

MINUTES

A meeting of the Alabama Real Estate Commission was held at 9:00 a.m. on June 27, 2008, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were; Vice Chair Sheila Hodges; Commissioners Jewel Buford, Bobby Hewes, Chester Mallory, Jan Morris, and Bill Watts; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin; Hearing Officer was Tori Adams. Absent with prior notice were Chairman Gordon Henderson and Commissioner Steve Cawthon. Commissioner Dorothy Riggins was also absent.

Commissioner Mallory moved to approve the May 30, 2008 minutes. Commissioner Morris seconded the motion and it passed unanimously 6-0.

Executive Director Philip Lasater reviewed the May revenue statement. He called attention to fund balances, appropriation status, encumbrances and expenditures. Commissioner Hewes asked for and received an explanation of how the Recovery Fund works, what constitutes a licensee meeting requirements for disbursement from the fund and requirements for reimbursement to the fund. Commissioner Morris asked about future projections regarding whether number of licensees will increase or decrease. Mr. Lasater reported that the 2009 budget does call for an increase in numbers and if adjustments need to be made that can be addressed in the 2010 budget. Mr. Lasater informed Commissioners that effective July 1, 2008, mileage increases to 58.5 cents per mile.

Adoption of Rules: Education Director Ryan Adair reported that he had two changes to proposed rules based on comments from public hearing. One change was to add clarification to Rule 790-X-1-.12(13) and the other was to eliminate two items from Rule 790-X-1-.12(16)(b) because it was realized they were not needed. Commissioner Hewes moved to approve the rules as presented with the two changes noted. Commissioner Morris seconded the motion and it passed 6-0.

The Vice Chair called on General Counsel Charles Sowell to explain a possible change to Section 34-27-84. Mr. Sowell developed language to reflect direction from the last meeting. Based on discussion and input from Commissioners, Mr. Sowell said he would re-draft the language for consideration at the next meeting.

Commissioner Morris made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open meeting. Commissioner Watts seconded the motion and it passed unanimously 6-0.

HEARINGS AND APPEARINGS

Tiajuna Dedeaux, Applicant for Temporary Salesperson's License, I-12,622

Upon discussion of Ms. Dedeauxes' request for reconsideration of approval for temporary salesperson's licensure after previously being denied, Commissioner Morris made a motion to deny the request. Commissioner Hewes seconded the motion and it passed unanimously 6-0.

Alabama Real Estate Commission vs. Marc B. Anthony, Formal Complaint No. 3071

Hearing was continued at request of Mr. Anthony's attorney.

Chevneke Lanette Ballard, Applicant for Temporary Salespersons License, I-12,755

Upon review of the temporary salespersons license application submitted by Ms. Ballard, Commissioner Hewes made a motion to approve the request. Commissioner Morris seconded the motion and it passed unanimously 6-0.

Hearing Officer Tori Adams recommended to Commissioners that the record of this hearing stay open until the Commission can receive and review the court records. Ms. Ballard will be given a copy of the court record and be given an opportunity to make any comment on the documents. If Ms. Ballard has no objections to the documents, the Commission can vote at the next meeting. If Ms. Ballard does have objections, the hearing is then open and can resume.

Michael A. Alvis, Applicant for Real Estate Broker's Reciprocal License, I-12,741

Upon discussion of the application for broker reciprocal license submitted by Mr. Alvis and his eligibility for licensure, Commissioner Hewes made a motion to approve the application. Commissioner Morris seconded the motion and it passed unanimously 6-0.

NOT APPEARING ITEMS FOR DISCUSSION

Barry Lynn Miller, Jr., Waiver of Hearing and Guilty Plea, Formal Complaint No. 3072

Upon review of the evidence presented in the matter of Barry Lynn Miller, Jr., Temporary Salesperson, Re/Max Properties, LLC, Riverside, Alabama, 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, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hewes made a motion to find Mr. Miller guilty and fine him \$250.00. Commissioner Morris seconded the motion and it passed 5-0. Commissioner Mallory abstained.

Brandi Jo Baker, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3047

Upon review of the evidence presented in the matter of Brandi Jo Baker, inactive temporary salesperson, Sterrett, Alabama, and the alleged violation of the 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, Commissioner Buford made a motion to find Mr. Miller guilty and fine him \$250.00. Commissioner Watts seconded the motion and it passed 5-0. Commissioner Mallory abstained.

Marshetta Spencer, Request for Extension to Take the Salesperson Examination, I-12,751

Upon review of Ms. Spencer's request for a 120 day extension to the one year deadline for passing the salespersons exam after completion of the prelicense course, Commissioner Watts made a motion to grant Ms. Spencer's request. Commissioner Morris seconded the motion and it passed unanimously 6-0.

Robert Davis, Request for Extension to Apply for Original Salespersons License, I-12,754

Upon review of Mr. Davis' request that he be granted an extension to apply for the original salesperson's license, Commissioner Morris made a motion to grant Mr. Davis' request to grant extension for 30 days to allow application to be submitted. Commissioner Watts seconded the motion and it passed unanimously 6-0.

Shannon Patterson Keith, Request to Delay Hearing, Formal Complaint No. 3077

Upon discussion of Ms. Keith's request to delay the hearing of this formal complaint until she can personally attend before the commissioners, Commissioner Hewes moved to delay the hearing until October 2008 and if she is not present at that time, then proceed with previous ruling to send hearing officer to prison for the hearing. Commissioner Morris seconded the motion and it passed unanimously 6-0.

Approval of Rules 790-X-2-.01, 790-X-3-.02, 790-X-3-.07, 790-X-3-.09 to be Submitted to Legislative Reference Service

Commissioner Watts made a motion to approve the rules with changes as indicated by Commissioners to be submitted to Legislative Reference and move forward with the administrative rule making process. Commissioner Mallory seconded the motion and it passed unanimously 6-0.

John Daniel, Request for Extension to Apply for Original Salespersons License, I-12,764

Upon review of Mr. Daniel's request that he be granted a 30 day extension to apply for the original salespersons license, Commissioner Watts made a motion to grant the extension. Commissioner Morris seconded the motion and it passed unanimously 6-0.

Theresa Morgan, Surrender of License, Formal Complaint No. 3037

Upon review of the evidence presented in the matter of Theresa Morgan, Inactive Temporary Salesperson, and her request to surrender her license, Commissioner Watts made a motion to accept the surrender. Commissioner Hewes seconded the motion and it passed unanimously 6-0.

Darmita Flood, Request for Second Extension to Complete the Salesperson Prelicense Course, I-12,765

Upon review of Ms. Flood's request for another extension for completing the 60 hour prelicense course, Commissioner Hewes made a motion to approve the request and give her a 60 day extension. Commissioner Buford seconded the motion and it passed unanimously 6-0.

Additional Business

Ryan Adair gave a report on his attendance the Real Estate Educators Association conference. He reported on good programs and excellent networking opportunities for future speakers to bring in for instructor training.

Pat Anderson informed Commissioners that she and Molli Jones participate on the Governor's SMART budget advisory board. Ms. Anderson also reported making two presentations to state Licensing and Regulatory Boards to share AREC's process of Strategic Planning and how that supports and determines SMART as established by guidance and directive from Commissioners.

There being no further business, the meeting adjourned at 11:10 a.m.

Done this 27th day of June, 2008.

Sheila Hodges, Vice-Chair

Patricia Anderson, Recording Secretary