

MINUTES

A meeting of the Alabama Real Estate Commission was held January 20, 2011, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C Baldwin. Tori Adams served as Hearing Officer.

Other staff in attendance were Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, Information Technology Manager Nancy Barfield, Assistant Information Technology Manager Brett Scott and Programmer Analyst Matt Davis.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 1:00 p.m. by Chairman Sheila Hodges.

Commissioner Cawthon made a motion to approve the November minutes as presented. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater reviewed the December financial statement. He stated that we have revenue on hand to cover our budget authorization. Expenditures to date are just over \$300,000 under projections with revenue projections about \$23,000 under projections. Therefore, our cash flow remains healthy. Transfers continue to trend up while temporary and original licenses are down due to a decrease in exam activity. Timeshare licensing has increased slightly over this time last year.

Mr. Lasater advised Commissioners that we will provide a Legislative Directory by the next meeting. He reminded everyone that plans for next month include a Strategic Planning session on Wednesday, February 23 with the Commission meeting following the next day on February 24. The Strategic Planning session is scheduled be held at Hyundai in Montgomery. More details will follow.

Commissioner Morris shared some information about the recently held ARELLO Leadership meeting that was in Phoenix, Arizona earlier in January. She expressed sympathy that CEO Debbie Campagnola passed away just before the Leadership meeting. The ARELLO meeting will be held in Baltimore this year. Mr. Booth reported that he attended the Program Committee meeting and suggested a social media focus for general sessions for the Mid Year meeting that will be held in San Destin this April. Additionally Mr. Booth met with the Arizona Real Estate Commission regarding the ARELLO Timeshare Registry. Mr. Adair met with the Arizona Commission to assist them with some education issues and he showed them Alabama's online applications for the Education Division. Mr. Booth and Mr. Adair attended the Board of Directors meeting. One issue discussed is the consideration for ARELLO to establish a 7th District

for other countries that have similar education and networking needs. Subsequent to Commissioner Miller's inquiry about whether or not he should attend the ARELLO Mid Year meeting, Mr. Lasater encouraged all Commissioners to attend ARELLO meetings as they have interest.

There was a brief discussion about the Alabama Real Estate Commission hosting the Districts 2 and 3 conference. Chairman Hodges said that letters will be sent out soon to AAR and the Baldwin and Mobile Boards to tell them who we are and what we are doing as we seek sponsors for the conference. Commissioners will be given a copy of a tentative agenda soon so they can assist in securing Alabama products from their respective areas of the state.

Mr. Lasater reminded Commissioners that the Real Estate Commission is a member of AARB (Alabama Association of Regulatory Boards) consisting of other boards and commissions like ours. This group will be hosting a legislative reception early in the spring. The objective is to cultivate relationships with legislators in order to be a resource for them for matters involving regulatory boards.

Commissioner Watts asked when the Sunset hearing for the Commission will be. Mr. Lasater answered that it could be as early as mid-summer. Commissioner Watts asked if the Committee could at this time reinstate apartment manager licensing. Mr. Lasater responded that we could offer that and ask the Legislators on the Sunset Committee.

Commissioner Morris made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in Open session. Commissioner Watts seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Insaf Anne Bush, Formal Complaint No. 3193

Due to the failure of the complaining witness to appear at either the November hearing or this hearing, Deputy Attorney General Charles Sowell requested the complaint be dismissed. The Hearing Officer granted the dismissal.

Thaddeus Walthaw, Applicant for Salesperson's Temporary License, I-13,533

Upon discussion of the evidence and testimony presented in the matter of Thaddeus Walthaw and the attempt made to procure a license for himself by fraud, misrepresentation, or deceit, or by making a material misstatement of fact on his application for license, Commissioner Buford made a motion to approve his application for licensure. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Joy Turner Sullivan, Request for Additional Time to Obtain a Broker's License, I-13,559

Upon discussion of the testimony presented by Ms. Sullivan regarding failure to apply for a broker license before the application deadline, Commissioner Morris made a motion to allow Ms. Sullivan an additional thirty days to submit her broker's application. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Jennifer Robertson, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3220

Upon review of the evidence and testimony presented in the matter of Jennifer Robertson, Qualifying Broker, The Realty Dot Inc., West Palm Beach, Florida, 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, checks which were returned unpaid by the bank upon which they were drawn, Commissioner Buford made a motion to find Ms. Robertson guilty and fine her \$250. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Artis Wayne Murphy, Applicant for Temporary Salesperson License, I-13,540

Upon review and discussion of the felony conviction reported by Mr. Murphy and his eligibility for temporary salesperson's license, Commissioner Cawthon made a motion to approve Mr. Murphy to obtain a license. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Donald Adam Manning, Surrender of License in Lieu of Formal Complaint and Hearing, I-12,255

Upon review of the affidavit of license surrender submitted by Mr. Manning, Commissioner Watts made a motion to accept the surrender of Mr. Manning's license. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Coby Lake, Request for Rehearing on Grounds That Punishment Was Too Harsh, Formal Complaint No. 3225

Upon review of the application for rehearing submitted by Mr. Lake, Commissioner Riggins-Allen made a motion to grant the rehearing. Commissioner Cawthon seconded the motion and it failed 1-8 with Commissioners Miller, Morris, Cawthon, Watts, Hodges, Buford, Wright and Sharp voting no. Commissioner Morris made a motion to deny the request for a rehearing. Commissioner Wright seconded the motion and it passed 8-1 with Commissioner Riggins-Allen voting no.

Confirm Next Meeting Date and Location for the Record: February 24, 2011, 9:00 a.m. in Montgomery

Commissioner Watts made a motion to approve the next Commission meeting date and location for February 24, 2011 at 9:00 a.m. in Montgomery, Alabama. Commissioner Morris seconded the motion and it passed unanimously 9-0.

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

Done this 20th day of January, 2011.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary