

## MINUTES

A meeting of the Alabama Real Estate Commission was held August 24, 2012, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Steve Cawthon; Commissioners Jewel Buford, Reid Cummings, Carole Harrison, Dorothy Riggins-Allen, Danny Sharp and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K. C. Baldwin; Auditors Denise Blevins and Vicky Shackelford. Tori Adams served as Hearing Officer. Commissioner Clif Miller was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Information Technology Manager Brett Scott, Accounting and Personnel Manager DeLois Thigpen, Senior IT Systems Technician Steven Brown and Programmer Analyst Matt Davis.

The meeting, having been duly noticed according to the Open Meetings Act, was called to order at 9:00 a.m. by Chairman Bill Watts.

Commissioner Riggins-Allen made a motion to approve the July minutes as presented. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

In the Executive Director's report and Financial Review, Mr. Lasater noted that receipts for July totaled \$43,710 and disbursements totaled \$286,352 illustrating the Commission's primary reliance on renewal income and the backup of reserves. Mr. Lasater referenced the Revenue Continuous Report and pointed out that revenues in 2012 have fallen from both 2010 and 2011 except that there is slow growth in original licenses issued. After inviting any questions and comments from Commissioners, Mr. Lasater asked Education Director Ryan Adair to report on the current status of renewals and continuing education.

Mr. Adair reported good progress is being made in that about 50% of licensees have renewed at this point. Thirty to forty percent of licensees have renewed but not completed continuing education. However, licensees have until September 30, 2012 to complete continuing education. Reciprocal licensees are sending in Certification of licensure forms.

Mr. Lasater continued with the Executive Director's report with a Recovery Fund report. There has just been a payout in the Serritelli case. Ms. Serritelli is a property manager in Montgomery who shut down her company and kept the trust funds. Mr. Booth has been assisting owners who have or will sue Ms. Serritelli and will go against the recovery fund. Some money has already been paid out. She has filed bankruptcy. Mr. Booth gave a full report on pending recovery fund claims.

The Chairman called on Mr. Adair to explain the correction needed to one of the rules prior to consideration and adoption. Mr. Adair noted a minor change is needed to Rule 790-X-2-.25 to delete the second "the." Commissioner Wright made a motion to adopt amendments to Rules 790-X-1-.15, 790-X-1-.17, 790-X-1-.21, and 790-X-2-.13; to repeal Rule 790-X-2-.06 and the adopt new Rules 790-X-2-.24 and 790-X-2-.25 with the deletion of the second "the." Commissioner Sharp seconded the motion and it passed unanimously 8-0.

Mr. Lasater noted that three members of the Education Advisory Committee, Ms. Rebecca Green of Birmingham, Ms. Jeanne LaMere of Atlanta and Mr. Earl Martin of Montgomery, have completed serving their three-year terms and asked that Commissioners formally thank them for their service. Commissioner Buford made a motion to send a letter of appreciation to each. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Mr. Lasater asked Matt Davis to step forward for recognition and appreciation for the seven years he has served on the Commission IT staff. He wished him well as he leaves the Commission to take a position with Regions Bank in Birmingham. Commissioners likewise expressed appreciation to Mr. Davis for his service to AREC.

Commissioners then considered the draft of the 2013 calendar. After discussion, Commissioners agreed to move the March meeting from the 13<sup>th</sup> and 14<sup>th</sup> to March 20<sup>th</sup> and 21<sup>st</sup>, the May meeting from the 22<sup>nd</sup> to the 23<sup>rd</sup>; the June meeting from June 20<sup>th</sup> to be held the previous week at the AAR Summer meeting; the July meeting from the 18<sup>th</sup> to 19<sup>th</sup>; and the August meeting from the 22<sup>nd</sup> to the 23<sup>rd</sup>. Chairman Watts asked everyone to check their calendars with these adjustments and it will be discussed at the next meeting.

Commissioner Cawthon made a motion that Commissioners conduct hearing disposition discussions and decisions in closed meeting. Commissioner Wright seconded the motion and it passed unanimously 8-0 with Commissioners Watts, Cawthon, Buford, Cummings, Harrison, Riggins-Allen, Sharp and Wright voting in favor of the motion.

## HEARINGS AND APPEARINGS

### **Charles G. Guy, Hardship Request to Renew Lapsed Real Estate Broker's License, I-13,905**

Upon discussion of the hardship request for lapsed license renewal presented by Mr. Guy, Commissioner Cawthon made a motion to deny his request. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Billie D. Moore AND Val Moore Realty and Management Co., Inc. AND Clarence Andrew Anderson, formal Complaint No. 3270**

Upon discussion of the evidence and testimony presented in the matter of Billie D. Moore, Qualifying Broker, Val Moore Realty and Management Co., Inc. Huntsville, Alabama AND Val Moore Realty and Management Co., Inc., Huntsville, Alabama AND Clarence Andrew Anderson, Associate Broker, Alabama Commercial Realty, Huntsville, Alabama and the alleged violations of the *Code of Alabama 1975*, as amended, Count 1: Section 34-27-84(a)(1) via 34-27-36(a)(19) by not providing property management services to the Saals honestly and in good faith when they did not inform the Saals about C.A. Anderson's history as a tenant with the Nguyens; Count 2: Section 34-27-84(a)(1) via 34-27-36(a)(19) in that Respondents Moore and Moore Realty and Management Company, Inc. failed to provide property management services to the Smiths honestly and in good faith when they did not inform the Smiths about C.A. Anderson's history as a tenant with the Nguyens and the Saals; Count 3: Section 34-27-85(a)(1) via 34-27-36(a)(19) in that Respondents Moore and Moore Realty and Management Company Inc. failed to loyally represent the best interests of their client, Saals, when they did not inform the Saals about C.A. Anderson's history as a tenant; Count 4: Section 34-27-85(a)(1) via 34-27-36(a)(19) in that Respondents Moore and Moore Realty and Management Company, Inc. failed to loyally represent the best interests of their client, Smiths, when they did not inform the Smiths about C.A. Anderson's history as a tenant; Count 5: Section 34-27-36(a)(26) in that Respondent Clarence Andrew Anderson engaged in conduct which demonstrated dishonest dealings, bad faith, or untrustworthiness when he through his actions with Moore and Moore Realty and Management Company Inc. entered into and then failed to perform his obligations under the residential rental agreement with the Nguyens; Count 6: Section 34-27-36(a)(26) in that Respondent Clarence Andrew Anderson engaged in conduct which demonstrated dishonest dealings, bad faith, or untrustworthiness when he through his actions with Moore and Moore Realty and Management Company, Inc. entered into and then failed to perform his obligations under the residential rental agreement with the Saals; Count 7: Section 34-27-36(a)(26) in that Respondent Clarence Andrew Anderson engaged in conduct which demonstrated dishonest dealings, bad faith, or untrustworthiness when he through his actions with Moore and Moore Realty and Management Company Inc. entered into and then failed to perform his obligations under the residential rental agreement with the Smiths; the following action was taken.

On Count 1, Commissioner Cummings made a motion to find Billie D. Moore and Val Moore Realty and Management Company guilty. Commissioner Wright seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to revoke the licenses of Billie D. Moore and Val Moore Realty and Management Company. Commissioner Buford seconded the motion and it passed unanimously 8-0.

On Count 2, Commissioner Buford made a motion to find Billie D. Moore and Val Moore Realty and Management Company guilty. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to revoke the licenses of

Billie D. Moore and Val Moore Realty and Management Company. Commissioner Buford seconded the motion and it passed unanimously 8-0.

On Count 3, Commissioner Cummings made a motion to find Billie D. Moore and Val Moore Realty and Management Company guilty. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to revoke the licenses of Billie D. Moore and Val Moore Realty and Management Company. Commissioner Buford seconded the motion and it passed unanimously 8-0.

On Count 4, Commissioner Wright made a motion to find Billie D. Moore and Val Moore Realty and Management Company guilty. Commissioner Sharp seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to revoke the licenses of Billie D. Moore and Val Moore Realty and Management Company. Commissioner Buford seconded the motion and it passed unanimously 8-0.

On Count 5, Commissioner Wright made a motion to find Clarence Andrew Anderson guilty. Commissioner Sharp seconded the motion and it passed unanimously 8-0. Commissioner Buford made a motion to revoke the license of Clarence Andrew Anderson. Commissioner Riggins-Allen seconded the motion and it passed 7-1 with Commissioner Harrison voting no.

On Count 6, Commissioner Wright made a motion to find Clarence Andrew Anderson guilty. Commissioner Sharp seconded the motion and it passed unanimously 8-0. Commissioner Buford made a motion to revoke the license of Clarence Andrew Anderson. Commissioner Riggins-Allen seconded the motion and it passed 7-1 with Commissioner Harrison voting no.

On Count 7, Commissioner Riggins-Allen made a motion to find Clarence Andrew Anderson guilty. Commissioner Cummings seconded the motion and it passed unanimously 8-0. Commissioner Buford made a motion to revoke the license of Clarence Andrew Anderson. Commissioner Riggins-Allen seconded the motion and it passed 7-1 with Commissioner Harrison voting no.

**Robert Jackson Belcher, III AND J.M. Harrison Agency, Appeal of Commission's Decision in the Matter of Formal Complaint No. 3266**

At the request of Mr. Belcher's attorney, the hearing was continued until the Commission meeting scheduled for October 25, 2012.

**Alabama Real Estate Commission vs. Jack W. Hines, Jr., AND Hines Realty Company, A Corporation AND Jack W. Hines, III, Formal Complaint No. 3271**

Due to time limitations presented by the length of the second hearing, this hearing was continued at the request of Mr. Hines' attorney.

NOT APPEARINGS

**Confirm Next Meeting Date and Location for the Record: September 27, 2012, 9:00 a.m.,  
Montgomery**

Commissioner Sharp made a motion to approve the next Commission meeting date and location for September 27, 2012, at 9:00 a.m. in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 4:30 p.m.

Done this 24<sup>th</sup> day of August 2012.

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Bill Watts, Chairman

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Patricia Anderson, Recording Secretary