

MINUTES

A meeting of the Alabama Real Estate Commission was held June 20, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Cindy Denney, Joyce Harris, Carole Harrison and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Speirs; Investigators David Erfman, K. C. Baldwin, Rickey Fennie and Marshall Simons. The Hearing Officer was Jim Hampton. Commissioners Reid Cummings and Vaughn Poe were absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Accounting and Personnel Director Molli Jones; Information Technology Manager Brett Scott; Information Technology Systems Specialist Steven Brown; and Licensing Administrator Anthony Griffin.

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

Vice Chairman Sharp made a motion to approve the minutes from the May 23, 2019 meeting. Commissioner Harrison seconded the motion and it passed unanimously 7-0.

Chairman Watts recognized guests who were present: Jennie Shaneyfelt with Berkshire Hathaway Home Services Rise Real Estate in Huntsville, Alabama; Craig Schaid, with EXP Realty LLC in Montgomery, Alabama.; Cindy Dyer with Realty Inc. in Cullman, Alabama; and Ragan Ingram and Blaine Galliher with Windom, Galliher and Associates in Montgomery, Alabama.

Executive Director Patricia Anderson presented the May 2019 financial report. She gave Commissioners an update for revenues and expenditures in the operating and recovery fund accounts.

COMMISSIONER DISCUSSION

Commission consultant Blaine Galliher provided a recap of the 2019 legislative session.

Ms. Anderson reminded Commissioners of the upcoming 2019 ARELLO® Annual Conference, September 18-21. Commissioners received information about the conference and were encouraged to make hotel reservations.

Ms. Anderson announced that the 25th edition of the Alabama Real Estate License Law would be available very soon. The Alabama Center for Real Estate has received authorization from the Commission to mail a complimentary copy to every qualifying broker.

Commission General Counsel Mandy Speirs provided an appeals update.

Ms. Anderson reported that Commission trust fund audits were now being scheduled by Accounting and Personnel Director Molli Jones. The change was made because auditors would often find real estate offices closed when they tried to conduct random audits.

Vice Chairman Sharp made a motion that Commissioners enter an executive session at 12:17 p.m. for 15 minutes, with the intention to reconvene in an open meeting following the executive session, to receive advice of counsel. General Counsel Mandy Speirs verified the reason for executive session was applicable to the planned discussion. Commissioner Barran seconded the motion and it passed unanimously 7-0. Commissioners reconvened in open session at 12:35 p.m. with all Commissioners present.

Commissioners' commended the Commission staff on the fine work that they do and their efficiency and service to Commissioners and the Commission as a whole. Special recognition was given to Executive Director Patricia Anderson and Assistant Executive Director Teresa Hoffman for their leadership. Commissioner Barran made a motion that Ms. Anderson and Ms. Hoffman each receive a 5% raise effective as soon as it can presented and approved by the State Personnel Board. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Vice Chairman Sharp made a motion that Commissioners conduct disciplinary hearing disposition discussions and decisions in an open meeting. Commissioner Barran seconded the motion and it passed unanimously 7-0.

HEARINGS AND APPEARINGS

Darren Lee Flott, Application for Determination of Licensing Eligibility, Investigative File I-15,530

Upon discussion of the evidence and testimony in the matter regarding his application for determination of license eligibility, Vice Chairman Sharp made a motion to deny his request. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Karen Henry, Application for Determination of Licensing Eligibility, Investigative File I-15,534

Upon discussion of the evidence and testimony in the matter regarding her application for determination of licensing eligibility, Commissioner Denney made a motion to approve her application. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission vs. Scott Luedecke and Beau Bevis, Formal Complaint #3485

Scott Luedecke, Salesperson, ARC Realty, Birmingham, Alabama, was charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(k) which states, "Inactive licenses shall be held at the Commission office until activated. No act for which a license is required shall be performed under an inactive license." Mr. Luedecke continued in a transaction as if he held an active license after his license went inactive on October 1, 2018.

Beau Bevis, Qualifying Broker, ARC Realty, Birmingham, Alabama, was charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) in his failure to comply with Section 34-27-34(a)(2) "It shall be the duty of the qualifying broker to see that all transactions of every licensee engaged by him or her for which he or she is the qualifying broker comply with this chapter."

In regard to **Count 1** Commissioner Denney made a motion to find Mr. Luedecke guilty. Commissioner Barran seconded the motion and it passed unanimously 7-0. Commissioner Denney made a motion to revoke Mr. Luedecke's license. Commissioner Harris seconded the motion and the motion passed 5-2. Commissioners Denney, Harris, Smith, Sharp and Watts voted in favor of the motion and Commissioners Harrison and Barran voted against the motion.

In regard to **Count 2** Commissioner Smith made a motion to find Mr. Bevis guilty. Commissioner Denney seconded the motion and it passed unanimously 7-0. Vice Chairman Sharp made a motion to fine Mr. Bevis \$2,500. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Michael D. Bedsole, Request for Approval to Hold a Real Estate License After Previous License Revocation, Investigative File I-15,551

Commissioner Harrison recused herself.

Upon discussion of the evidence and testimony presented in the matter regarding his request to hold a real estate license after a previous revocation, Commissioner Smith made a motion to deny his request. Commissioner Barran seconded the motion and the motion passed 4-2. Commissioners Smith, Denney, Barran and Watts voted for the motion and Vice Chairman Sharp and Commissioner Harris voted against the motion.

NOT APPEARINGS

None

Confirm August Meeting Date and Location for the Record: August 22, 2019, 1:00 p.m. in Montgomery, Alabama

Vice Chairman Sharp made a motion to confirm the August meeting for August 22, 2019 with a time change from 9:00 a.m. to 1:00 p.m. in Montgomery, Alabama. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Next Commission Meeting: Thursday, July 25, 2019, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 1:17 p.m.

Done this 20th day of June 2019.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary