mr. Adam failed to make an adequate inquiry into the broker's experience.

SCOTT H. ASHCRAFT (Wilmington) – By Consent, the Commission suspended the broker license of Mr. Ashcraft for a period of one year effective September 1, 2008. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Mr. Ashcraft, licensed in 2004, failed to activate his license in 2005 upon association with a real estate brokerage firm and worked on inactive status until February 2007. The Commission also found that Mr. Ashcraft, while on inactive status in 2006, failed to disclose to his buyer client that he was acting as a dual agent in a transaction, failed to give agency disclosure to his buyer client at first substantial contact, failed to obtain written agency disclosure, failed to obtain a signed buyer agency agreement, and failed to obtain a signed property disclosure from the buyer. The Commission noted that the transaction failed to close.

MICHAEL WINSLOW ATKINSON (Hatteras) – By Consent, the Commission suspended the broker license of Mr. Atkinson for a period of two years. Forty-five days of the suspension were active from September 1, 2008 to October 16, 2008 and the remainder stayed for a probationary period of two years under certain conditions. The Commission found that Mr. Atkinson was convicted in February 2007 of transporting an open container of alcohol and unsafe movement and in March 2007 of Possession of Drug Paraphernalia, both in Dare County. The Commission further found that Mr. Atkinson was convicted in federal district court in November 2007 of Driving Under the Influence and Disorderly Conduct. The Commission noted that Mr. Atkinson timely reported this conviction to the Commission.

BALLANTYNE MARKET CENTER T/A KELLER WILLIAMS (Charlotte) – By Consent, the Commission reprimanded Ballantyne Market Center effective September 1, 2008. The Commission found that (following discovery of embezzlement by an unlicensed office administrator) Ballantyne Market Center failed to adequately reconcile its trust accounts, failed to identify disbursements correctly on journals, and had an overage of approximately $52,000 in its trust account. The Commission noted that Ballantyne Market Center deposited funds to cover the embezzled money and transferred the account to a new bank.

SELINA C. BROOKS (Hubert) – By Consent, the Commission suspended the broker license of Ms. Brooks for a period of 12 months effective February 1, 2008. One month was active with the remainder stayed for a probationary period of 12 months on certain conditions. The Commission found that Ms. Brooks, as broker-in-charge of a real estate brokerage firm office, failed to reconcile the firm’s trust account records with bank statements and transferred client monies from trust accounts without authority. The Commission also found that Ms. Brooks’ trust account records revealed a shortfall in the trust account of more than $25,000. The Commission noted that Ms. Brooks replaced the missing money.

BRUCE HARRIS REAL ESTATE, LLC (Burlington) – By Consent, the Commission suspended the firm license of Bruce Harris Real Estate for a period of two years effective June 20, 2008. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Bruce Harris Real Estate’s trust account books and records failed to conform to the minimum standards of the Commission’s rules, and that the liabilities exceeded funds on deposit. The Commission also found that Bruce Harris Real Estate failed to fully document deposits and disbursements and maintain a running balance in the trust account journal. The Commission noted that Bruce Harris Real Estate has brought the account and records into compliance.

GEORGE I. CANADA (Greensboro) – By Consent, the Commission revoked the broker license of Mr. Canada effective July 24, 2008. The Commission found that Mr. Canada failed to respond to a buyer's attempts to contact him about the refund of a $1,000 earnest money deposit following termination of a contract to purchase, failed to respond to letters of inquiry from the Commission and failed to produce trust account records requested by the Commission. The Commission also found that Mr. Canada admitted to converting the earnest money to cover operating expenses, but did eventually repay the earnest money deposit.

DEVERSE CHAM, JR. (Rocky Mount) – By Consent, the Commission reprimanded the broker license of Mr. Cham effective (See Disciplinary Action, page 12)
Disciplinary Action
(Continued from page 13)

April 1, 2008. The Commission found that Mr. Cham failed to ensure that the conduct of a provisional broker he supervised in a transaction was fair and honest. The Commission found that the provisional broker, acting as both buyer agent and loan officer in a transaction, created a false verification of rent in order to assist the buyer client in qualifying for a loan and negotiated a higher interest rate for the buyer client in order to receive higher income when the loan closed, thereby not acting in the best interest of the buyer client.

JEFFREY D. CHURCH (Mooresville) – By Consent, the Commission suspended the broker license of Mr. Church for a period of one year effective June 19, 2008. Thirty days of the suspension were active with the remainder stayed for a probationary period of 11 months. The Commission found that Mr. Church plead guilty to and was convicted on or about August 6, 2007 of the misdemeanor offense of Possession of Drug Paraphernalia. The Commission noted that Mr. Church reported the conviction to the Commission on October 5, 2007.

ROBERT A. COOPER (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Cooper for 12 months effective June 15, 2008. The Commission found that Mr. Cooper and other respondents were accused by the State of North Carolina of making agreements with competing bidders in foreclosure and judicial sales of real estate in order to depress the prices realized in those sales for his clients’ or confederates’ benefit. The Commission also found that the court found a factual basis for the State’s allegations, and in that one case Mr. Cooper consented to pay in excess of $17,000 in compensatory damages and restitution and costs to the State of North Carolina. Mr. Cooper neither admitted nor denied the Commission’s findings and conclusions.

SAMUEL CRAIG (Raleigh) – By Consent, the Commission reprimanded Mr. Craig effective July 1, 2008. The Commission found that Mr. Craig, in order to remove the provisional status from his broker license, certified to the Commission on its website on March 28, 2007 that he possessed four years’ full-time real estate brokerage experience within the past six years, when, in fact, his broker license was on inactive status until he activated it on April 29, 2005.

RODNEY S. DAW (Raleigh) – By Consent, the Commission revoked the broker license of Mr. Daw effective July 21, 2008. The Commission found that Mr. Daw and other respondents were accused by the State of North Carolina of entering into agreements with bidders in foreclosures and judicial sales of real estate, which had the effect of depressing the prices obtained in those sales; that in each case the court found a factual basis for the State’s allegations; that each respondent conspired to commit the offenses; and that each respondent failed to exhibit such fitness as to indicate that he or she is fit to be a broker. The Commission also found that Mr. DeFravio failed to report a 1998 conviction for Assault on a Female as required by Commission rules.

DIRECT MANAGEMENT & REALTY, INC. (Charlotte) – By Consent, the Commission revoked the firm license of Direct Management & Realty effective May 15, 2008. The Commission found that Direct Management & Realty, as property manager for several properties, failed repeatedly to provide rent proceeds, management statements and invoices or receipts for repairs purportedly conducted and also had at least one check written from its trust account returned for insufficient funds.

STEPHEN E. DUBOSE (Waynesville) – By Consent, the Commission reprimanded Mr. DuBose effective July 1, 2008. The Commission found that Mr. DuBose acted as a broker in the sale of three residential lots, and failed to discover prior to closing that the subdivision containing the properties had not been approved by local government and two of the properties were too small under the applicable zoning regulations. The Commission noted that Mr. DuBose, after closing, assisted the parties involved in conveyances among the owners to correct the zoning violation and the subdivision was subsequently approved.

FREDERICK B. ELZIE, III (Charlotte) – By Consent, the Commission suspended the broker license of Mr. Elzie for a period of 12 months effective January 1, 2008. Six months of the suspension were active with the remainder stayed for a probationary period of 12 months on certain conditions. The Commission found that Mr. Elzie, acting as rental agent for residential rental property belonging to landlord clients and as its broker-in-charge from May 2005 to January 2006, failed to deposit and maintain rents and monies collected for clients in a trust account, failed to always designate trust account records as “trust” or “escrow”, did not reconcile trust account records with bank statements, and the trust account records did not provide a clear audit trail.

JOHN E. FORREST (Vanceboro) – By Consent, the Commission suspended the broker license of Mr. Forrest for a period of one year effective July 1, 2008. Two month of the suspension was active with the remainder stayed for a probationary period of 11 months. The Commission found that Mr. DuFravio was convicted of Second Degree Trespass and Resisting Arrest on July 18, 2007, which he timely reported. The Commission also found that Mr. DuFravio failed to report a conviction for Assault on a Female as required by Commission rules.

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of the suspension were active with the remainder stayed for a probationary period of one year. The Commission found that Mr. Forrest was convicted of four criminal offenses prior to licensure but did not report them on his 1993 and 1996 license applications. The Commission also found that Mr. Forrest was convicted in November 2007 of Open Burning When Prohibited in Craven County, which he timely reported to the Commission.

FREEDOM REALTY OF FAYETTEVILLE, INC. (Fayetteville) – By Consent, the Commission revoked the firm license of Freedom Realty effective August 14, 2008. The Commission found that Freedom Realty, acting as a rental manager for a property, failed to account to the owner for a deposit paid by the tenant and for rent collected on the tenant’s behalf. The Commission also found that Freedom Realty failed to produce transaction and trust account documents for inspection.

JAMES TERRY GARRETT, JR. (Charlotte) – By Consent, the Commission suspended the broker license of Mr. Garrett for a period of five years effective September 1, 2008. Three years of the suspension are active with the remainder stayed for a probationary period of two years. The Commission found that Mr. Garrett timely disclosed his conviction on June 15, 2007, relating to his participation in the sale of securities for which he was placed on five years probation, to be terminated no sooner than payment of restitution and two years probation. The Commission noted that Mr. Garrett has paid the restitution.

GOLD PROPERTY MANAGEMENT, INC. (New Bern) – By Consent, the Commission revoked the firm license of Gold Property Management effective July 25, 2008. The Commission found that Gold Property Management’s liabilities for monies belonging to clients and tenants exceeded the funds on deposit in the firm’s trust accounts by more than $160,000. The Commission also found that Gold Property Management failed to maintain a complete journal of trust account transactions, maintained no running balance of funds on hand in the trust accounts and no accurate ledgers. The Commission further found that Gold Property Management was unable to identify the liability to clients and tenants, failed to reconcile the trust account records with bank statements, issued checks drawn on the trust accounts which were returned unpaid because of insufficient funds, and used tenant security deposit money to fund shortfalls.

CESAR G. GORDOLA (Winston-Salem) – By Consent, the Commission revoked the broker license of Mr. Gordola effective July 15, 2008. The Commission found that Mr. Gordola failed to deposit and maintain certain client monies in a trust account and failed to keep accurate ledgers and journals of the monies deposited into or paid from his trust accounts. The Commission also found that Mr. Gordola commingled the funds of others in his possession with his own money, failed to make his trust account records available to the Commission for inspection, failed in certain transactions to keep complete and accurate copies of agency disclosures, agency contracts and other transactional documents, and failed in certain transactions to provide buyers and sellers with accurate closing statements.


ELIZABETH A. GRILLO (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Grillo for a period of 15 months effective July 1, 2008. The Commission then stayed the suspension for a probationary period of 15 months on certain conditions. The Commission found that Ms. Grillo listed a 1.8-acre lot, misrepresenting on the MLS system R10 zoning for single family residential use based upon the county tax records. The misrepresentation was discovered after closing, when the buyer attempted to build a residence on the lot, and the buyer spent $15,000 to have the property rezoned.

SHARON A. HARGETT (Raleigh) – By Consent, the Commission reprimanded Ms. Hargett effective July 1, 2008. The Commission found that Ms. Hargett, in order to remove the provisional status from her broker license, certified to the Commission on its website on May 22, 2006 that she possessed four years’ full-time real estate brokerage experience within the past six years, when, in fact, she had held a full-time job not related to real estate since 1987, had devoted an average of only 10 to 15 hours a week to real estate, and was unable to supply adequate evidence and documentation that she had sufficient experience to remove the provisional status from her broker license.

ANTHONY T. HARRELSON (Richmond, Virginia) – By Consent, the Commission permanently revoked the broker license of Mr. Harrelson effective July 21, 2008. The Commission found that Mr. Harrelson, on or about August 14, 2007, was convicted of Bank Fraud, Money Laundering and Aggravated Identity Theft in the United States District Court for the Eastern District of Virginia and is currently serving a term of imprisonment for these convictions.

BRUCE HARRIS, JR. (Burlington) – By Consent, the Commission suspended the broker license of Mr. Harris for a period of two years effective June 20, 2008. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Mr. Harris’s trust account books and records failed to conform to the minimum standards of the Commission’s rules, and that the liabilities exceeded funds on deposit. The Commission also found that Mr. Harris failed to fully document deposits and disbursements and maintain a running balance in the trust account journal. The Commission noted that Mr. Harris brought the account and records into compliance.

BRUCE HARRIS, SR. (Burlington) – By Consent, the Commission suspended the broker license of Mr. Harris for a period of

(See Disciplinary Action, page 16)
Disciplinary Action  
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two years effective June 20, 2008. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Mr. Harris’s trust account books and records failed to conform to the minimum standards of the Commission’s rules, and that the liabilities exceeded funds on deposit. The Commission also found that Mr. Harris failed to fully document deposits and disbursements and maintain a running balance in the trust account journal. The Commission noted that Mr. Harris brought the account and records into compliance.

CECIL B. HEAVNER (Smithfield) – By Consent, the Commission reprimanded Mr. Heavner effective June 10, 2008. The Commission found that in 2002, Mr. Heavner purchased property from a seller client of his firm, and agreed to share with the seller the profit from a subsequent resale within a stipulated period of time. The Commission further found that Mr. Heavner sold the property for a profit; however, a dispute arose concerning the disposition of the profits and Mr. Heavner did not make a timely accounting of the resale to his former client. The Commission noted that Mr. Heavner filed a court action to determine the appropriate disposition of the proceeds, and disbursed the funds to the seller’s bankruptcy estate in accordance with the court’s judgment.

RICHARD P. HESTER, JR. (Durham) – By Consent, the Commission suspended the broker license of Mr. Hester for a period of 30 days effective June 18, 2008. The Commission found that Mr. Hester, a certified residential real estate appraiser, affixed his signature and seal to an interim property inspection report requested by a lender for a construction loan draw to finance the purchase of a mobile home; he did not tell the lender he was unable to perform the inspection due to recent surgery and instead submitted required photographs taken by an employee of the mobile home manufacturer that were subsequently found not to be of the subject property. The Commission also found that the manufactured home dealer failed to complete the property owner’s home as required to receive the draw.

RONALD F. HILES (Sanford) – The Commission suspended the broker license of Mr. Hiles for a period of five years effective October 15, 2006. The Commission found that Mr. Hiles failed to properly account for money belonging to others in four separate transactions, failed to deposit the funds of others in a trust or escrow account, failed to make records available for Commission inspection, and commingled rent and repair money with his own.

OSCAR L. HINES, JR. (Goldsboro) – By Consent, the Commission suspended the broker license of Mr. Hines for a period of one year effective July 1, 2008. The Commission then stayed the suspension for a period of one year on certain conditions. The Commission found that Mr. Hines failed to renew his general contractor’s license and subsequently was disciplined by the Licensing Board for General Contractors for performing as a general contractor after the license’s expiration and failed to report this disciplinary action to the Commission.

JASON J. HOLT (Asheville) – The Commission revoked the broker license of Mr. Holt effective June 5, 2008. The Commission found that Mr. Holt, on or about January 3, 2007, plead guilty to and was convicted of the misdemeanor offense of Assault on a Female and was sentenced to 150 days in prison, suspended for a probationary period of 12 months; and that on or about October 2, 2007, Mr. Holt plead guilty to and was convicted of the federal offense of Possession of Firearm by Felon and was sentenced to 25 months in prison and is currently serving that term in Florida. The Commission further found that Mr. Holt was previously disciplined in 1998 by the Commission for failing to disclose in his license application three prior convictions. The Commission noted that Mr. Holt reported the convictions in 2007 as required by Commission rule.

ALICE F. HOPE (Gastonia) – By Consent, the Commission reprimanded Ms. Hope effective August 1, 2008. The Commission found that Ms. Hope elected to remove the provisional status of her license certifying on May 1, 2006 that she possessed four years full-time experience as a real estate broker; while she had performed property management as a corporate employee during that time, her license has been on inactive status since April 1999 and, therefore, the work she performed did not qualify as the basis for removal of her provisional status.


IRONWOOD REALTY, INC. (Greenville) – By Consent, the Commission reprimanded Ironwood Realty effective June 19, 2008. The Commission found that Ironwood Realty acted as brokers for a community of patio homes within a larger subdivision where the roads in the rest of the subdivision were public, and failed to disclose to purchasers of the patio homes that the roads in their community were private.

JACKSONVILLE REALTY, INC. (Jacksonville) – By Consent, the Commission suspended the firm license of Jacksonville Realty for a period of three years effective April 1, 2008. The Commission then stayed the suspension for a probationary period through March 31, 2013 under certain conditions. The Commission found that Jacksonville Realty failed to adequately safeguard the funds of its clients held in trust and failed to supervise an unlicensed employee who was given access to the firm’s trust accounts and who, in 2003, converted approximately $150,000 in trust monies to her own use. The Commission also found that Jacksonville Realty appointed the employee as broker-in-charge of the property management office after she became licensed, and she converted approximately $500,000 to her own use between 2004 and 2007. The Commission noted that Jacksonville Realty fully funded the trust accounts and brought its books and records into compliance.

WENDY STEWART JAMISON (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Jamison for

(See Disciplinary Action, page 17)
Disciplinary Action
(Continued from page 16)

a period of six months effective June 1, 2008. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Ms. Jamison on or about October 10, 2007, plead guilty to and was convicted of Driving While Intoxicated. The Commission noted that prior to licensure as a real estate broker Ms. Jamison was convicted of certain criminal offenses which were disclosed at the time of her license application.

DAVID P. JENNINGS (Wilmington) – By Consent, the Commission suspended the broker license of Mr. Jennings for a period of one year effective July 1, 2008. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Mr. Jennings was convicted in 2007 for misdemeanor drug possession and maintaining a vehicle for controlled substance and had failed to disclose on his 1994 salesperson's license application and his 2004 broker's license application a 1990 conviction for misdemeanor Larceny and a 1991 misdemeanor conviction for Resisting and Obstructing a Public Officer.

DUANE A. JORDAN (Yadkinville) – The Commission revoked the broker license of Mr. Jordan effective September 4, 2008. The Commission found that Mr. Jordan misrepresented to an investor that the principal amount of his investment was guaranteed and pursued that course of misrepresentation through documents and electronic communication. The Commission also found that Mr. Jordan failed within a reasonable time to account to the investor for the monies held on his behalf; failed to maintain and deposit into a trust or escrow account the monies received by him as a real estate agent from the investor; and failed to produce at the request of the Commission records relating to the monies held on behalf of the investor. The Commission further found that Mr. Jordan failed to respond to letters of inquiry from the Commission.

DELMIS JACK KEEN, JR. (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Keen for a period of 42 months effective September 1, 2008. The Commission found that Mr. Keen, in Wake County District Court, pleaded guilty to and was convicted of the criminal offense of larceny; Mr. Keen purchased building material for personal use with funds belonging to a hotel organization which he had obtained from an employee there.

ALFRED S. KESLER (Murphy) – By Consent, the Commission reprimanded Mr. Kesler effective March 1, 2008. The Commission found that Mr. Kesler, acting as the agent for the sellers of a house and lot, prepared a real estate purchase contract on which he described the closing date to be “23 April and/or when buyer’s house is closed.” The Commission also found that the property did not close by April 23, the sellers sold the property to another purchaser and the original buyer disputed the meaning of the closing language Mr. Kesler prepared.

THEODORE A. KIMMEL (Asheville) – By Consent, the Commission suspended the broker license of Mr. Kimmel for a period of two years effective July 1, 2008. One year of the suspension is active with the remainder stayed for a probationary period of one year. The Commission found that Mr. Kimmel answered “no” to a question concerning criminal convictions on his 2005 license application, when, in fact, he had prior convictions in 1998, 2001 and 2002. The Commission further found that Mr. Kimmel was convicted on or about March 9, 2007 of multiple misdemeanors and, on or about May 15, 2007, was convicted of two criminal offenses, and did not report the convictions to the Commission as required.

JAMES M. KING (Charlotte) – The Commission accepted the permanent voluntary surrender of the broker license of Mr. King effective June 19, 2008. The Commission dismissed without prejudice allegations that Mr. King had violated provision of the Real Estate Law and Commission rules. Mr. King neither admitted nor denied misconduct.

RAYMOND LAWRENCE (Cedar Point) – By Consent, the Commission suspended the broker license of Mr. Lawrence for a period of two years effective July 1, 2008. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Mr. Lawrence, originally licensed on December 6, 1991, was convicted on November 29, 1993, of Misdemeanor Assault on a Female, Misdemeanor Communicating Threats, and Felony Solicitation to Commit Murder, was sentenced to five years in prison and served 18 months for the felony, and was sentenced to two years in prison suspended to five years unsupervised probation for the misdemeanors.

WESLEY A. MARTIN (Johnson City, Tennessee) – By Consent, the Commission suspended the broker license of Mr. Martin for a period of six months effective July 1, 2008, after which it will be restored to him on provisional status on certain conditions. The Commission found that Mr. Martin certified to the Commission that he had four years of full-time, active experience as a real estate broker or salesperson when, in fact, his license was on active status for only eight months following licensing in 2000. The Commission also found that Mr. Martin, also licensed in California in May, 2004, could have had only two years and five months of qualifying experience at the time of his certification to the Commission.

DON W. MCNALLY (Fayetteville) – By Consent, the Commission suspended the broker license of Mr. McNally for a period of two years effective July 1, 2008. Six months of the suspension are active with the remainder stayed for a probationary period. The Commission found that Mr. McNally wrote a contract for his buyer-client, knowing his buyer-client wanted repairs made to the property, and failed to prepare a repair request agreement. The Commission also found that Mr. McNally knew his buyer-client wanted to take possession of the property prior to closing and failed to prepare a buyer possession before closing agreement, and permitted his buyer-client to take possession of the property prior to the closing. The Commission further found that Mr. McNally failed to respond in writing to three Letters of Inquiry from the Commission.

NORMAN MEHLMAN (Charlotte) – By Consent, the Commission revoked the broker license of Mr. Mehlman effective July 1, 2008, providing further that he may not seek license reinstatement for two years. The Commission found that Mr. Mehlman, acting as property manager for several owner-clients, failed repeatedly to provide rent proceeds, management statements and invoices or receipts for repairs purportedly conducted, and had at least one check which was written from his trust account returned for insufficient funds.

STANLEY G. MONTGOMERY (Greensboro) – By Consent, the Commission revoked the broker license of Mr. Montgomery effective March 11, 2008. The Commission found that Mr. Montgomery was convicted on or about December 9, 2004 of the federal criminal offense of conspiracy to commit loan fraud and was sentenced to three years of supervised probation.

WILLIE E. MOORE (Fayetteville) – By Consent, the Commission suspended the broker license of Mr. Moore for one year eff-
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2006, which includes the time she certified to the Commission on its website on April 25, 2006 that she possessed "as is", received a Lead Paint Addendum, and Property Disclosure Statement marked "no representation" for all questions, both signed by the sellers, but failed to obtain a copy of these documents signed by the purchaser. The Commission then stayed the suspension for a probationary period of six months on certain conditions. The Commission found that Ms. Owokoniran, acting as buyer's agent for a home built in 1905 and being sold "as is", received a Lead Paint Addendum, and Property Disclosure Statement marked "no representation" for all questions, both signed by the sellers, but failed to obtain a copy of these documents signed by the purchaser. The Commission also found that, after the sale closed, the purchaser discovered that the house had lead paint and would not be suitable for renting or eligible for Section 8 tenants as had been intended.

KENNETH L. MURPHY, JR. (Durham) – By Consent, the Commission reprimanded Mr. Murphy effective July 1, 2008. The Commission found that Mr. Murphy, in order to remove the provisional status from his broker license, certified to the Commission on its website on January 2, 2007 that he possessed four years of full-time real estate brokerage experience within the previous six years, when, in fact, he had only participated in 17 real estate transactions in the years 2003 to 2006, devoted an average of 15 to 25 hours per week to real estate activities, worked part time in another job unrelated to real estate, and was unable to supply adequate evidence and documentation that he had sufficient experience to remove the provisional status from his broker license.

NEW MILLENIUM REALTY, INC. (Charlotte) – By Consent, the Commission permanently revoked the firm license of New Millenium Realty effective April 16, 2008. The Commission found that New Millenium Realty, between 2002 and 2004, represented buyers who purchased new construction homes from a builder and that New Millenium Realty received numerous commission bonuses paid directly to the firm by the builder, which were not disclosed to the buyers, closing attorneys or lenders in the transactions.


OLA M. OWOKONIRAN (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Owokoniran for a period of six months effective July 1, 2008. The Commission then stayed the suspension for a probationary period of six months on certain conditions. The Commission found that Ms. Owokoniran, acting as buyer's agent for a home built in 1905 and being sold "as is", received a Lead Paint Addendum, and Property Disclosure Statement marked "no representation" for all questions, both signed by the sellers, but failed to obtain a copy of these documents signed by the purchaser. The Commission also found that, after the sale closed, the purchaser discovered that the house had lead paint and would not be suitable for renting or eligible for Section 8 tenants as had been intended.

CASSANDRA A. PHIPPS (Charlotte) – By Consent, the Commission reprimanded Ms. Phipps effective August 1, 2008. The Commission found that Ms. Phipps, acting as broker-in-charge of a real estate brokerage firm, engaged an unlicensed individual as an independent contractor to perform leasing services requiring a broker's license, including soliciting clients for the firm and showing rental properties listed by the firm.

PHIPPS ENTERPRISE, INC. (Charlotte) – By Consent, the Commission reprimanded Phipps Enterprise effective August 1, 2008. The Commission found that Phipps Enterprise, a licensed real estate brokerage firm, engaged an unlicensed individual as an independent contractor to perform leasing services requiring a broker's license, including soliciting clients for the firm and showing rental properties listed by the firm.

JAMES C. POAG III (Charlotte) - The Commission accepted the voluntary surrender of the broker license of Mr. Poag for a period of two years effective June 1, 2008. The Commission dismissed without prejudice allegations that Mr. Poag violated provisions of the Real Estate License Law and Commission rules. Mr. Poag did not admit or deny misconduct.

TRINA DENISE RAMOSBARBOSA (Fayetteville) – By Consent, the Commission reprimanded Ms. Ramosbarbosa effective October 1, 2008. The Commission found that while Ms. Ramosbarbosa was the broker-in-charge of a real estate brokerage firm, the firm’s trust accounts showed evidence of deficit spending, charges for insufficient funds, and conversion of trust funds reportedly by an unlicensed bookkeeper.

GREGORY D. RANKIN (Charlotte) – By Consent, the Commission permanently revoked the broker license of Mr. Rankin effective October 1, 2008. The Commission found that Mr. Rankin was indicted on and pled guilty to charges relating to his conduct in a mortgage fraud scheme.

CYNTHIA E. RANSONE (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Ransone for a period of three years effective June 19, 2008. The Commission then stayed the suspension for a probationary period of three years under certain conditions. The Commission found that Ms. Ransone failed to report on her 1999 license application convictions in 1984 and 1991. The Commission also found that Ms. Ransone was convicted of Driving While Impaired on or about June 27, 2007 and timely reported this conviction to the Commission.

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PATRICIA HUNTER RICH (New Bern) – By Consent, the Commission suspended the broker license of Ms. Rich for a period of 30 days effective August 1, 2008. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Ms. Rich sold a property abutting a portion of a highway that was to be widened from two lanes to four and, although she received a portion of a survey from the listing agent showing the 200’ right-of-way for the road, did not provide it to the buyer and did not assure that the buyer understood that the property he purchased did not go all the way to the existing road and shoulder.

SABRA BRIGGS ROMEO (Charlotte) – By Consent, the Commission reprimanded Ms. Romeo effective September 1, 2008. The Commission found that (following discovery of embezzlement by an unlicensed office administrator) Ms. Romeo, acting as broker-in-charge of a real estate brokerage firm, failed to adequately reconcile the firm’s trust accounts, failed to identify disbursements correctly on journals, and had an average of approximately $52,000 in its trust account. The Commission noted that the owners of Ms. Romeo’s firm immediately deposited funds to cover the embezzled money and transferred the account to a new bank.

DEBORAH R. SANDERS (New Bern) – By Consent, the Commission revoked the broker license of Ms. Sanders effective July 25, 2008. The Commission found that Ms. Sanders was the broker-in-charge of a real estate firm and that her liabilities for monies belonging to clients and tenants exceeded the funds on deposit in her firm’s trust accounts by more than $160,000. The Commission also found that Ms. Sanders failed to maintain a complete journal of trust account transactions, maintained no running balance of funds on hand in the trust accounts and no accurate ledgers. The Commission further found that Ms. Sanders was unable to identify the liability to clients and tenants, failed to reconcile the trust account records with bank statements, issued checks drawn on the trust accounts which were returned unpaid because of insufficient funds, and used tenant security deposit money to fund shortfalls. The Commission further found that Ms. Sanders failed to deposit cash rent payments into trust accounts or otherwise account for them, failed to maintain a clear audit trail, and failed to safeguard or promptly account for monies belonging to their clients and tenants.

DAVID M. SCHATZ (Raleigh) – By Consent, the Commission reprimanded Mr. Schatz effective July 1, 2008. The Commission found that Mr. Schatz attempted to broker the sale of commercial parcels in 1999 and 2002, but failed to enter into a listing agreement with the sellers. The Commission also found that Mr. Schatz later sued for commissions based on “Commission Agreements” when the sellers eventually sold the properties independently.

VIRGINIA P. SCHLAGENTWEITHE (Jacksonville) – By Consent, the Commission revoked the broker license of Ms. Schlagentweithe effective September 1, 2008. The Commission found that Ms. Schlagentweithe, acting as broker-in-charge of a sole proprietorship engaged in property management, held security deposits in her trust account and converted $12,000 of those trust account funds to her personal use.

RICHARD L. SHOCKLEY (Weddington) – By Consent, the Commission reprimanded Mr. Shockley effective July 1, 2008. The Commission found that Mr. Shockley, in order to remove the provisional status from his broker license, certified to the Commission on its website on May 24, 2006 that he possessed four years of full-time real estate brokerage experience within the past six years, when, in fact, his broker license was active for a period of three years and two months and had been inactive since January 2004.

MOTT E. SIMPSON (Monroe) – By Consent, the Commission reprimanded Mr. Simpson effective July 1, 2008. The Commission found that Mr. Simpson, a certified appraiser, employed a trainee who performed appraisals on several properties and, although the appraisals did not meet the standards required by the North Carolina Appraisal Board, Mr. Simpson signed off on the appraisals and submitted them to lenders. The Commission also found that Mr. Simpson entered into a consent order with the Appraisal Board in which Mr. Simpson agreed that his appraisal license would be suspended for one year, with four months to be active, and the remainder stayed under certain conditions. The Commission noted that Mr. Simpson completed the requirements.

MEREDITH Sloan (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Sloan for a period of two years effective July 1, 2008. Four months of the suspension are active with the remainder stayed for a probationary period. The Commission found that Ms. Sloan solicited owners of homes in pre-foreclosure for a program whereby her husband would purchase the property for an amount negotiated with the lender; Ms. Sloan would solicit and receive offers as the listing agent, her husband would then purchase the property for a lower negotiated amount and then sell the property on the same day to a third party for a higher amount. The Commission further found that Ms. Sloan failed to disclose these higher offers to her purported seller-clients and at least in one instance, the home was foreclosed on despite 24 offers having been made on the property.

BRIAN T. SMITH (Waxhaw) – By Consent, the Commission revoked the broker license of Mr. Smith effective May 15, 2008. The Commission found that Mr. Smith served as property manager for several properties for an owner-client and failed repeatedly to provide rent proceeds, management statements and invoices or receipts for repairs purportedly conducted and also had at least one check written from a trust account returned for insufficient funds.

DALLAS MABREY SMITH (Morehead City) – By Consent, the Commission suspended the broker license of Mr. Smith for a period of three years effective July 21, 2008. Six months of the suspension are active with the remainder stayed for a probationary period of 30 months on certain conditions. The Commission found that Mr. Smith, on or about October 11, 2007, was found guilty of knowingly writing bad checks over $200 to certain New Jersey casinos. The Commission noted that the conviction was not related to a real estate closing.

DEBORAH E. SMITH-JONES (Greensboro) – By Consent, the Commission suspended the broker license of Ms. Smith-Jones for a period of one year effective March 1, 2008. Three months of the suspension were active with the remainder stayed for a probationary period of nine months on certain conditions. The Commission found that Ms. Smith-Jones, who conducted property management services through a sole proprietorship, failed to perform monthly reconciliations of her trust accounts, failed to maintain a trust account journal, failed to properly identify tenants, remittances, dates and accurate balances in the property ledger, engaged in deficit spending, had no clear audit trail, failed to perform monthly trial balances, and, in May 2007, had a shortage in her trust account of over $700 and an overage in her security deposit account of $100.

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JULIE ANNE STAMPER (Fayetteville) – By Consent, the Commission revoked the broker license of Ms. Stamper effective August 14, 2008. The Commission found that Ms. Stamper, acting as a rental manager for a property, failed to account to the owner for a deposit paid by the tenant and for rent collected on the tenant’s behalf. The Commission also found that Ms. Stamper failed to show up for three appointments with the Commission investigator and failed to produce transaction and trust account documents for inspection.

SCOTT A. STARNES (Charlotte) – By Consent, the Commission permanently revoked the broker license of Mr. Starnes effective June 2, 2008. The Commission found that Mr. Starnes, in providing property management services, paid owner proceeds late, failed to timely deliver management statements, and in several cases failed to enter into written property management agreements. The Commission also found that Mr. Starnes had checks drawn on his trust account returned for insufficient funds and had numerous electronic transfers from the rental trust account to the operating account, and numerous negative ledger balances.

RONNIE KNINO STOKES (Greensboro) – By Consent, the Commission reprimanded Mr. Stokes effective September 1, 2008. The Commission found that Mr. Stokes, in May, 2007, voluntarily and permanently surrendered his three insurance licenses due to financial mismanagement of his accounts.

BRIAN F. STRUM (Candler) – By Consent, the Commission suspended the broker license of Mr. Strum for a period of one year effective February 21, 2008. The Commission then stayed the suspension for a probationary period of 18 months under certain conditions. The Commission found that Mr. Strum was convicted on three separate occasions of Driving While Impaired, most recently in February 2005 and October 2006, with the latter conviction constituting a violation of his probation in the 2005 case. The Commission noted that Mr. Strum is fully compliant with a treatment program.

MARCELO TELLEZ (Apex) – By Consent, the Commission suspended the broker license of Mr. Tellez for a period of six months effective May 1, 2008. The Commission found that Mr. Tellez purchased a property from a seller without paying off the existing mortgage or notifying the lender, in violation of the due on sale clause in the mortgage, thus leaving the sellers with liability under terms of the existing note and deed of trust. The Commission noted that Mr. Tellez owns the property and had made all payments on the property to the date of the Commission’s order.

TAMI D. TILLEY (Durham) – By Consent, the Commission revoked the broker license of Ms. Tilley effective October 1, 2008. The Commission found that Ms. Tilley accepted earnest money from a buyer in a real estate transaction and errantly deposited the money into her personal account. The Commission noted that Ms. Tilley replaced the funds with two money orders of her own. Ms. Tilley neither admitted nor denied misconduct.

JONATHAN B. WILLIAMS (Greenville) - The Commission accepted the permanent voluntary surrender of the broker license of Mr. Williams effective June 1, 2008. The Commission dismissed without prejudice allegations that Mr. Williams violated provisions of the Real Estate License Law and Commission rules. Mr. Williams neither admitted nor denied misconduct.