

## MINUTES

A meeting of the Alabama Real Estate Commission was held July 21, 2016 at the Commission offices, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Vice Chairman Carole Harrison; Commissioners Steve Cawthon, 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; and Investigators David Erfman, Chuck Kelly, K. C. Baldwin and Phil Bunch. The Hearing Officer was Tori Adams. Chairman Bill Watts and Commissioner Reid Cummings were 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; 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 9:02 a.m. by Vice Chairman Carole Harrison and a quorum was declared.

Commissioner Cawthon made a motion to approve the minutes from the June 23, 2016 meeting. Commissioner Wright seconded the motion and it passed unanimously 7-0.

Executive Director Patricia Anderson presented the June 2016 financial report. Revenues remain over projection and are above where they were in June 2015. Expenditures remain under projection; however, they will show a cost in the next quarter for the purchase of two new vehicles. There have been no Recovery Fund payments for this fiscal year. Investments have also increased and it is anticipated that there will not be a need to transfer money from investments to complete the fiscal year.

Ms. Anderson reported that the Commission Forum will be held at the Alabama Association of REALTORS® Annual Convention on September 11 in Huntsville, Alabama at 4:00 p.m. There will be further discussion regarding forum agenda topics at the August meeting.

Commissioner Denney made a motion to approve changes to the 2013-2017 Strategic Plan. Commissioner Miller seconded the motion and it passed unanimously 7-0.

Commission Education Director Ryan Adair presented rule amendments for adoption. He addressed questions that had been asked regarding whether trust funds would be discussed in all risk management courses, including property management and commercial courses. When the rule amendments are sent to instructors, they will include notice that risk management course instructors must include trust funds in their course outlines by October 1, 2016. No new comments or proposed changes were received from licensees or consumers regarding the rule amendments. Commissioner Wright made a motion to adopt rules 790-X-1-.06, 790-X-1-.07, 790-X-1-.10, 790-X-1-.12, 790-X-1-.16, 790-X-1-.17 and 790-X-1-.18 as initially proposed and to adopt rules 790-X-1-.08 and 790-X-1-.11 with the changes that were submitted

at the public hearing on June 23, 2016. Commissioner Miller seconded the motion and it passed unanimously 7-0.

Commissioner Cawthon made a motion to conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Wright seconded the motion and it passed unanimously 7-0.

#### HEARINGS AND APPEARINGS

##### **Samantha Marlene Twork, Application for Determination for Licensing Eligibility, Investigative File I-14,829**

Upon discussion of the evidence and testimony presented by Ms. Twork regarding her application for determination of licensing eligibility, Commissioner Denney made a motion to deny her application. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

##### **Michael D. Bedsole, Request to be Relicensed After Revocation, Investigative File I-14,681**

Vice Chairman Harrison recused herself from this hearing. Commissioner Cawthon made a motion that Commissioner Wright act as chairman for the hearing and disposition discussion in this case. Commissioner Riggins-Allen seconded the motion and it passed unanimously 7-0.

Upon discussion of the evidence and testimony presented by Mr. Bedsole regarding his request to be relicensed after previous license revocation, Commissioner Cawthon made a motion to deny his request. Commissioner Miller seconded the motion and it passed unanimously 6-0.

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

Mr. Brinkmeier requested and was granted a continuance.

##### **Danielle Maria Lamprakes, Application for Determination of Licensing Eligibility, Investigative File I-14,804**

Upon discussion of the evidence and testimony presented by Ms. Lamprakes regarding her application for determination of licensing eligibility, Commissioner Riggins-Allen made a motion to approve her application. Commissioner Miller seconded the motion and it passed unanimously 7-0.

**Sean Alan Kilpatrick, Application for Determination of Licensing Eligibility, Investigative File I-14,826**

Upon discussion of the evidence and testimony presented by Mr. Kilpatrick regarding his application for determination of licensing eligibility, Commissioner Wright made a motion to approve his application. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

**Robert E. Vaughn, Jr., Application for Determination of Licensing Eligibility, Investigative File I-14,793**

Upon discussion of the evidence and testimony presented by Mr. Vaughn regarding his application for determination of licensing eligibility, Commissioner Riggins-Allen made a motion to approve his application. Commissioner Wright seconded the motion and it passed unanimously 7-0.

**Daniel Bray, Application for Salesperson Temporary License, Investigative File I-14,838**

Upon discussion of the evidence and testimony presented by Mr. Bray regarding his application for a salesperson temporary license, Commissioner Cawthon made a motion to approve his application. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

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

Ms. Farris did not appear for the hearing and since the Commission did not receive proof of service of the notice of hearing, her hearing was continued.

NOT APPEARINGS

**Confirm Next Commission Meeting Date and Location for the Record: August 25, 2016, 9:00 a.m. in Montgomery**

Commission General Counsel Chris Booth asked Commissioners to begin confirming Commission meeting dates two months ahead to allow more time to accomplish service to respondents within the required 15 days and for the Commission to receive back the notice of service. This would also allow hearings that are continued to be rescheduled for the following month if the date is already confirmed. Following discussion, Commissioner Cawthon made a motion to approve meeting dates for August 25, 2016 and September 29, 2016. Both meetings will be held at 9:00 a.m. in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 7-0.

There being no further business, the meeting adjourned at 11:30 a.m.

Done this 21<sup>st</sup> day of July, 2016.

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Carole Harrison, Vice Chairman

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Lori Moneyham, Recording Secretary