

MINUTES

A meeting of the Alabama Real Estate Commission was held September 11, 2009 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chair Jewel Buford; Commissioners Steve Cawthon, Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Bill Watts 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; Investigators David Erfman, Chuck Kelly, Philip Bunch and K.C. Baldwin; Hearing Officer was Tori Adams.

Other staff members present were Public Information Manager Vernita Oliver-Lane, Public Information Specialist, Lori Moneyham, Senior Accountant Molli Jones, Education Specialist Julie Norris, Information Technology Manager Nancy Barfield and Assistant Information Technology Manager Brett Scott.

The meeting having been duly noticed according to the Open Meetings Act, Chairman Hodges called the Commission to order at 9:00 a.m.

The Chairman asked for a moment of silence to remember the tragic events of September 11, 2001, to show reverence and respect for those who lost their lives, and to reflect how we each in our own way might contribute to the advance of peace.

After staff introductions, Executive Director Philip Lasater announced to Commissioners and staff that he has been notified by ARELLO (Association of Real Estate License Law Officials) that the Education Issues Monitoring Committee has selected the Alabama Real Estate Commission for a Communications Award recognizing the Commission for its website. The award will be presented in October at ARELLO's upcoming annual conference in Miami. He expressed pride in this accomplishment and recognized Public Information Manager Vernita Oliver-Lane for dedication and excellence in her work at the Commission and particularly in her design and development work as Web master.

Commissioner Morris moved to approve the August 14, 2009 minutes as presented. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Mr. Lasater reviewed the August financial report noting that trends over the last several months have remained constant with temporary and original licenses decreasing while transfers have increased. As revenues have declined the Commission has been able to trim expenditures. A complete year end report will be available after September 30.

In the Executive Director's Report Mr. Lasater called attention to the proposed meeting dates of October 9 and November 20 as adjustments have been made since these were initially proposed. Mr. Lasater called on Assistant Executive Director Pat Anderson to update Commissioners on timeshare renewals. Ms. Anderson reported that only one third of timeshare licensees have renewed. She made note of the report in commission packets that elaborates on the location of timeshare licensees.

Mr. Lasater recognized Investigator K. C. Baldwin to give a report from the ARELLO Investigators Conference he and auditors recently attended in Little Rock, Arkansas. Mr. Baldwin

reported that they heard some great presentations including a particular lecture regarding safety issues for licensees. He expressed appreciation for the opportunity to attend this conference.

Education Director, Ryan Adair reported on the three instructor training programs held in 2009, the Education Advisory Committee, its make-up and issues they are discussing, and he gave an update on education renewals.

Commissioner Morris made a motion to conduct its disciplinary hearing disposition discussions in open session. The motion was seconded by Commissioner Cawthon and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Julie Watson, Formal Complaint No. 3154

Upon discussion of the evidence and testimony presented in the matter of Julie Watson, Salesperson, Hodges Commercial Realty, LLC d/b/a Hodges Commercial Real Estate, 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 Watts made a motion to dismiss the complaint. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Dana R. Dyer, Formal Complaint No. 3148

Having agreed by affidavit to attend the hearing on September 11, 2009 and then notifying the Commission by voice mail at 7:45 p.m. on September 10, 2009 that she was not coming and would surrender her license, and upon discussion of the evidence and testimony presented in the matter of Dana R. Dyer, Inactive Salesperson, Dothan, 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 guilty or nolo contendere to, or having been found guilty of a felony or a crime involving moral turpitude, Commissioner Morris made a motion to revoke Ms. Dyer's license. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. David Lawrence Adams, Jr., Mary P. Adams, and Adams Property Management, LLC, Formal Complaint No. 3155

Upon discussion of the evidence and testimony presented in the matter of David Lawrence Adams, Jr., Qualifying Broker, David Adams Realty, LLC and Adams Property Management, LLC, Troy, Alabama, and Mary P. Adams salesperson with David Adams Realty LLC the alleged violation of the Code of Alabama 1975, as amended, Count1: Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. in that Respondents failed within a reasonable time to account for and deposit rental account funds belonging to others in a separate federally insured account or accounts located in Alabama and by failing to properly account for at all times funds coming into their possession that belong to others and by commingling their funds with those belonging to others in this trust account; Count 2: Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing, within a reasonable time, to account for and deposit security deposit account funds belonging to others in a separate federally insured account or accounts located in Alabama and by failing to properly account for at all times all funds coming into their possession that belonged to others, Commissioner Morris made a motion to find David Adams guilty on Counts 1 and 2 and reprimand him. Commissioner Watts seconded the motion and it passed unanimously 9-0. Commissioner Morris made a motion to find Mary P. Adams guilty on Counts 1 and

2, fine her \$1000 and suspend her license for six months but stay the suspension for six months and require her to complete the risk management continuing education course. If the continuing education course is completed in the six months following the issuance of the Order then the suspension is permanently stayed. Commissioner Buford seconded the motion and it passed unanimously 9-0. Commissioner Morris made a motion to find Adams Property Management LLC guilty on Counts 1 and 2 and fine them a total of \$1,000. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Vicky Padgett, Hardship Application to Obtain an Original Salesperson's License After Their Temporary License Lapsed, I-13,174

Upon consideration of Ms. Padgett's hardship request for original salesperson's application, Commissioner Watts made a motion to grant Ms. Padgett a 30-day extension to submit her application. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR DISCUSSION

Cynthia G. Ragland, Determination of Dismissal of Formal Complaint for Bad Check, Formal Complaint No. 3157

Upon review of the evidence and testimony presented in the matter of Cynthia G. Ragland, Qualifying Broker, Royal Realty and Associates, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: 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; Count 2: 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 Hewes made a motion to dismiss the complaint. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Sara Ruble, Request for Extension to File Application for Original Salesperson's License, I-13,190

Upon review and discussion of Ms. Ruble's letter requesting an extension for submitting the original salesperson's license application, Commissioner Hewes made a motion to grant Ms. Ruble a 30-day extension to submit her application. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Angelia Hyatt, Request for Extension to File Application for Original Salesperson's License, I-13,191

Upon review and discussion of Ms. Hyatt's letter requesting an extension for submitting the original salesperson's license application, Commissioner Buford made a motion to grant Ms. Hyatt a 30-day extension to submit her application. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Kimberly A. Hardwick, Request for Extension to File Application for Original Salesperson's License, I-13,192

Upon review and discussion of Ms. Hardwick's letter requesting an extension for submitting the original salesperson's license application, Commissioner Hewes made a motion to grant Ms. Hardwick a 30-day extension to submit her application. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Dionne Kitchen, Request for Extension to File Application for Original Salesperson's License, I-13,193

Upon review and discussion of Ms. Kitchen's letter requesting an extension for submitting the original salesperson's license application, Commissioner Cawthon made a motion to grant Ms. Kitchen a 30-day extension to submit her application. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Christi Painter Smallwood, Request for Extension to Complete the Post License Course and File Application for Original Salesperson's License, I-13,194

Upon review and discussion of Ms. Smallwood's letter requesting a deadline extension for her to take the 30 hour post-license course and submit application for the salesperson's original license, Commissioner Hewes made a motion to grant Ms. Smallwood a 90-day extension to complete the post license course and submit her application. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Donna Bridges, Request for Extension to Take Post License Course and File Application for Original Salesperson's License, I-13,195

Upon review and discussion of Ms. Bridges' letter requesting a 90-day extension for completing the 30 hour post-license course and submitting application for the salesperson's original license, Commissioner Wright made a motion to grant Ms. Bridges' request. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Sherlyn Lindsey Waghalter, Waiver of Hearing and Guilty Plea (Change of Address) Formal Complaint No. 3156

Upon discussion of the evidence presented in the matter of Sherlyn Lindsey Waghalter, Qualifying Broker, ReMax on the Coast, Gulf Breeze, Florida, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) and Rule 790-X-3-.01 in that Respondent failed to notify the Commission within thirty (30) days of moving the location of her place of business, Commissioner Morris made a motion to find Ms. Waghalter guilty and fine her \$250. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Wylonette Etheridge, Waiver of Renewal Penalty Fee for Salesperson's License, #I-13,199

Upon review and discussion of Ms. Etheridge's request for a waiver of the \$150 penalty fee for late renewal, Commissioner Morris made a motion to deny her request. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Ray Duke, Waiver of Renewal Penalty Fee for Salesperson's License, #I-13,201

Upon review and discussion of Mr. Duke's request for a waiver of the \$150 penalty fee for late renewal, Commissioner Morris made a motion to deny his request. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Confirm October 9, 2009 Meeting Date and Location for the Record

Commissioner Watts made a motion to confirm October 9, 2009 as the next Commission meeting date. Commissioner Wright seconded the motion and it passed unanimously 9-0. Commissioner Buford made a motion to hold the October 9, 2009 Commission meeting in Gulf Shores, Alabama. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Discuss and Review Considerations for Amending Apartment Manager's License Exemption – Commissioner Watts

Commissioner Watts deferred this discussion to the October 9th meeting.

There being no further business, the meeting adjourned at 12:05 p.m.

Done this 11th day of September, 2009.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary