

## MINUTES

A meeting of the Alabama Real Estate Commission was held March 30, 2011, in the Alabama Real Estate Commission Hearing Room, 1201 Carmichael Way, Montgomery, Alabama.

Those present were 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; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer. Chairman Sheila Hodges was absent with notice.

Other staff in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, Information Technology Manager Nancy Barfield and Programmer Analyst Matt Davis.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 9:00 a.m. by Vice Chairman Jewel Buford.

Commissioner Watts made a motion to approve the February minutes as presented. Commissioner Cawthon seconded the motion as it passed unanimously 8-0.

Executive Director Philip Lasater reviewed the February financial statement. He noted that the trends continue and track in the same way as reported in the last several statements.

Commissioner Morris commented on an excellent Sunset report. She expressed concern over the report that states that the Commission maintains unobligated carry over funds and wants to insure that the Commission is able to keep those funds. Mr. Lasater said that a full report will be presented to Commissioners at the April meeting.

In other discussion, Mr. Lasater noted that the Website Task Force is continuing with its work and will have its final meeting on April 13. They will have a recommendation to present to the full Commission at the April 22 meeting. The April meeting will also include ACRE's (Alabama Center for Real Estate) Board of Trustees meeting to be held on April 21 at the Alabama Association of Realtors building. Commissioners are invited to attend that meeting as well as the reception that evening at Wynlakes Country Club. Real estate professionals from all across the area will attend the evening event.

The Criminal Justice Information Center is presenting another bill this year to the legislature. Mr. Lasater told Commissioners that he has written a letter to legislators expressing support for the bill reflective of the position the Commission has taken in previous years.

Vice Chairman Buford asked other Commissioners to seek sponsors for the ARELLO Districts 2/3 Conference that the Commission is hosting in August. She asked Commissioners to specifically ask local boards for a donation of funds or a gift basket. She further asked

Commissioners to secure local items and ask affiliates to donate items for the registration bags for participants. Seventy five of each item is needed in order to make the bags. Commissioners asked staff to send letters to the REALTOR® boards. Mr. Booth suggested that we approach the RSA (Retirement Systems of Alabama) to obtain RSA Golf Trail promotional items.

Deputy Attorney General Charles Sowell advised Commissioners that the Open Meetings Law allows them to go into executive session for the purpose of discussing matters which have attorney/client privilege such as this discussion regarding cases on appeal and reminded them that any votes on the matter must be conducted in open session. Mr. Sowell declared to Commissioners that the Open Meetings Act's allowance of these discussions does apply to the planned discussions. Commissioner Watts made a motion that the Commission go into executive session for the express purpose of discussing two cases on appeal, including the claims for damages in one of the appeals. Commissioner Cawthon seconded the motion and it passed unanimously 8-0 with Commissioners Watts, Cawthon, Buford, Miller, Morris, Riggins-Allen, Sharp and Wright voting in favor of the motion. The Commission then declared that they would reconvene in approximately 10 minutes in open, public session.

After a ten minute discussion, the Commission went back into open session. Commissioner Watts made a motion to give Commission Counsel the authority to agree to a remand of the Sweeney/Sheffield appeal if the licensees' counsel can reach agreement with the Commission counsel and the Court agrees. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Commissioner Morris made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open session. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

## **HEARINGS AND APPEARINGS**

### **Alabama Real Estate Commission vs. Brent Cary Gladden, Formal Complaint No. 3215**

Upon discussion of the evidence and testimony presented in the matter of Brent Cary Gladden, Qualifying Broker, University Real Estate Group, LLC, Auburn, 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 Wright made a motion to find Mr. Gladden guilty and fine him \$250. Commissioner Miller seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. William T. Stanton, III and TSKC LLC dba Exit Realty Gulf Shores and Denise Palmer, Formal Complaint No. 3233**

Upon discussion of the evidence and testimony presented in the matter of William T. Stanton, III, Qualifying Broker, TSKC LLC dba Exit Realty Gulf Shores, and Salesperson Denise Palmer, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-

36(a)(19) via Section 34-27-84(a)(5) by failing, when assisting a party in the negotiation of a real estate transaction, to present all written offers in a timely and truthful manner, Commissioner Cawthon made a motion to dismiss the complaint against William T. Stanton, III, TSKC LLC dba Exit Realty and Denise Palmer. Commissioner Morris seconded the motion and it passed 5-3 with Commissioners Buford, Riggins-Allen and Watts voting against the motion.

**Tonialo Smith, Hardship Request to Submit Reciprocal Broker Application After 90-day Deadline, I-13,589**

Upon review and discussion of the hardship request by Mr. Smith for late application for a reciprocal broker license, Commissioner Watts made a motion to grant Mr. Smith an additional 60 days to submit his reciprocal broker's application. Commissioner Miller seconded the motion and it passed unanimously 8-0.

**Valeska Johnson, Application for Determination of Licensing Eligibility, I-13,562**

Upon discussion of the testimony presented by Mr. Johnson regarding submission of application for determination of license eligibility and previous denial by the Commission, Commissioner Cawthon made a motion to continue Mr. Johnson's hearing for the purpose of allowing Mr. Johnson the opportunity to enter into a payment agreement with the Circuit Court Clerk of Madison County in order to pay his outstanding fine. Upon receipt of this additional evidence Mr. Johnson will be approved for licensing eligibility provided no other issues arise. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Tina Myers, Hardship Request for Taking Salesperson's Examination, I-13,598**

Upon discussion of the testimony presented by Ms. Myers regarding hardship request for taking the salesperson examination, Commissioner Watts made a motion to grant an extension of 60 days to take and pass the salesperson examination. Commissioner Morris seconded the motion and it passed unanimously 8-0.

**NOT APPEARING ITEMS FOR RULING**

**Concetta S. Givianpour, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3228**

Upon review of the evidence and testimony presented in the matter of Concetta S. Givianpour, Qualifying Broker, Prime Realty, Inc., Birmingham, 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 Cawthon made a motion to find Ms. Givianpour guilty and fine her \$250. Commissioner Morris seconded the motion and it passed unanimously 7-0. Commissioner Watts had recused himself from participating in this matter.

**Confirm next meeting date and location for the record**

Commissioner Watts made a motion to approve the next Commission meeting date and location for April 22, 2011 at 9:00 a.m. at the Commission offices in Montgomery, Alabama. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 12:45 p.m.

Done this 30<sup>th</sup> day of March, 2011.

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Jewel Buford, Vice Chairman

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Patricia Anderson, Recording Secretary