

MINUTES

A meeting of the Alabama Real Estate Commission was held May 24, 2012, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Steve Cawthon; Commissioners Jewel Buford, Reid Cummings, Carole Harrison, Clif Miller, Danny Sharp and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K. C. Baldwin; and Auditors Denise Blevins and Vicky Shackelford. Tori Adams served as Hearing Officer. Having given prior notification of a medical issue, Commissioner Dorothy Riggins-Allen arrived at 10:20 a.m.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Information Technology Manager Brett Scott, and Senior IT Systems Technician Steven Brown.

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

Commissioner Cawthon made a motion to approve the April minutes as presented. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

In the Executive Director's Report, Mr. Lasater noted that \$780,000 was transferred from Renewal Fund investments to the Revenue Fund to complete the fiscal year. Mr. Lasater also mentioned that examination numbers are still trending down.

Mr. Lasater shared with Commissioners that the regular legislative session was over and the bills that could have had a major impact on the Commission did not make their way through the legislature. The Alabama State Board of Public Accountancy and their related associations introduced a bill, which passed, that eliminated boards from a requirement to collect social security numbers for license renewals.

Commissioner Watts inquired about the outcome of the bill that would have allowed the legislature to sweep the funds of boards and commissions. Mr. Lasater explained that the House Ways and Means Committee removed the Alabama Real Estate Commission and several other boards and commission from that bill, but other similar legislation can likely be expected next year.

During the Examiners of Public Accounts Board Member Training in January 2012, there was reference to the Attorney General's opinions amending what information is and is not a matter of public record. The Commission provides names, home addresses, email addresses, and home phone numbers on its lists that are available for purchase. The AG's opinion says sensitive information "may" be withheld. Mr. Lasater consulted with John Norris of the State Examiners of Public Accounts and was told that it was not necessary for the Commission to limit

the information it currently provides unless Commissioners vote to do so. Commissioners decided not to limit the information that is currently being provided on the list.

Mr. Lasater called Commissioners' attention to the Hearings to Be Scheduled. The case of Alabama Real Estate Commission VS Jeffrey King Sandridge, Qualifying Broker, Sweet Homes in Alabama d/b/a EZ Rent to Buy, and Quincy Lamar Wiggins, Temporary Salesperson, Sweet Homes in Alabama d/b/a EZ Rent to Buy, Formal Complaint #3267, has several witnesses for whom travel would be a problem. Commission investigators asked that Commissioners consider conducting the hearing in Morgan County. Commissioner Cawthon made the motion that the July 26 Commission meeting be held in Morgan County at a location to be determined. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Commissioner Cawthon made a motion to adopt Rule 790-X-1-.11 without changes. Commissioner Sharp seconded the motion and it passed unanimously 8-0. The rule will be implemented effective October 1, 2012.

Mr. Sowell asked Commissioners to convene to Executive Session in order the he might provide them legal advice on the case of Devereaux Williams' hardship request for an extension to renew his license. Mr. Sowell gave the Commission his opinion that this situation is imminently likely to be litigated if the Commission pursues a proposed course of action.

Commissioner Steve Cawthon made a motion that the Commissioners convene in Executive Session for the purpose of receiving the legal advice. Commissioner Sharp seconded the motion. The motion passed unanimously 9-0 with Commissioners Steve Cawthon, Danny Sharp, Bill Watts, Reid Cummings, Carole Harrison, Clif Miller, Jewel Buford, Nancy Wright, and Dorothy Riggins-Allen voting in favor of the motion. The chairman stated that the Commission would reconvene in open session following the Executive Session which was expected to be only about 10 minutes. The room was cleared for the Executive Session except for Commissioners, Mr. Sowell, and Ms. Anderson, who served as recording secretary. Commissioner Watts convened the Executive Session at 11:30 a.m. The Executive Session concluded at 11:40 a.m. No action was taken in Executive Session.

Commissioner Cawthon made a motion that Commissioners conduct hearing disposition discussions and decisions in an open meeting. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Hayley Catlin Praytor, Applicant for Original Salesperson's License After Temporary Salesperson's License Lapsed, I-13,797

Upon discussion of the testimony presented on behalf of Ms. Praytor regarding her lapsed temporary license and request for Commission approval to submit her application for an original salesperson's license, Commissioner Buford made a motion to grant Miss Praytor a 60-

day extension to complete the post license course and submit her application for an original salesperson's license. Commissioner Cawthon seconded the motion and it passed 7-0. Commissioners Cummings and Riggins-Allen recused themselves.

Peter Christopher Rouveyrol, Denied Application for Hardship Renewal of Lapsed License, I-13,837

Upon discussion of the hardship renewal request by Mr. Rouveyrol, Commissioner Wright made a motion to approve Mr. Rouveyrol's request to renew his lapsed broker's license under hardship provided that he pay all back fees and penalties. Commissioner Cawthon seconded the motion and it passed 8-0. Commissioner Riggins-Allen recused herself.

Clay Alan Yarbrough, Applicant for Temporary Salesperson's License, I-13,857

Upon discussion of the request by Mr. Yarbrough to have his temporary salesperson's license application approved, Commissioner Buford made a motion to deny Mr. Yarbrough's application. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Robert Jackson Belcher, III and J. M. Harrison Agency, LLC, Formal Complaint No. 3266

Upon discussion of the evidence and testimony presented in the matter of Robert Jackson Belcher, III, Qualifying Broker, Montgomery, Alabama and J. M. Harrison Agency, LLC, Montgomery, Alabama, and the alleged violation of the *Code of Alabama 1975*, as amended, Count 1: Section 34-27-36(a)(8)b. in that they failed to deposit and account for at all times funds belong to or being held for others in a separate federally-insured account or accounts in a financial institution located in Alabama, by having a shortage of funds in the trust accounts, Commissioner Cummings made a motion to find Mr. Belcher and J. M. Harrison Agency, LLC, guilty of Count 1; to revoke the license of the broker and the company; and to fine the broker and the company a total of \$2,500. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0. Commissioner Riggins-Allen arrived as this hearing was being conducted. She reviewed the record of the hearing prior to voting and signed a statement to that effect.

Devereaux L. Williams, Hardship Application for Renewal of Lapsed License, I-13,821

After continuing the deliberation of Mr. Williams' hardship request for renewal of his lapsed broker's license on April 26, 2012, Commissioner Wright made a motion to grant Mr. Williams request provided that he pay all back fees and penalties and meet continuing education requirements. Commissioner Sharp seconded the motion and it passed unanimously 9-0 on May 24, 2012.

NOT APPEARING ITEMS FOR RULING

Commissioner Riggins-Allen was not present during the Not Appearings agenda.

Judy Stephens, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3265

Upon review of the evidence and testimony presented in the matter of Judy Stephens, Active Temporary Salesperson, Troy, 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 Ms. Stephens guilty and fine her \$250. The motion died for lack of a second. Commissioner Cawthon made a motion to find Ms. Stephens guilty and issued a reprimand. Commissioner Cummings seconded the motion and it passed 7-1 with Commissioner Buford voting no.

Rhonda Long, Request to Operate Home Office, I-13,846

Upon review of the evidence and testimony presented in the matter of Rhonda Long, Active Qualifying Broker, The Phoenix Realty Group, Inc., Madison, Alabama, regarding her request to operate her real estate company from her home, Commissioner Miller made a motion to deny Mrs. Long's request. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record: June 12, 2012, 1:00 p.m. – Orange Beach, Alabama

Commissioner Buford made a motion to approve the next Commission meeting date and location for June 12, 2012, at 1:00 p.m. in Orange Beach, Alabama. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Due to the fact that a large audience may attend the June meeting, Mr. Lasater asked Hearing Officer Tori Adams to hold an Administrative Law Judge overview at the meeting to ensure that those in attendance understand proper meeting procedures and conduct.

There being no further business, the meeting adjourned at 11:55 a.m.

Done this 24th day of May, 2012.

Bill Watts, Chairman

Patricia Anderson, Recording Secretary