

## MINUTES

A meeting of the Alabama Real Estate Commission was held August 25, 2016 at the Commission offices, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Carole Harrison; Commissioners Steve Cawthon, Reid Cummings, Cindy Denney, Clif Miller, Dorothy Riggins-Allen, Danny Sharp and Nancy Wright; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly and K.C. Baldwin; and Auditor Anthony Brown. The Hearing Officer was Jim Hampton.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Accounting and Personnel Director Molli Jones; and Information Technology Manager Brett Scott.

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

Commissioner Cawthon made a motion to approve the minutes from the July 21, 2016 Commission meeting. Commissioner Sharp seconded the motion and it passed unanimously 9-0. Commissioner Wright made a motion to approve the minutes from the June 22, 2016 Strategic Planning Session. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

Executive Director Patricia Anderson presented the July 2016 financial report. Revenues continue to exceed projections and expenditures remain under projections. There have been no Recovery Fund payouts this fiscal year. The FY2018 budget will be presented at the October 2016 Commission meeting. In regards to the budget, Commissioners were asked to begin to assess if the paper version of *The Update* newsletter is being utilized by their colleagues in real estate or if we might consider the future possibility of distributing it in digital format only. The cost of producing, printing and mailing the newsletter is currently \$60,000 to \$80,000 annually.

Ms. Anderson shared that she was made aware that the Alabama Association of REALTORS® (AAR) has a task force to discuss ways to improve professionalism in the real estate industry and that some of their recommendations could involve changes to License Law. Updates will be provided as AAR chooses to share information with the Commission.

Ms. Anderson provided a renewal update. Of the 28,886 salespersons, brokers and companies that are eligible to renew 16,443 have renewed so far. Approximately 2,000 more licensees have renewed than had renewed at this time during the 2014 renewal. Online renewals accounted for 76.5% and in-house renewals accounted for 23.5%.

Proposed amendments to Rules 790-X-3-.03, 790-X-3-.04 and 790-X-3-.06 were published on August 30 in the *Alabama Administrative Monthly*. There will be a public hearing

on the rule amendments during the September 29 Commission meeting and Commissioners will have the opportunity to adopt the rules at the October 27 meeting. Ms. Anderson will also provide a copy of the rules to AAR.

Commissioners received the 2017 calendar with proposed Commission meeting dates. The February date was changed due to the scheduling of AAR's REALTOR® Day. Commissioner Cawthon made a motion to accept the calendar with a change to the February meeting date from the 15<sup>th</sup> to the 14<sup>th</sup>. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Assistant Executive Director Teresa Hoffman reported that the request for proposal (RFP) for fingerprinting services has been submitted to eligible vendors who are on the Alabama Department of Finance-Purchasing Division's vendor list. The RFP is also posted on the Purchasing Division's website. A committee has been formed to evaluate the RFP proposals, which are due to the Commission by September 14, 2016. The committee consists of Commission staff members General Counsel Chris Booth, Information Technology Manager Brett Scott, Licensing Administrator Anthony Griffin and Ms. Hoffman. Commissioner Wright also volunteered to serve on the committee.

Commissioner Cawthon made a motion to conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

## HEARINGS

### **Alabama Real Estate Commission vs. Carl R. Stringfellow Jr. and Stringfellow Properties Inc., Formal Complaint No. 3389**

Carl R. Stringfellow Jr., Qualifying Broker, Stringfellow Properties Inc., Birmingham, Alabama and Stringfellow Properties Inc., Birmingham, Alabama were charged on Counts 1, 3, 5, 7, 9, 11 and 13 with violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(8)a. by failing in their positions as qualifying broker and real estate company to properly account for or remit money coming into their possession which belonged to others. Carl R. Stringfellow Jr., Qualifying Broker, Stringfellow Properties Inc., Birmingham, Alabama was charged on Counts 2, 4, 6, 8, 10, 12 and 14 with violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(26) by exhibiting conduct in his position as qualifying broker which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness by failing to pass on to the owner rents he had collected over the amounts he reported that the tenants were paying on several properties.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cawthon made a motion to find Mr. Stringfellow and Stringfellow Properties Inc. guilty on all counts. Commissioner Sharp seconded the motion and it passed unanimously 9-0. Commissioner Cawthon made a motion to revoke the licenses of Mr. Stringfellow and

Stringfellow Properties Inc. on all counts. Commissioner Riggins-Allen seconded the motion and it passed 8-1 with Commissioner Sharp voting against the motion.

**Alabama Real Estate Commission vs. Kimberly Marie Farris, Formal Complaint No. 3388**

Kimberly Marie Farris, Salesperson, Edge Realty Group Inc., Birmingham, Alabama was charged on Count 1 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(23)a. by having entered a plea of guilty of nolo contendere to, or having been found guilty of a felony or a crime involving moral turpitude and charged on Count 2 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(k) in that she did not notify the Commission in writing by certified mail within 10 days after she received notice that a criminal verdict had been rendered against her.

Ms. Farris failed to appear for the hearing and the hearing was held in her absence. Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty on both counts. Commissioner Sharp seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to revoke her license on both counts. Commissioner Miller seconded the motion and it passed unanimously 9-0.

**Bianca Secille Dates, Application for Determination of Licensing Eligibility, Investigative File I-14,845**

Upon discussion of the evidence and testimony presented by Ms. Dates regarding her application for determination of licensing eligibility, Commissioner Sharp made a motion to approve her application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Thomas Daniel Williams, Formal Complaint No. 3390**

Thomas Daniel Williams, Inactive Salesperson, Foley, Alabama was charged on Count 1 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(23)a. by entering a plea of guilty or nolo contendere to, or having been found guilty of a felony or crime involving moral turpitude and charged on Count 2 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(k) in that he did not notify the Commission in writing by certified mail within 10 days after he received notice that a criminal verdict had been rendered against him.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Cummings made a motion to find Mr. Williams guilty on both counts and fine him \$1,000 per count. Commissioner Riggins-Allen seconded the motion. Commissioner Sharp made a friendly amendment to the motion to fine Mr. Williams \$2,500 per count. Commissioner Riggins-Allen seconded the motion as amended and it passed unanimously 9-0.

**Adrienne Lavern Paige, Application for Determination of Licensing Eligibility, Investigative File I-14,835**

Upon discussion of the evidence and testimony presented by Ms. Paige regarding her application for determination of licensing eligibility, Commissioner Wright made a motion to approve her application. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Erich R. Brinkmeier, Application for Determination of Licensing Eligibility, Investigative File I-14,827**

Mr. Brinkmeier failed to appear for the hearing and the hearing was held in his absence. Upon discussion of the evidence and testimony presented regarding his application for determination of licensing eligibility, Commissioner Cummings made a motion to deny his application. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Justin Lamar Smith, Application for Determination of Licensing Eligibility, Investigative File I-14,821**

Upon discussion of the evidence and testimony presented by Mr. Smith regarding his application for determination of licensing eligibility, Commissioner Cawthon made a motion to deny his application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Jeff G. Jones, Formal Complaint No. 3387**

Jeff G. Jones, Salesperson, Century 21 Advantage, Birmingham, Alabama, was charged on Count 1 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(15) by advertising himself as a real estate agent without the name or the trade name of the qualifying broker or company under whom he is licensed appearing prominently on the advertising and charged on Count 2 of violating *Code of Alabama* 1975, as amended Section 34-27-36(a)(6) by publishing or causing to be published any advertisement which deceives or is likely to deceive the public.

Upon discussion of the evidence and testimony presented in this matter, Commissioner Miller made a motion find him guilty on Count 1. Commissioner Wright seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to find him guilty on Count 2. Commissioner Wright seconded the motion and it passed unanimously 9-0. Commissioner Miller made a motion to fine him \$2,500 on Count 1. Commissioner Cummings seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to fine him \$2,500 on Count 2. Commissioner Miller seconded the motion and it passed 8-1 with Commissioner Sharp voting against the motion.

NOT APPEARING ITEMS FOR RULING

**Brandelyn A. Nelson, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3391**

Upon review of the evidence presented in the matter of Brandelyn A. Nelson, Salesperson, Metro South Partners LLC d/b/a Keller Williams Realty Metro South, Alabaster, Alabama and the alleged violation of the *Code of Alabama* 1975, as amended Section 34-27-36(a)(16) in that she presented 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 Cawthon made a motion to find her guilty and fine her \$250. Commissioner Miller seconded the motion and it passed unanimously 9-0.

**Dallas Demetrius Cunningham, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3392**

Upon review of the evidence presented in the matter of Dallas Demetrius Cunningham, Temporary Salesperson, Northeast Alabama Real Estate Co., LLC d/b/a Keller Williams Realty Group, Anniston, Alabama and the alleged violation of the *Code of Alabama* 1975, as amended Section 34-27-36(a)(16) in that he presented 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 Wright made a motion to find him guilty and fine him \$250. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

**Jackson Daily English, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3393**

Upon review of the evidence presented in the matter of Jackson Daily English, Temporary Salesperson, D.R. Horton Inc. Birmingham, Alabama and the alleged violation of the *Code of Alabama* 1975, as amended Section 34-27-36(a)(16) in that he presented 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 Riggins-Allen made a motion to find him guilty and fine him \$250. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

**Confirm Upcoming Meeting Date and Location for the Record: October 27, 9:00 a.m. in Montgomery**

Commissioner Sharp made a motion to confirm the October meeting for October 27 at 9:00 a.m. in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 2:50 p.m.

Done this 25<sup>th</sup> day of August, 2016.

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Bill Watts, Chairman

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Lori Moneyham, Recording Secretary