

## MINUTES

A meeting of the Alabama Real Estate Commission was held November 29, 2018, 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, Reid Cummings, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Lynn; Investigators David Erfman, K.C. Baldwin and Rickey Fennie. The Hearing Officer was Jim Hampton.

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, Education Specialist Julie Norris; Accounting and Personnel Director Molli Jones; Information Technology Specialist Steven Brown; Licensing Administrator Anthony Griffin and Executive Assistant Barbi Lee.

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 October 25, 2018 Commission meeting. Commissioner Barran seconded the motion and it passed 9-0.

Ms. Anderson presented the October 2018 financial report. October is the first month of Fiscal Year 2019 and final expenditures for FY 2018 will be available after the 13<sup>th</sup> Accounting Period closes. The total amount paid to other state agencies in FY 2018 was \$279,082. Receipts were up in October due to late fees for license renewals and expenditures were under projection. One payment was made from the Recovery Fund and \$25,000 was paid to other state agencies. Ms. Anderson provided Commissioners with the Research and Education Report showing the payment made to ACRE for FY 2018.

Ms. Anderson gave the Commissioners information regarding the Collateral Consequences Bill that Senator Cam Ward will be sponsoring in the next legislative session. There is significant movement throughout the country regarding this topic. General Counsel Mandy Lynn is working on the AARB Task Force to provide input as it relates to the Alabama Real Estate Commission.

Teresa Hoffman, Assistant Executive Director, provided an extensive overview of Occupational Licensing and the increased scrutiny nationwide regarding this topic.

Ms. Anderson informed Commissioners that Alabama will be involved in a conference call in December with other ARELLO members concerning the Council of State Governments National Center for Interstate Compacts.

General Counsel, Mandy Lynn provided the Commission with an Appeals update.

## **COMMISSIONER DISCUSSION**

Commission members discussed the need of executing a Request for Proposal (RFP) for a Legislative Liaison and Consultant. Commissioner Cummings made a motion to prepare a RFP for a Legislative Liaison and Consultant and send it to all registered lobbyists in the state of Alabama. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Vice Chairman Sharp made a motion to break for lunch at 12:05 p.m. and return at 12:50. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Commissioners returned at 12:50 to continue the meeting.

Commissioner Cummings made a motion that Commissioners conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

## **HEARINGS**

### **Melissa Spann Gates, Application for Determination of Licensing Eligibility, Investigative File I-15,426**

Upon discussion of the evidence and testimony presented by Ms. Gates regarding application for determination of licensing eligibility, Commissioner Cummings made a motion to approve her application subject to all fees being paid in full and completion of probation. Commissioner Barran seconded the motion and it passed 8-1 with Commissioner Harrison voting against the motion.

### **Michael Minotti, Application for Determination of Licensing Eligibility, Investigative File I-15,395**

General Counsel Mandy Lynn stated that Mr. Minotti withdrew his application.

### **Bridgette Thomas, Application for Determination of Licensing Eligibility, Investigative File I-15,394**

Upon discussion of the evidence and testimony presented by Ms. Thomas regarding application for determination of licensing eligibility, Commissioner Cummings made the motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**Lauren K. Thomas, Application for Determination of Licensing Eligibility, Investigative File I-15,396**

Upon discussion of the evidence and testimony presented by Ms. Thomas regarding application for determination of licensing eligibility, Commissioner Barran made a motion to deny her application. Commissioner Denney seconded the motion and it passed unanimously 9-0.

**Daniel Haddox, Application for Determination of Licensing Eligibility, Investigative File I-15,517**

Upon discussion of the evidence and testimony presented by Mr. Haddox regarding application for determination of licensing eligibility, Commissioner Cummings made a motion to deny his application. Commissioner Barran seconded the motion and it passed unanimously 9-0.

**Brady Benton, Application for Determination of Licensing Eligibility, Investigative File I-15,414**

Upon discussion of the evidence and testimony presented by Mr. Benton regarding application for determination of licensing eligibility, Vice Chairman Sharp made a motion to approve his application subject to all fees being paid in full and completion of probation. Commissioner Harrison seconded the motion and it passed 8-1 with Commissioner Smith voting against the motion.

**Dianne Mattiace, Application for Determination of License Eligibility for Salesperson's Reciprocal License, Investigative File I-15,334**

General Counsel Mandy Lynn stated that this case is continued until the February 21, 2019 meeting.

**Talina Frost, Application for Determination of Licensing Eligibility, Investigative File I-15,402**

Upon discussion of the evidence and testimony presented by Ms. Frost regarding application for determination of licensing eligibility, Commissioner Barran made a motion to deny her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**Mark Edmondson, Application for Determination of Licensing Eligibility, Investigative File I-15,433**

Upon discussion of the evidence and testimony presented by Mr. Edmondson regarding application for determination of licensing eligibility, Commissioner Harrison made a motion to approve his application. Commissioner Denney seconded the motion and it passed unanimously 9-0.

## NOT APPEARINGS

### **Jennifer Brooke Hammock, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3475**

Jennifer Brooke Hammock, Inactive Salesperson, Hayden, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment for license renewal which was returned unpaid by the bank upon which it was drawn. Commissioner Cummings made a motion to find Ms. Hammock guilty and fine her \$250. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

### **Cecilia Morris Clark, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3470**

Cecilia Morris Clark, Salesperson, Ann Pickard Realty, Inc., Orange Beach, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment for license renewal which was returned unpaid by the bank upon which it was drawn. Commissioner Cummings made a motion to find Ms. Clark guilty and fine her \$250. Commissioner Barran seconded the motion and it passed unanimously 9-0.

### **George W. Murry, Jr., Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3468**

George W. Murry, Jr., Qualifying Broker, Realty Action, Inc., Montgomery, Alabama, was charged with violating 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 Cummings made a motion to find Mr. Murry guilty and fine him \$250. Commissioner Denney seconded the motion and it passed unanimously 9-0.

### **Kayla Dianne Eldridge, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3473**

Kayla Dianne Eldridge, Inactive Salesperson, Madison, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an electronic check payment for license renewal which was returned unpaid by the bank upon which it was drawn. Commissioner Cummings made a motion to find Ms. Eldridge guilty and fine her \$250. Commissioner Barran seconded the motion and it passed unanimously 9-0.

**Ann V. Relfe, Refund Request of Penalty Fees Paid for Late License Renewals, Investigative File I-15,442**

Upon review of the hardship request for late renewal submitted by Ms. Relfe, Commissioner Barran made a motion to approve a refund in the amount of \$300. Commissioner Smith seconded the motion and it passed 6-2 with Vice Chairman Sharp and Commissioner Denney voting against the motion. Chairman Watts abstained from the vote.

**Mary Jean Barnhill, Hardship Waiver Request of 2018 Renewal Late Fee, Investigative File I-15,443**

Upon review of the hardship request for waiver of renewal penalty submitted by Ms. Barnhill, Commissioner Harrison made a motion to approve her request. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

**Paul D. Serwatka, Hardship Request Waiver for Home Operation, Investigative File I-15,451**

Upon review of the hardship request for home operation submitted by Mr. Serwatka, Commissioner Denney made a motion to approve his request. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

**Matthew Anderson, Hardship Request for Extension of the 90-Day Deadline to Have Temporary License Issued, Investigative File I-15,449**

Vice Chairman Sharp recused himself from this hearing.

Upon review of Mr. Anderson's hardship request for additional time to obtain a temporary salesperson's license, Commissioner Harris made a motion to approve a 10-day extension. Commissioner Cummings seconded the motion and it passed 8-0.

**Dennis Mann, Hardship Request for Extension of the 90-Day Deadline to Have Temporary License Issued, Investigative File I-15,450**

Upon review of Mr. Mann's hardship request for additional time to obtain a temporary salesperson's license, Commissioner Smith made a motion to approve a 30-day extension. Commissioner Barran seconded the motion and it passed unanimously 9-0.

**Angela Taylor Wells, Hardship Request for Deadline Extension to Take and Pass Salesperson's Examination After Completion of Salesperson Prelicense Course, Investigative File I-15,446**

Upon review of Ms. Wells' request for additional time to pass the salesperson's examination, Commissioner Barran made a motion to approve a 60-day extension. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**John Spivey, Hardship Request for Deadline Extension to Take and Pass Salesperson's Examination After Completion of Salesperson Prelicense Course, Investigative File I-15,447**

Upon review of Mr. Spivey's hardship request for a deadline extension to take and pass the salesperson's examination, Commissioner Barran made a motion to approve a 60-day extension. Commissioner Harris seconded the motion and it passed unanimously 9-0.

**Verna Jordan, Hardship Request for Deadline Extension to Take and Pass Salesperson's Examination After Completion of Salesperson Prelicense Course, Investigative File I-15,448**

Upon review of Ms. Jordan's hardship request for additional time to take and pass the salesperson's examination, Commissioner Harrison made a motion to approve a 60-day extension. Commissioner Smith seconded the motion and it passed unanimously 9-0.

**Susan T. Smith, Request to Maintain a Qualifying Broker License at Southern Properties in Fort Payne and Add an Additional Associate Broker License at Legend Realty in Huntsville, Investigative File I-15,445**

This request was withdrawn by Ms. Smith.

**Confirm February Meeting Date and Location for the Record:** February 21, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Barran made a motion to confirm the February meeting for February 21, 2019 at 9:00 a.m. in Montgomery, Alabama. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

There being no further business, the meeting adjourned at 2:07 p.m.

Done this 29<sup>th</sup> day of November 2018.

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Bill Watts, Chairman

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Barbi Lee, Recording Secretary