

## MINUTES

A meeting of the Alabama Real Estate Commission was held July 23, 2015, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Carole Harrison, Clif Miller, and Danny Sharp; 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 and Investigators David Erfman, Chuck Kelly, Phil Bunch and K. C. Baldwin. Commissioners Steve Cawthon, Reid Cummings and Cindy Denney were absent with notice. Commissioner Dorothy Riggins-Allen arrived at 9:46 a.m. The Hearing Officer was Tori Adams.

Other staff members present for all or part of the meeting were Education Director Ryan Adair; Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Information Technology Manager Brett Scott; Accounting and Personnel Manager Molli Jones; and Public Relations Clerical Aide Matt Estes.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:04 a.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Miller made a motion to approve the minutes from the June 25, 2015 meeting. Commissioner Harrison seconded the motion and it passed unanimously 5-0.

Executive Director Patricia Anderson presented the June 2015 financial report. A transfer will be made from investments to complete the fiscal year. Revenues are up for June 2015 compared to June 2014. There was a continued increase in temporary and original licenses and a significant increase in the number of exams that were taken. There were no Recovery Fund payouts in June.

The Commission's meeting with the Sunset Committee is scheduled for August 20 at 12:15 p.m. Commissioners will receive a copy of the Sunset Audit report when it is available.

A Commission forum will be held during the Alabama Association of REALTORS® convention on September 15 at The Grand Hotel in Point Clear, Alabama. One topic for discussion will be the new fingerprinting requirement for new licensees. Commissioners will provide additional discussion items for the forum agenda.

The 24<sup>th</sup> edition of the Alabama Real Estate License Law book has been printed with the most recent rule changes included. The Alabama Center for Real Estate has mailed copies to all real estate companies.

Ms. Anderson reported that a bill slated to be introduced by Sen. Gerald Dial in the legislative special session regarding the establishment of the Alabama Office for Regulatory Oversight of Boards and Commissions, SB 3, has been dropped. The Federal Trade Commission will have a white paper available by the end of the year providing guidelines for states regarding oversight. Based on the content of the white paper, it will be determined if the establishment of an oversight office is still necessary. Administrative law judges are reviewing new rules for boards and commissions to make sure they are free of any language that may be deemed as anti-competitive.

Commissioner Riggins-Allen made a motion to conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Miller seconded the motion and it passed unanimously 6-0.

## HEARINGS

### **James William Nearen, Jr., Application for Determination of Licensing Eligibility, Investigative File No. I-14,601**

Commissioner Riggins-Allen was not present during the full testimony in this case and did not vote. Commissioner Wright stated that she knew a witness who was testifying in this case but that she could hear the case and make a fair and impartial ruling. She offered to recuse herself if Mr. Nearen had any objections to her hearing and voting in the case. Mr. Nearen stated that he did not have any objections.

Upon discussion of the application for determination of licensing eligibility submitted by Mr. Nearen and his request for Commission consideration for obtaining a real estate license, Commissioner Sharp made a motion to approve his application. Commissioner Harrison seconded the motion and it passed 4-1. Commissioner Miller voted against the motion.

### **Blanca Delia Botello, Application for Determination of Licensing Eligibility, Investigative File No. I-14,603**

Upon discussion of the application for determination of licensing eligibility submitted by Ms. Botello and her request for Commission consideration for obtaining a real estate license, Commissioner Sharp made a motion to deny her application. Commissioner Wright seconded the motion and it passed 5-1. Commissioner Riggins-Allen voted against the motion.

### **Rachel Woodward Shepherd, Hardship Application for Renewal of Lapsed Salesperson's License, Investigative File No. I-14,620**

Upon discussion of Ms. Shepherd's hardship request for renewal of her lapsed salesperson's license, Commissioner Harrison made a motion to deny her request. Commissioner Wright seconded the motion and it passed unanimously 6-0.

### **Amie Teresa Spitzig, Application for Determination of Licensing Eligibility, Investigative File No. I-14,612**

Upon discussion of the application for determination of licensing eligibility submitted by Ms. Spitzig and her request for Commission consideration in allowing her to obtain a real estate license, Commissioner Riggins-Allen made a motion to deny her request. Commissioner Wright seconded the motion and it passed 4-2. Commissioners Harrison and Watts voted against the motion.

**Michael Earl Lindsay, Application for Determination of Licensing Eligibility, Investigative File No. I-14,626**

Upon discussion of the application for determination of licensing eligibility submitted by Mr. Lindsay and his request for Commission consideration in allowing him to obtain a real estate license, Commissioner Sharp made a motion to approve his request. Commissioner Harrison seconded the motion and is passed unanimously 6-0.

**Elizabeth D. Boyd, Request for Approval to Hold a Real Estate License After Previous Revocation, Investigative File No. I-14,622**

Upon discussion of the testimony presented by Ms. Boyd regarding Commission consideration in allowing her to be re-licensed after previous revocation, Commissioner Riggins-Allen made a motion to approve her request. Commissioner Sharp seconded the motion and it passed 5-1. Commissioner Wright voted against the motion.

**Alabama Real Estate Commission vs. Hong K. Park, Formal Complaint No. 3372**

Mr. Park requested and was granted a continuance.

NOT APPEARING ITEMS FOR RULING

**Shannon Adele (Missy) Hayes, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3371**

Shannon Adele (Missy) Hayes, Qualifying Broker, Bay View Realty LLC, Mobile, Alabama, was charged with violating *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. Upon review of the evidence and testimony presented in the matter, Commissioner Miller made a motion to find her guilty and fine her \$250. Commissioner Harrison seconded the motion and it passed unanimously 6-0.

**Confirm Next Meeting Date and Location for the Record: August 19 or 20, 2015, 9:00 a.m. in Montgomery.**

Commissioner Wright made a motion to move the meeting scheduled for August 19, 2015 at 9:00 a.m. to August 20 at 8:30 a.m. in Montgomery. Commissioner Miller seconded the motion and it passed unanimously 5-0. Commissioner Riggins-Allen was not present for the vote.

**Confirm Next Meeting Date and Location for the Record: September 24, 2015, 9:00 a.m. in Montgomery.**

Commissioner Wright made a motion to approve the date of the September meeting for September 24, 2015 at 9:00 a.m. in Montgomery. Commissioner Riggins-Allen seconded the motion and it passed unanimously 6-0.

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

Done this 23<sup>rd</sup> day of July, 2015.

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Bill Watts, Chairman

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Lori Moneyham, Recording Secretary