

MINUTES

The Alabama Real Estate Commission met February 15, 2006 at the University of Alabama, Alston Hall Conference Room, Tuscaloosa, Alabama.

Those present were Chairman Bill E. Poole; Vice Chair Sheila Hodges; Commissioners Jewel Buford, Thomas Hays, Gordon Henderson, Bobby Hewes, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson and Legal Counsel Charles Sowell. Commissioner Roy Bragg was absent with prior notice.

Chairman Poole called the meeting to order and declared a quorum present at 1:00 p.m.

Chairman Poole introduced discussion about real estate instructor Emil Ankermiller's request for Commissioners to meet with AREEA and Instructors. It was the consensus of the Commission to have the Executive Director correspond with Mr. Ankermiller and reiterate its offer to schedule time for discussion on a regular Commission meeting day but that Commissioners respectfully declined the occasion of another separate meeting. The correspondence was to also stipulate that the names of the accompanying instructors be provided in advance and to request that the nature of the interest in discussion be identified as general or specific.

Legislative Update

Executive Director Philip Lasater reported that the House State Government Committee gave a favorable report to HB 550.

March and April Meetings

Due to the nature of scheduled hearings and local witnesses involved and with consideration for the potential length of the meetings, the next two regular meetings will be set in Jefferson County.

Rules of Procedure

Upon review of a proposed outline of procedure, it was moved by Commissioner Hodges that these be adopted as the formal procedure for use by the Commission during its business meeting and hearing deliberation. Commissioner Hays seconded the motion and it passed unanimously.

Strategic Plan and Smart Budget Performance Measures

Commissioner Hays moved to adopt the Strategic Plan created as of October 2005 as revised and in consideration of the development of Performance Measures for the Real Estate Commission in the SMART Budget process, that the real estate statute and rules be used as the guideline for those and that the measures be related to how the mission stated in the statute is performed. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Resolution

Commissioner Lovejoy moved to adopt a resolution memorializing the untimely death of real estate broker and instructor Avery Yarbrough. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Jay Moss Appeal Update

General Counsel Charles Sowell reported new developments in the rehearing of Mr. Moss's case. Upon consideration of time for the Commission Order and the Stay before another court disposition, Commissioner Henderson moved to authorize the General Counsel to explore an acceptable option Commissioners could further review. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Alabama Real Estate Commission vs. Eric S. Wishner, Formal Complaint No. 2866, Requesting Additional Time to Pay Fine

Upon discussion of Mr. Wishner's request for additional time to pay his fine, Commissioner Henderson moved to accept Mr. Wishner's arrangement for paying his \$1000 fine in five \$200 installments. Commissioner Hays seconded motion and it passed unanimously. Further, the consensus was that failure to meet any one of the installments would consider Mr. Wishner in default and subject to another formal complaint.

Terrence Deandre Caffey, Applicant for Temporary Salesperson's License, I-11,860

Upon discussion of Mr. Caffey's application for temporary salesperson's license, Commissioner Hodges moved to deny the temporary sales application of Mr. Caffey. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Michael A. Chambliss, Requesting Hardship Renewal of Lapsed License, I-11,882

Upon review of Mr. Chambliss' hardship request for lapsed license renewal, Commissioner Hodges moved to deny the request to renew a lapsed license by Mr. Chambliss. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Brenda L. Starnes, Formal Complaint No. 2904

Upon discussion of the evidence and testimony presented in the matter of Brenda L. Starnes, Qualifying Broker, Starnes Realty, Birmingham, 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 showing the completion of all the required continuing education course hours by the deadline and by the false or inaccurate filing of the renewal, Commissioner Hays moved to accept the affidavit of guilt and

fine for failure to meet CE requirements. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Genell V. McLeod, Requesting Hardship for Home Operation, I-11,833

Upon review of Ms. McLeod's hardship request to operate her real estate company from her home, Commissioner Henderson moved to accept the affidavit of guilt and payment of the \$1000 fine. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Joanne W. Wilson, Formal Complaint No. 2901

Upon discussion of the evidence and testimony presented in the matter of Joanne W. Wilson, Associate Broker, Wilson Real Estate Appraisal Service, Jackson, 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 showing the completion of required continuing education hours by the deadline, Commissioner Henderson moved to find Ms. Wilson guilty and to fine her \$1000. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Amanda J. Wilsher, Formal Complaint No. 2905

Upon discussion of the evidence and testimony presented in the matter of Amanda J. Wilsher, Salesperson, JRHBW Realty, Inc., d/b/a RealtySouth Northern Office, Gardendale, 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 showing the completion of required continuing education course hours by the deadline, Commissioner Henderson moved to accept the affidavit of guilt and payment of the \$1000 fine from Ms. Wilsher Fielding. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Janice C. Harper, Requesting Home Office Operation, I-11,897

Upon review of Ms. Harper's request to operate her real estate company from her home, Commissioner Mallory moved to approve the request for home operation by Ms. Harper. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Tina Burt-Edmondson, Requesting Licensure at Two Companies in Different Cities, I-11,900

Upon review of Mrs. Burt-Edmondson's request to be allowed to acquire an additional license to be held at another company in another town, Commissioner Hays moves to deny the request of Ms. Burt-Edmondson to be a broker in two different locations. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Mr. Kent Elrod, Applicant for an Original Salesperson's License

Upon review and consideration of the circumstances presented by Mr. Elrod in request for additional time to have his Original Salesperson license issued, Commissioner Hays moved to approve the additional time for submission and processing. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

There being no further business, the Commission adjourned at 2:45 p.m.

Done this 15th day of February, 2006.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary