

## MINUTES

The Alabama Real Estate Commission met August 26, 2005 at the Dothan City Commission Meeting Room at the Dothan Civic Center in Dothan, Alabama.

Vice-Chair Gordon Henderson, presiding, called the meeting to order at 9:00 a.m.

Those present were Vice-Chairman Gordon Henderson; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Bobby Hewes, Sheila Hodges, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Specialist Ryan Adair; Special Investigators David Erfman and Chuck Kelly; Hearing Officer Tori Adams-Burk.

Commissioner Hewes recognized Dothan City Manager Mike West to express appreciation for use of the Commission Chamber.

General Counsel Charles Sowell presented new attorney Chris Booth to commissioners. Commissioners extended both a personal welcome and that of his support to the expanding legal and enforcement efforts of the Commission.

Executive Director Philip Lasater reviewed the July financial statements highlighting fund balances. There was no action taken. Notation was made of the scheduled AREC Open Forum in Savannah at the AAR convention. Preparations are being made to develop informational guidelines on the implementation of Minimum Services provisions. Information was shared about Congressman Bachus' correspondence to DOJ and the FTC. Commission consensus agreed and supported Chairman Poole's correspondence to Congressman Bachus. It is not anticipated at this time the Commission will formally convene. Attention was called to the various informational packet inserts.

Ryan Adair, Education Specialist, was recognized to introduce an amendment to the proposed rules scheduled for adoption. The amendment was offered to paragraph (7) of 790-X-1-10 and struck the language *Instructors who teach only college credit courses* and inserted *Fulltime college instructors*. Upon consideration of written comments and those made in the public hearing and those offered above, Commissioner Mallory moved to adopt the rules as proposed with the above amendment. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

## **HEARINGS**

### **Alabama Real Estate Commission vs. Martha C. Conner, Formal Complaint No. 2861**

Upon discussion of the evidence and testimony presented in the matter of Martha C. Conner, Qualifying Broker, Akadia Realty LLC, Dothan, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(27) in that she acted negligently or incompetently in performing an act for which a person is required to hold a real estate license by

failing to exclude the storage buildings in the written purchase agreement, Commissioner Hodges moved to find Ms. Conner guilty and to fine her \$1000 and suspend her license 90 days. Commissioner Buford seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Scott L. Hendricks, Formal Complaint No. 2864**

Upon discussion of the evidence and testimony presented in the matter of Scott L. Hendricks, Associate Broker, Troy Landmark Realty, Troy, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates of completion of all required continuing education course hours and by the false or inaccurate filing of the renewal, Commissioner Hodges moved to find Mr. Hendricks guilty and to reprimand him. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Daniel C. Campbell, Denied Reciprocal Salesperson's Application, I-11,704**

Upon review of the salesperson's reciprocal license application submitted by Mr. Campbell, Commissioner Hewes moved to approve Mr. Campbell's application. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Rebecca A. Shearman, Applicant for Reciprocal Salesperson's License, I-11,714**

Upon discussion of Ms. Shearman's eligibility for licensure, Commissioner Hodges moved to approve the reciprocal license application of Ms. Shearman. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Harold Lynn Walker, Denied Applicant for Determination of Licensing Eligibility, I-11,689**

Upon review of the application for determination of licensing eligibility submitted by Mr. Walker, Commissioner Bragg moved to approve the license eligibility of Mr. Walker. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**NOT APPEARINGS**

**Allen Maze Looney, Application for Determination of Licensing Eligibility, I-11,719**

Upon review of the the application for determination of licensing eligibility submitted by Mr. Looney, Commissioner Hodges moved to deny the license eligibility of Mr. Looney. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Chester M. Pugh, Hardship Request for Substitute Qualifying Broker, I-11,733**

Upon review of Mr. Pugh's request for his wife to be qualifying broker while he is in Iraq, Commissioner Bragg moved to approve the hardship request for Mr. Pugh's wife to serve

as qualifying broker during his National Guard military service in Iraq. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Margi Ingram, Requests Ruling on Need for Branch Office, I-11,739**

Upon discussion of Ms. Ingram's need for a branch office, Commissioner Bragg moved to authorize Daniel Homes LLC d/b/a Ingram and Associates to proceed as proposed with their plan to utilize a welcome center and model homes using unlicensed individuals to greet and distribute general information and not performing activities for which a license would be required. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Request for Ruling on Listing Agreement, Fox Hollow Realty, I-11,743**

Upon review of the Fox Hollow Realty LLC listing contract, Commissioner Bragg moved to inform Fox Hollow Realty that their listing extension provisions are in violation of Rule 790-X-3-.05. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Randy Trimble, Lapsed Temporary Salesperson, I-11,744**

Upon consideration of the circumstances presented by Ms. Trimble, Commissioner Hewes moved to approve an extension of time for the submission of her original license application. Commissioner Lovejoy seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Stephanie A. Key, Formal Complaint No. 2874**

Upon discussion of the evidence presented in the matter of Stephanie A. Key, Salesperson, Rise Real Estate Preferred One Group, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)16) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Bragg moved to find Ms. Key guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 6-1 with Commissioner Mallory voting no.

**Alabama Real Estate Commission vs. Brandi L. Horton, Formal Complaint No. 2875**

Upon discussion of the evidence and testimony presented in the matter of Brandi L. Horton, Grand Bay, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) by presenting to the Alabama Real Estate Commission as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Ms. Horton guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 6-0 with Commissioner Mallory abstaining.

There being no further business, the meeting adjourned at 12:45 p.m.

Done this 26<sup>th</sup> day of August, 2005.

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Gordon Henderson, Vice-Chair

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D. Philip Lasater, Recording Secretary