



Get It in Writing!

On June 9, 2023, Roy Batty was issued a Real Estate Salesperson license. Batty is an active real estate agent with Tyrell Realty.

On February 17, 2024, Harry Bryant, the seller, and Rick Deckard, the purchaser, entered into a Purchase Agreement in the amount of \$345,000 for the purchase of a residential single-family home.

The contract identified Batty as the Selling Agent representing Deckard and Leon Kowalski as the Listing Agent representing Bryant. The two agents have been personal friends since high school.

The contract included a home inspection contingency, which included a home inspection contingency deadline and required a written repair addendum to the contract setting forth any requested repairs by the purchaser. On February 23, 2024, a home inspection was performed at the subject property, and a home inspection report was prepared. The report indicated the vapor barrier for the crawlspace was damaged and required repair.

Batty negotiated a repair of the crawlspace vapor barrier with the listing agent, but Batty never prepared a written repair addendum that was executed by the parties. When Deckard asked Batty about a written repair addendum, Batty told Deckard he was taking care of everything, and that they could trust Kowalski.

During the final walkthrough, it appeared to Deckard from a cursory view that the crawlspace work was completed. However, while some of the vapor barrier was repaired, the entire required work was not completed. Deckard discovered the incomplete repair of the vapor barrier after closing.

The Real Estate Board concluded Batty violated Virginia Code section 54.1-2132.A.2.b., which requires a licensee engaged by a buyer to promote the interests of the buyer by “[a]ssisting in the drafting and negotiating of offers and counteroffers, amendments, and addenda to the real

estate contract pursuant to § 54.1-2101.1 and in establishing strategies for accomplishing the buyer's objectives.”

Batty violated this section because he failed to prepare a written repair addendum on behalf of Deckard, outlining the requested repairs, including the installation of a vapor barrier in the crawlspace, as outlined in the contract and recommended in the home inspection report.

Batty was fined \$650 and was required to complete six hours of classes on the topics of Contract Writing and Real Estate Laws and Regulations.

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