

MINUTES

The Alabama Real Estate Commission met May 20, 2005, at the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Poole; Vice Chairman Gordon Henderson; Commissioner Roy Bragg, Jewel Buford, Thomas Hays, Bobby Hewes, Sheila Hodges, Lyman Lovejoy and Chester Mallory. Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Investigators David Erfman and Chuck Kelly. Hearing Officer was Tori Adams Burk.

Chairman Poole called the meeting to order at 9:00 a.m. and called a quorum present.

Commissioner Hodges moved to approve the April 15 Minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 8-0. Commissioner Hays was not yet present.

The April financial statements were reviewed with no action being taken.

Annie Hall, Licensing Supervisor, having been on extended leave for illness, exchanged greetings. Commissioners reiterated their interest, care and concern for her continued progress. She likewise expressed appreciation for the support and expressions over the past months.

Chairman Poole recognized Philip Lasater for the Executive Director's report. Mr. Lasater reported that Wal-Mart understood how the owner's exemption applied in Alabama and was currently determining whether they were going to cooperate with existing Alabama brokers or have their personnel become licensed. Upcoming ARELLO and AAR meeting schedule was reviewed, an update was provided on the SMART Budgeting process and a prospective Commission Strategic Planning time.

In Commission discussion, the recently concluded legislative session was reviewed. Commissioner Henderson indicated the Special Session held promise for favorable consideration of the Commission bill. It was the clear consensus of the Commission to withhold further endorsement of any minimum services amendments until DOJ intervention resolves. Commissioner Hodges reported on discussions she had been able to facilitate on the pending review and search for legislative solutions to the issues of jurisdiction and unlicensed activity. She further encouraged statewide discussions and concerted and directed information be provided through AAR and its boards and associations so that a legislative initiative in 2007 will more likely be successful.

Nancy Barfield, IT Manager, was recognized to review newly programmed screens in the online license transactions processed by Alabama Interactive. Pat Anderson, Assistant Executive Director, was recognized to introduce proposed rule amendments and she referred to Ryan Adair, Education Advisor, who then reviewed drafts of proposed rule amendments. Commissioner

Bragg moved to approve initiating the process for promulgating the rule amendments. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Philip Lasater recognized Hattie Thomas who serves as the Commission Property Inventory manager. Commission Vice-Chair Henderson then read a resolution of commendation from State Auditor Beth Chapman for a perfect record. Commissioners express the appreciation to Commission staff and especially Hattie Thomas for the exemplary way she manages the property inventory responsibility.

Alabama Real Estate Commission vs. Ray L. Huff, Formal Complaint No. 2860

Upon discussion of the evidence and testimony presented in the matter of Ray L. Huff, Qualifying Broker, Auburn Realty LLC, Auburn, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing, within a reasonable time, to properly account for money coming into his possession that belonged to others and by failing to deposit and account for at all times funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Hays moved to find Mr. Huff guilty and to fine him \$500. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Patrick W. Wilbanks, Applicant to Renew Lapsed Broker's License, I-11,560

Upon discussion and consideration of the information presented by Mr. Wilbanks in his request to be allowed to renew his lapsed license, Commissioner Hodges moved to deny. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Christopher Lamon Pettway, Applicant for Determination of Licensing Eligibility for Licensure, I-11,613

Mr. Pettway did not appear for his scheduled hearing that he requested.

Jessica L. Craig, Applicant for Determination of Licensing Eligibility, I-11,567

Upon discussion and consideration of the information presented by Ms. Craig in her request for determination of eligibility for licensure, Commissioner Hays moved to approve. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Karen C. Fleming, Revoked Licensee Requesting Re-Licensure I-11,624

Commissioner Hodges acknowledged familiarity with Ms. Fleming but believed she could hear and rule impartially. Ms. Fleming expressed to the Hearing Officer that she did not wish Commissioner Hodges to recuse herself.

Upon discussion of Ms. Fleming's request for re-licensure, Commissioner Buford moved to approve. Commissioner Henderson seconded the motion and it failed 3-5 with Commissioners Bragg, Henderson, Hewes, Hodges, and Mallory voting no.

James Jackson Spencer, Applicant for Determination of Licensing Eligibility, I-11,568

Upon consideration and discussion of Mr. Spencer's request for a determination of eligibility for licensure, Commissioner Bragg moved to deny. Commissioner Lovejoy seconded the motion and it passed unanimously 9-0.

Rena Stacey Bentley, Denied Applicant for Determination of Licensing Eligibility, I-11,591

This hearing was cancelled at the request of Ms. Bentley who had scheduled the hearing.

NOT APPEARING ITEMS FOR DISCUSSION

Raven E. Jackson, Applicant for Determination of Licensing Eligibility, I-11,612

Upon consideration and discussion of the information Ms. Jackson submitted for determination of eligibility for licensure, Commissioner Henderson moved to approve. Commissioner Hays seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Yvonne Van Sickler, Formal Complaint No. 2849

Upon discussion of the evidence and testimony presented in the matter of Yvonne Van Sickler, Inactive Salesperson, South Whitley, Indiana, 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, and particularly in view of the circumstances relating to receipt of replacement funds, Commissioner Hewes moved to dismiss Formal Complaint # 2849. Commissioner Hays seconded the motion and it passed unanimously 9-0.

Mickey Donaldson, Applicant for Licensure, I-11,594

Upon consideration and discussion of the information submitted by Mr. Donaldson with his application for salesperson's temporary license, Commissioner Henderson moved to approve. Commissioner Hays seconded the motion and it passed 8-1 with Commissioner Bragg voting no.

Odell White, Jr., White and Associates, Follow-up Audit, Formal Complaint No. 2832

The Commission received and reviewed a satisfactory follow-up audit by Commission Auditor Anthony Brown. No further action was taken.

Fletcher Majors, Request for Distant Supervision of Licensee C. Kevin McCauley, R-11,661

Upon consideration and discussion of the supervisory plan offered by Mr. Major's in his request have a distant licensee supervised where they reside and work, Commissioner Hays moved to approve. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

There being no further business, the Commission adjourned at 12:15 p.m.

Done this 20th day of May, 2005.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary