

MINUTES

The Alabama Real Estate Commission met October 20, 2006, at the Alabama Real Estate Commission, Montgomery, Alabama.

Those present were Chairman Bill E. Poole; Vice Chair Sheila Hodges; Commissioners Roy Bragg, Jewel Buford, Gordon Henderson, Bobby Hewes, Chester Mallory, Jan Morris and Dorothy Riggins; Executive Director Philip Lasater, Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Education Director Ryan Adair; Assistant Counsel Chris Booth; Special Investigators David Erfman and Chuck Kelly; Hearing Officer was Tori Adams.

The meeting having been duly noticed in accordance with provisions of the Open Meetings Act, Chairman Poole called the meeting to order at 9:00 a.m. and declared a quorum present.

In accordance with 34-37-7(f), Chairman Poole opened the floor for nominations to Chair and Vice Chair. Commissioner Hodges nominated Bill Poole as Chair. Commissioner Hewes seconded the nomination. Commissioner Bragg moved to close nominations. Commissioner Morris seconded the motion and it passed unanimously. The vote taken to elect Bill Poole as Chair passed unanimously 9-0.

Commissioner Henderson nominated Sheila Hodges as Vice Chair. Commissioner Bragg seconded the nomination. A vote was taken to elect Sheila Hodges as Vice Chair which passed unanimously 9-0.

Chairman Poole expressed his appreciation in the Commissions endowment of continued confidence in him. He then welcomes new Commissioners Morris and Riggins as they officially have begun their terms of service.

Commissioner Hewes moved to approve the meeting Minutes as amended reflecting his attendance at the September 15th meeting. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

The September 2006 financial statements were distributed and reviewed noting year end balances and year to date and previous year revenue and expenditure comparisons. No action was taken.

The Commission Budget Committee comprised of Commissioners Buford, Henderson and Mallory convened at 8:15. Commissioner Buford recommended the approval of the budget for submission to the finance director and legislature (copy attached) with the two following amendments: 1) that \$400,000 be added to object code 0800 for advertising. It is to be understood that any proposed expenditures are to be expressly approved before funds are committed to advertising and, 2) that additional laptops be provided for auditors and investigators. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

The Executive Directors Report was distributed in writing and is attached.

Upon reviewing the recently passed ARELLO annual conference, Commissioner Poole highlighted the TIC forum. Commissioner Hodges shared information on Community Associations and its relevance to emerging issues in Alabama. Commissioners Buford and Mallory participated in Commissioner College and heralded it meaningfulness.

HEARINGS

Karen B. Ruby, Application for Determination of Licensing Eligibility, I-12,031

Upon consideration of the testimony presented by Ms. Ruby, Commissioner Mallory moved to approve the license eligibility of Ms. Ruby. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Eunice Y. Baker, Formal Complaint No. 2958

Upon discussion of the evidence and testimony presented in the matter of Eunice Y. Baker, Associate Broker, Aero Real Estate LTD, Daleville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of the required continuing education course hours by the deadline, Commissioner Hodges moved to find Ms. Baker guilty and to reprimand her. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Kenneth E. Harve, Formal Complaint No. 2960

Upon discussion of the evidence and testimony presented in the matter of Kenneth E. Harve, Salesperson, Bill Bailey Realty and Development, Inc., Bessemer, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of all the continuing education course hours by the deadline and by false or inaccurate filing of the renewal, Commissioner Mallory moved to find Mr. Harve guilty and to fine him \$250. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Treva V. Wilson, Applicant for Determination of Licensing Eligibility, I-12,036

Upon consideration of the testimony presented by Ms. Wilson, Commissioner Hodges moved to approve the license eligibility of Ms. Wilson. Commissioner Hewes seconded the motion and it failed 1-8 with Commissioners Buford, Bragg, Henderson, Hewes, Mallory, Morris, Poole and Riggins voting no.

Alabama Real Estate Commission vs. Jimmy A. Dichiara, Formal Complaint No. 2959

Upon discussion of the evidence and testimony presented in the matter of Jimmy A. Dichiara, Qualifying Broker, Jimmy D Realty, Gulf Shores, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of all the required continuing education course hours by the deadline and by the false or inaccurate filing of the renewal, Commissioner Henderson moved to find Mr. Dichiara guilty and to fine him \$1000 and suspend his license 30 days. The motion failed for lack of a second. Commissioner Mallory moved to find Mr. Dichiara guilty and to fine him \$300. The motion failed for lack of a second. Commissioner Buford moved to find Mr. Dichiara guilty and to fine him \$500 and suspend his license 30 days. The vote on the motion was 4-4. Commissioner Mallory then moved to find Mr. Dichiara guilty and to fine him \$1000. Commissioner Riggins seconded the motion and it passed 7-1 with Commissioner Henderson voting no and Commissioner Hodges having recused herself.

Alabama Real Estate Commission vs. Corey D. Springs, Formal Complaint No. 2956

Upon discussion of the evidence and testimony presented in the matter of Corey D. Springs, Qualifying Broker, Springs Realty, Montgomery, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-3-.01 by changing business address and failing to notify the Commission within 30 days of relocating; Count 2: Section 34-27-36(a)(19) by failing to comply with Section 34-27-2(a)(11)b. by operating the real estate business from a separate office located in the city limits or police jurisdiction; Count 3: Section 34-27-36(a)(8)a. and b. by failing, within a reasonable time, to properly deposit and account for or remit money coming into their possession which belonged to others; and Count 4: 34-27-36(a)(28) by failing to produce records pertaining to the operation of the real estate business and of Ms. Bonner's property management when requested to do so by the Commission's investigator.

Commissioner Hodges moved to find Mr. Springs guilty on Count 1 and to fine him \$500. Commissioner Henderson seconded the motion and it passed 8-0 with Mr. Mallory having recused himself.

Commissioner Hodges moved to find Mr. Springs guilty on Count 2 and to fine him \$500. Commissioner Morris seconded the motion and it passed 8-0 with Commissioner Mallory having recused himself.

Commissioner Hodges moved to find Mr. Springs guilty on Count 3 and to revoke his license. Commissioner Henderson seconded the motion and it passed unanimously 8-0 with Commissioner Mallory having recused himself.

Commissioner Hodges moved to find Mr. Springs guilty on Count 4 and to fine him \$2500. Commissioner Morris seconded the motion and it passed unanimously 8-0 with Commissioner Mallory having recused himself.

NOT APPEARINGS

Alabama Real Estate Commission vs. Sara B. Batson, Formal Complaint No. 2961

Upon consideration of the evidence and testimony presented in the matter of Sara B. Batson, Salesperson, Rise Real Estate, Inc., Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of the required continuing education course hours, Commissioner Hodges moved to accept the affidavit signed by Ms. Batson pleading guilty and accepting a \$1000 fine and 30 day suspension of license. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Anne S. Deakle, Formal Complaint No. 2962

Upon consideration of the evidence and testimony presented in the matter of Anne S. Deakle, Inactive Salesperson, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(j)(1) and Alabama Real Estate Commission Rules 790-X-1-.12(8) and 790-X-1-.12(9) by failing to provide to the Commission, upon request, original certificates showing the completion of the required continuing education course hours by the deadline, Commissioner Hewes moved to accept the affidavit signed by Ms. Deakle pleading guilty and accepting a \$1000 fine and 30 day suspension of her license. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Valley E. O'Neal, Formal Complaint No. 2957

Upon consideration of the evidence and testimony presented in the matter of Valley E. O'Neal, Inactive Salesperson, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) Mr. O'Neal 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. Upon receipt of the waiver of hearing, Commissioner Hodges moved to find Mr. O'Neal guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

George Christo Chaconas, Applicant for Reciprocal Broker's License, I-12,107

Upon review of the record submitted by Mr. Chaconos in his application for a reciprocal broker's license, Commissioner Henderson moved to approve issuance of his reciprocal broker's license. Commissioner Hodges seconded the motion and it passed 8-1 with Commissioner Morris voting no.

Alabama Real Estate Commission vs. Bobbie J. Spitler, Formal Complaint No. 2937

Upon consideration of the circumstances in the status of completed continuing education hours in addition to Ms. Spitler's current condition of ill health, Commissioner Hewes moved to dismiss Formal Complaint 2937. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Jonathan R. Long, Formal Complaint No. 2965

Upon consideration of the evidence and testimony presented in the matter of Jonathan R. Long, Salesperson, Ross Auction and Real Estate Agency, Rainbow City, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), Mr. Long 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. Upon receipt of the waiver of hearing, Commissioner Hodges moved to find Mr. Long guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 8-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Randy S. Morris, Formal Complaint No. 2963

Upon consideration of the evidence and testimony presented in the matter of Randy S. Morris, Qualifying Broker, Power Real Estate, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), Mr. Morris 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 Bragg moved to find Mr. Morris guilty and to fine him \$250. Commissioner Morris seconded the motion and it passed unanimously 8-0 with Commissioner Mallory abstaining.

David Berwald, Inactive Associate Broker, Requesting Waiver of Renewal Late Penalty, I-12,117

Upon review and consideration of the circumstances in Mr. Berwald's request for waiver of the renewal penalty fee, Commissioner Henderson moved to deny the request. Commissioner Buford seconded the motion and it passed 8-1 with Commissioner Bragg voting no.

Jill E. McDowell, Lapsed Temporary Salesperson, Requesting Extension to Complete 30 Hour Post-License Course, I-12,122

Upon consideration of the circumstances presented in the request for additional time to complete the 30 hour post license course, Commissioner Hewes moved to grant a 90 day extension. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Report on Commission Orders Under Appeal

No action taken.

Report on Redfin Internet Brokerage

No action taken.

Report on Reciprocal Licensing-Florida

Further updates to be provided. Additionally, in follow up to previous discussions Commissioner Henderson moved to direct that Charles Sowell draft language to amend license law so that reciprocal applicants will be required to take and complete appropriate coursework in Alabama license law and to also pass the state portion of the exam. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Claudine P. Skipworth, Hardship Request for Home Operation, I-12,123

Upon consideration of the documentation submitted in support of a home operation hardship waiver, Commissioner Bragg moved to approve Mr. Skipworth's request. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

William E. Van Buren, Jr., Reciprocal Salesperson Applicant, I-12,124

Upon review of the information submitted by Mr. Van Buren in his application for a reciprocal salespersons license, Commissioner Hewes moved to approve licensure for Mr. Van Buren. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Deborah Ann Sisley, Formal Complaint No. 2966

Upon consideration of the evidence and testimony presented in the matter of Deborah Ann Sisley, Salesperson, Adams Homes, LLC, Daphne, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), Ms. Sisley 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. Upon receipt of the waiver of hearing, Commissioner Hodges moved to find Ms. Sisley guilty and to fine her \$250. Commissioner Henderson seconded the motion and it passed unanimously 8-0 with Commissioner Mallory abstaining.

There being no further business, the Commission adjourned at 12:25 p.m.

Done this 20th day of October, 2006.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary