

## MINUTES

A meeting of the Alabama Real Estate Commission was held October 25, 2012, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Commissioners Jewel Buford, Reid Cummings, Carole Harrison, Clif Miller, Danny Sharp and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin and Auditors Vicky Shackelford and Denise Blevins. Tori Adams served as Hearing Officer. Vice Chairman Steve Cawthon and Commissioner Dorothy Riggins-Allen were absent with notice.

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 IT Systems Specialist 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 Wright made a motion to elect Commissioner Bill Watts as Commission Chair for the 2013 fiscal year. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

Commissioner Buford made a motion to elect Commissioner Nancy Wright as Commission Vice Chair for the 2013 fiscal year. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

Commissioner Wright made a motion to approve the September minutes as presented. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

In the Executive Director's report and Financial Review, Mr. Lasater reviewed the September Year-End Financial Report. He noted that on the Statement of Operations report under "Receipts," "Prior Month Adjustments" represented previous entry errors that were corrected here. Revenue has been decreasing since 2008 but more significantly in 2012. Revenue for 2012 has been only \$680,647 above the renewal revenue that we started the year with causing a \$246,000 shift from investments to operating fund. The most optimistic expectation for 2013 would be to break even. Commissioners engaged in a thorough discussion of the report. The 2014 Budget will be presented for review and adoption at the November meeting.

Assistant Executive Director Pat Anderson reported to Commissioners that the new Risk Management course will not likely be available for licensees to take until January 1, 2013. Licensees who are on inactive status and want to activate for 2013-14, need a way to take Risk Management in order to complete their CE requirement. Commissioner Miller made a motion to allow licensees in this situation to take "Risk Management That Delicate Balance" through December 31, 2012 in order to meet CE requirements for license activation. Commissioner Wright seconded the motion and it passed unanimously 7-0.

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

HEARINGS AND APPEARINGS

**Sharon L. Owens, Request for 30-Day Extension of One-Year Deadline to Take and Pass the Salesperson’s Examination, I-13,929**

Upon discussion of the request by Ms. Owens for a 30-day extension for taking and passing the salesperson’s examination, Commissioner Buford made a motion to deny the request. The motion failed for lack of a second. Commissioner Harrison made a motion to grant the request. Commissioner Miller seconded the motion and it passed 5-2 with Commissioners Buford and Sharp voting no.

**Alabama Real Estate Commission vs. Jack W. Hines, Jr. AND Hines Realty Company, A Corporation AND Jack W. Hines, III, Formal Complaint No. 3271**

Upon discussion of the evidence and testimony presented in the matter of Jack W. Hines, Jr., Associate Broker, Hines Realty Company, A Corporation, Brewton, Alabama AND Hines Realty Company, A Corporation, Brewton, Alabama AND Jack W. Hines, III, former Qualifying Broker, Hines Realty Company, A Corporation, Brewton, Alabama and current Associate Broker, John Hall & Company, Montgomery, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Count 1: 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 Respondents’ 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; Count 2: Section 34-27-36(a)(19) in that Respondent Jack W. Hines, Jr. failed to comply with Section 34-27-31(j) by not notifying the Commission within 10 days after notice to him of the institution of criminal prosecution against him; Count 3: Section 34-27-36(a)(23)a. in that Respondent Jack W. Hines, Jr. entered a plea of guilty or nolo contendere to a felony; Count 4: Section 34-27-34(a)(2) in that Respondent Jack W. Hines, III failed to see that the institution of prosecution was reported by Respondent Jack W. Hines, Jr., the following action was taken:

On Count 1, Commissioner Cummings made a motion to accept the surrender of Jack Hines, Jr.’s license. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

On Count 2, Commissioner Sharp made a motion to find Jack Hines, III guilty and fine him \$1,000. Commissioner Buford seconded the motion and it passed unanimously 7-0.

On Count 3, Commissioner Sharp made a motion to find Hines Realty Company, A Corporation guilty and fine the company \$1,000. Commissioner Miller seconded the motion and it passed unanimously 7-0.

On Count 4, Commissioner Miller made a motion to find Jack Hines, III guilty and fine him \$500. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Robert Jackson Belcher, III and J.M. Harrison Agency, LLC, Requested Rehearing-Appeal of Commission’s Decision in the Matter of Formal Complaint No. 3266**

Upon discussion of Mr. Belcher’s request for reconsideration of the Commission’s ORDER of license revocation signed June 6, 2012, Commissioner Cummings made a motion to find the basis of the rehearing unfounded and to affirm the prior decision of revocation. Commissioner Buford seconded the motion and it passed unanimously 7-0.

**Shelia Davis O’Rourke, Request for Extension to Take and Pass the Salesperson’s Examination After One-Year Deadline, I-13,959**

Upon discussion of Ms. O’Rourke’s request for an extension to the one-year deadline for taking and passing the salesperson’s examination, Commissioner Cummings made a motion to approve the request. Commissioner Miller seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Christie D. Taylor, Formal Complaint No. 3276**

Upon discussion of the evidence and testimony presented in the matter of Christie D. Taylor, Inactive temporary salesperson, Birmingham, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(23)a. by having entered a plea of nolo contendere to, or having been found guilty of, or convicted of a felony or a crime involving moral turpitude in U.S. District Court, case number 2:12-cr-00268-LSC-HGD-1, Commissioner Buford made a motion to revoke Ms. Taylor’s license. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

NOT APPEARING ITEMS FOR RULING

**Cheryl Prewitt, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3278**

Upon review of the evidence and testimony presented in the matter of Cheryl Prewitt, Qualifying Broker, Premiere Real Estate Management, Gardendale, 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 Buford made a motion to find her guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 7-0.

**Terri Turner Kennedy, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3279**

Upon review of the evidence and testimony presented in the matter of Terri Turner Kennedy, Salesperson, Premiere Group LLC, d/b/a RE/MAX Premiere Group, Northport, 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 Miller made a motion to find her guilty and fine her \$250. Commissioner Harrison seconded the motion and it passed unanimously 7-0.

**Theodoshie Williams, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3280**

Upon review of the evidence and testimony presented in the matter of Theodoshie Williams, Qualifying Broker, Theodoshie Williams Realty, Tuskegee, 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 Buford made a motion to find him guilty and fine him \$250. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

**Russell Barrett, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3284**

Upon review of the evidence and testimony presented in the matter of Russell Barrett, Salesperson, Cornerstone Realty Group LLC, Wetumpka, 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 him guilty and fine him \$250. Commissioner Miller seconded the motion and it passed unanimously 7-0.

**James E. Brown, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3283**

Upon review of the evidence and testimony presented in the matter of James E. Brown, Qualifying Broker, Brown Properties, Inc., Montgomery, 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 Buford made a motion to find him guilty and fine him \$250. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Benny C. Hand, Jr., Request for Dismissal of Formal Complaint No. 3275**

Upon review of the request by Mr. Hand for dismissal of Formal Complaint No. 3275, Commissioner Cummings made a motion to deny the request and set the Complaint for a hearing. Commissioner Miller seconded the motion and it passed unanimously 7-0.

**Melissa S. Bailey, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3277**

Upon review of the evidence and testimony presented in the matter of Melissa S. Bailey, Inactive Salesperson, Sylacauga, 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 Buford made a motion to find her guilty and fine her \$250. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

**Kenneth M. Turner, Waive of Hearing and Guilty Plea, Formal Complaint No. 3288**

Upon review of the evidence and testimony presented in the matter of Kenneth M. Turner, Qualifying Broker, Tiger Paws Investments, LLC, d/b/a Pallazo Realty, Montgomery, Alabama, and the

alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Rule 790-X -3-.01 in that Respondent failed to notify the Commission of the change of business address within thirty days after such change was made, Commissioner Buford made a motion to find him guilty and fine him \$500. Commissioner Wright seconded the motion and it passed unanimously 7-0.

**Billie D. Moore (Val Moore Realty and Management) and C.A. Anderson, Request for Rehearing, Formal Complaint No. 3270**

Upon review of the request by Ms. Moore and Mr. Anderson for a rehearing on all seven grounds for a rehearing in Section 34-27-37(d), Commissioner Wright made a motion to deny the request of both Ms. Moore and Mr. Anderson. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

**Confirm Next Meeting Date and Location for the Record: November 29, 2012, 9:00 a.m. in Montgomery**

Commissioner Miller made a motion to approve the next Commission meeting date and location for November 29, 2012, at 9:00 a.m. in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 7-0.

There being no further business, the meeting adjourned at 1:15 p.m.

Done this 25<sup>th</sup> day of October, 2012.

---

Bill Watts, Chairman

---

Patricia Anderson, Recording Secretary