

## BRIEFLY LEGAL

By: Charles R. Sowell, General Counsel

# A QUIZ ON GETTING PAID

**L**et's face it. Even the most ethical real estate professionals get nowhere fast without being compensated for their efforts. Take this test to see how much you know. All items are straightforward with no tricks, but I guarantee a surprise or two. They are based on Alabama case law. Case citations are with the answers. We at the Real Estate Commission have no jurisdiction over fees or commissions earned. What matters to us is only licensed persons are paid commissions. Still, the license law works in the real world. My column is designed to give you information about that world, and hopefully help you and consumers understand some of the rules.

**Q** A person who acts as a real estate broker in an Alabama transaction selling real estate located in Alabama must be licensed as a real estate broker in order to legally collect a sales commission. True/False?

**A** **True.** In this case an agreement to pay for brokerage services is void and cannot be enforced because the person is not licensed under the Alabama Real Estate License Law. Culverhouse v. Culverhouse, 420 So.2d 33. In other words the listing agreement is not valid if the person performing the services is not licensed.

**Q** A Missouri broker who had no Alabama license negotiated the sale in Missouri of real estate

located in Alabama. This broker did not enter into a cobrokering agreement or a referral agreement with an Alabama broker. May this broker still legally collect a sales commission?

**A** **Yes.** The failure of a Missouri broker to obtain an Alabama real estate license did not bar recovery of a commission earned where both the formation of the contract and the major portions of its performance occurred outside Alabama, and where the contract was valid and binding in the place where the agreement was made. The Alabama Real Estate License Law was not framed, although it might have been, to apply to all transactions affecting Alabama Real Estate; the law's coverage is limited to Alabama transactions. This remains true even if the broker violated the license law and was, therefore, subject to fine and imprisonment. Richland Dev. Co. v. Staples, 295 F2d 122. This case in effect says an Alabama transaction is one where the contract is formed, and the major portions of its performance occur in Alabama. This case would apply to a broker licensed in any other state, not just Missouri.

**Q** A listing agreement is subject to the statute of frauds, and must be in writing in order to be valid and enforceable. True/False?

**A** **False.** A contract employing a broker to procure a purchaser of real estate need not be in writing

to be valid. *Hover v. Whittaker-Warren Agcy.*, 321 So.2d 213. It must be noted that this case was decided before RECAD became law. It should still be the law for listing agreements in which no agency relationship is established between the company and the seller. Because RECAD requires agency relationships to be in writing, a listing, which establishes an agency

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relationship, must be written. This case is likely not applicable in that situation.

**Q** The law in many states says that a broker is not entitled to a commission unless the sale actually closes. Is this also the law in Alabama?

**A** **No.** Generally, unless the seller and the broker have agreed to the contrary, a broker is entitled to receive a commission when he procures a purchaser ready, willing, and able to buy on the seller's terms, even though the sale was never consummated. *Alabama Fuel Sales Co., Inc. v. Vulcan Energy Resources Corp.*, 339 So.2d 1007.

**Q** Is there a genuine, legal difference between an exclusive agency listing agreement and an exclusive right to sell listing agreement?

**A** **Yes.** An exclusive agency at most precludes the sale of real estate through another broker whereas exclusive right to sell precludes the owner from selling the property himself during the life of the listing contract. *Moreno v. May Supply Co.*, 190 So.2d 710.

**Q** Under a listing agreement a broker must be the procuring cause in order to be entitled to a commission. True/False?

**A** **False.** Under an exclusive right to sell agreement it is not necessary that the actions of a broker be the procuring cause of the sale in order for the broker to be entitled to a commission, albeit the broker must show some minimal causal connection between his efforts and the eventual sale. *Mellos v. Silverman*, 367 So.2d 1369. In this case the sale came under an extension clause providing that the broker was entitled to a commission after the expiration of the agreement if the property sold to a buyer with whom the broker, prior to expiration, negotiated or had some other form of dealing.

Under an open listing agreement procurement, within the meaning of the rule

requiring a real estate broker to procure a purchaser ready, willing, and able to buy from the seller, is defined as: broker's efforts which are the efficient cause, but not necessarily the sole cause, of a series of unbroken, continuous events, which culminate in accomplishment of the objective of his employment. The broker's efforts were the efficient cause of the sale where the broker's agent prepared to show land by taking pictures and making notes, physically took two men who ultimately purchased land to see it, and spent approximately two hours walking over the land with them. *United Farm Agency of Alabama, Inc., v. Green*, 466 So.2d 118. In a footnote to this case the court added this case would have been easier to decide if it were an exclusive right to sell listing agreement. The court said this is because the owner contracts away his right to sell the property under an exclusive right to sell listing.

**Q** A salesperson who is the listing agent has done everything necessary to earn a commission. For whatever reason the qualifying broker decides not to insist on payment of the commission by the seller. The salesperson really needs the money, but is told by her broker that she cannot collect the commission from the seller. Is the salesperson's broker correct?

**A** **Yes.** A real estate salesperson must be licensed under a qualifying broker who is held responsible to the Real Estate Commission and to the public for each salesperson licensed under him pursuant to the Alabama Real Estate License Law. A salesperson may not sue or collect a fee directly from a client, but must recover the commission through the qualifying broker. *Church v. Colon-Tanner Corp.*, 483 So.2d 383.

**Q** Is a husband who is a joint owner with his wife of their home liable for payment of a commission when earned even if the wife never signed the listing agreement?

**A** **Yes.** As a general rule the fact that property offered for sale is a homestead and is owned jointly by wife and husband, and that the seller is unable to convey title because wife refuses to join in the conveyance does not affect the husband's obligation under the listing agreement to pay the broker's commission. Further, the listing agreement need not be signed by the wife and the husband is liable for the broker's commission where the broker found a purchaser and the broker was never advised that the wife opposed the sale or would be unwilling to sign the conveyance until after the purchaser was found. *Guillote v. Pope & Quint, Inc.*, 349 So.2d 62.

**Note:** In a similar case a real estate broker who was informed at the outset that one of the joint owners of the property was signing for herself and for two other joint owners, but not for the fourth owner, and who never attempted to secure signature of fourth owner, had knowledge of possible unwillingness of the fourth joint owner to join in the conveyance, was barred from recovery of the commission. *Reborn v. Norton*, 381 So.2d 645.

*The role of the Real Estate Commission is to protect the public by enforcement of the license law. We wish you success in the real world. In my opinion the most ethical, law-abiding licensees should be the most successful. This is the best way to protect the public.*

*The object of this quiz is to give you some black letter law. Now that you know where some of the edges are, you should avoid them. Do not spend your efforts only to end up unpaid, or worse, with a consumer who has a problem about your compensation. For example, working without getting the signatures of all owners on a listing agreement on jointly owned property is like playing hockey without a helmet. It will blow your hair back for a while, but eventually you will get brained. Make a million.* ■

## FROM THE DIRECTOR

By: D. Philip Lasater, Executive Director

# A Correlation: Reciprocal Licensing In Neighboring States

Reciprocal licensing opportunities have been expanding rapidly and extensively across the country recently. That is especially so in the southeastern United States. Real Estate licensing jurisdictions in cooperation with each other, with the support of licensees and with legislators have made this option possible.

Detailed in this edition is information for obtaining a reciprocal license in the surrounding border states of Alabama. Generally, based upon the holding of a license in good standing as documented by a “certification of licensure”, consent to jurisdiction, and payment of fees, one can obtain a reciprocal license in many other states now. A “certification of licensure” is a history of licensure in a particular state which shows the type of license, date of licensure, examination taken, course work, and disciplinary actions. Proof of license history must be a certified copy from the state’s Real Estate Commission.

Mississippi is an exception where evidence of equivalent education is required. Mississippi will accept prelicense, postlicense, REALTOR designation course work and college course work to satisfy the education requirement. Florida requires taking and passing the Florida law portion of the exam. The only states in the southeast where there is not some recognition of licensure from Alabama are South Carolina and Louisiana.

While the majority of states will grant a license for a license, it is important for Alabama licensees to realize that it is the responsibility of the licensee to know, understand, and comply with any regulation of the states where they are licensed. Listed here is a directory of the neighboring states. You may contact

	Make Application & Pay Fees	Active License Required	State Law Portion of Prelicense Education	Take State Portion of Exam
TENNESSEE				
GEORGIA				
MISSISSIPPI				
FLORIDA				

them for licensing requirements in their state.

At the present, Arizona and Texas do not license on a reciprocal basis with any other state to any extent. A number of other states require a written agreement in order for reciprocity to take place. We have given notice to every state and followed up again. If you make contact with a state that says it does not have an agreement with Alabama, you should contact our office and let us know. We will do everything we can to assist in establishing reciprocal licensing with every state where an Alabama licensee has interest in being additionally licensed. ■

Real Estate Commission	Address	Telephone	Fax	E-Mail
<b>Florida Division of Real Estate</b>	400 W. Robinson Street, N309 Orlando, FL 32801-1772	(407) 245-0800	(407) 317-7245	
<b>Georgia Real Estate Commission</b>	Suite 1000 - International Tower 229 Peachtree Street, N.E. Atlanta, GA 30303-1605	(404) 656-3916	(404) 656-0529	greemail@grec.state.ga.us
<b>Mississippi Real Estate Commission</b>	5176 Keele Street Jackson, MS 39236-2685	(601) 987-3969	(601) 987-4984	mrec@mrec.state.ms.us
<b>Tennessee Real Estate Commission</b>	Davy Crockett Tower, Suite 180 500 James Robertson Parkway Nashville, TN 37243-1151	(615) 741-2273	(615) 741-0313	

**DON'T FORGET**

**THIS IS A  
RENEWAL  
YEAR**

Check Your Real Estate License Status  
<http://www.arec.state.al.us>

**DEADLINE: AUGUST 31, 1998  
for RENEWAL FEES, CE and E&O**

RENEWAL FORMS WILL BE MAILED IN JULY

# First Consumer Commission Member

**O**n August 27, 1997, **Crawford Welch** was confirmed as the first consumer Commissioner of the Alabama Real Estate Commission. In accordance with the law, the Commission must consist of a consumer member who has no real estate affiliation. With this addition, the Commission now has a total of nine members serving. Commissioner Welch serves from the 2nd Congressional District.



## Alabama Real Estate Commissioners

(Seated l-r; Walter Summerville, Starke Irvine, Bill Poole, Gloria Nicholson, Standing l-r; Anthony Barnes, Ruth Whitley, George Hayes, Crawford Welch, Charles Nicrosi)

Commissioner Welch is currently Military Liaison for the Alabama Department of Economic and Community Affairs in Montgomery, Alabama, where he is the focal point for issues regarding defense industry and installations. He assists the department in the economic development activities associated with defense installations and defense related industry in Alabama. He obtained a Bachelor of Science in Agriculture and Master of Science in Agriculture from Auburn University, in Auburn, Alabama.

Commissioner Welch is a member of the National Environmental Forum for Chemical Weapons, Defense Department; Alpha Gamma Rho-president, Auburn University; National District Directors Association; Monroe County Cattlemen Association; Monroeville United Methodist Church; Moose Lodge; Monroeville Jaycees; and the Monroeville Kiwanis Club.

## REMAINING 1998 REAL ESTATE EXAMINATION SCHEDULE

Examination Date	Application Deadline	Late App. Deadline
March 21, 1998	February 28, 1998	March 9, 1998
April 18, 1998	March 28, 1998	April 6, 1998
May 16, 1998	April 25, 1998	May 4, 1998
June 20, 1998	May 30, 1998	June 8, 1998
July 18, 1998	June 27, 1998	July 6, 1998
August 15, 1998	July 25, 1998	August 3, 1998
September 19, 1998	August 29, 1998	September 7, 1998
October 17, 1998	September 26, 1998	October 5, 1998
November 21, 1998	October 31, 1998	November 9, 1998

(There is no December examination scheduled.)

# EDUCATION CORNER

By: Pat Anderson, Education Director

## Deadline for CE: August 31, 1998

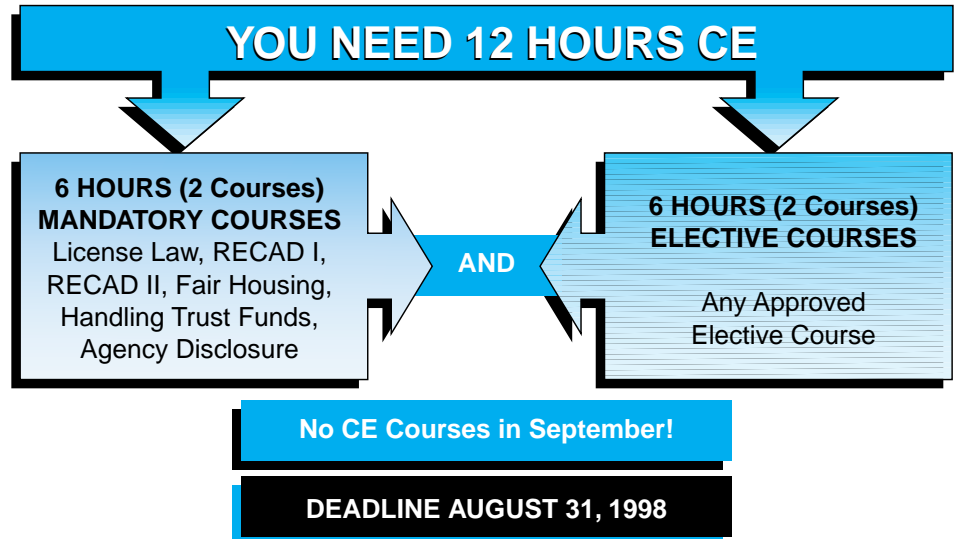
The submission deadline for your 12 hours of continuing education is different this renewal period. Due to a change in Section 34-27-35 of the License Law during the 1996 legislative session, all CE certificates must be sent to the Commission by August 31, 1998, in order to be issued an active license on October 1, 1998.

Another major change is that there will be no continuing education credit classes offered in September 1998. If you do not complete the required 12 hours and mail your certificates by August 31, 1998, you will not have an opportunity to take any credit classes until October 1 or after. That means that your license will be placed inactive even if you paid your fee and obtained your errors and omissions insurance on time.

This renewal period the deadline is AUGUST 31 for RENEWAL FEES, CE, and E&O. Failure to meet this deadline for any of the three will result in an inactive license on October 1, 1998. Even if you send them in during the month of September, your license will still be placed inactive and you will be required to reactivate it through regular transfer procedures except that you cannot activate via certified mail. License activations will be processed in the order they are received.

### How to Ensure Your Continuing Education Credit

TAKE NOTE! It is extremely important that you completely and accurately fill in ALL the information requested on the Certificate of Completion for Continuing Education. For starters, USE YOUR NAME AS LICENSED! Do not use nicknames on your certificates. If you typically go by a nickname, look on your license certificate and check the name in which your license is issued. Use that same name on each CE Certificate of Completion.



CE must be completed & CE certificate mailed to the Real Estate Commission on or before this date.

Another very important point is to ACCURATELY RECORD YOUR SOCIAL SECURITY NUMBER. You will not receive credit for the course if your social security number is in error or is incomplete. Make sure to both write in the number in the appropriate blanks and to bubble in the corresponding numbers.

As for the remainder of the form, some licensees have gotten a little lackadaisical about completing the form. All blanks must be filled in - your name, the name of your company or "inactive" if your license is being held at the Commission office, the name of your qualifying broker, the name of the school or course provider, the name of the course, the location of the course offering, the number of course hours, and the date(s) of the course. To be bubbled in are the social security number, instructor code, school code, course code and instructor evaluation. Do not place check marks in the evaluation portion. Bubble it in just as you do for the codes and social security number. Your instructor and/or course provider can provide you with all the appropriate codes.

Remember to fill out the bottom portion of the form and keep it for your records. If you do this, then you will know how much credit you have earned for this license period, which began on October 1, 1996.

Also be reminded that CE certificates are due in the Commission office no later than 30 days after the conclusion of the course.

Failure to comply with the above guidelines may result in loss of CE credit so please take care when filling out your form and mailing it in.

### How to Check Your Continuing Education Credits

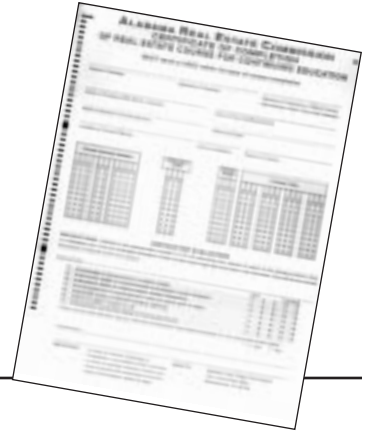
You should be keeping the bottom part of the CE certificate in your files so that you will know which courses you have completed and on what dates you took them. The CE credit that is recorded in the Commission office will appear on your renewal form that you will receive in late July.

Many of you are calling the Commission office to check on your CE credit. If

you wish to check your CE credit now, you may do so by sending a written request and a \$10.00 fee. The written request MUST INCLUDE your name as licensed and your social security number. Brokers may request a list of CE credits for their entire office by sending a written request, \$10, and the company's name and license number. It is not necessary in this case to list all the licensees in the company. Your CE record will be printed and mailed

to you. **Information will not be given over the phone.**

**NOTE:** There will be one list provided free of charge to each qualifying broker in July 1998. It will contain the continuing education credit earned and reported through June 30, 1998, for each licensee registered to that respective office. Any licensees who check their CE credit prior to that mailing must follow the procedures listed above. ■



## AREEA UPDATE

### New Officers Elected

At their annual meeting held on October 9, 1997, the Alabama Real Estate Educators Association elected officers for 1998. New officers are:

**President**

Marcia Norris, Birmingham

**Vice President**

Sandra Johnson, Muscle Shoals

**Secretary**

Rose Mary Chambers, Birmingham

**Treasurer**

Fraser Sparkman, Montgomery

**Director through '98**

Cindy Cannon, Auburn

**Director through '99**

Peggy Powell, Fairhope

**Director through '00**

Bo Goodson, Montgomery

treated to "Successful CE Course Secrets" by Bo Goodson and Avery Yarbrough's presentation entitled "Gracious Beginnings and Power Closes". The day closed out with Diane Simpson presenting a session on "Enhancing Your Classroom Presentations with Powerpoint".

The conference was a great way to enhance instructor skills, network, share ideas and have fun together. If you are not already a member of AREEA and would like some information, contact any of the officers, members or the Real Estate Commission for information. ■

### DIANE SIMPSON, DREI Installed as National President of the Real Estate Educators Association

Diane Simpson, DREI from Dothan, Alabama was installed as the 18th president of the Real Estate Educators Association on June 7, 1997, at REEA's Annual Conference held in Scottsdale, Arizona. Diane has experienced a busy year as she has attended each of the REEA Regional Conferences which have been held, conducted the REEA mid-year Board of Directors meeting in St. Louis, and has represented REEA at the annual ARELLO and National Association of Realtors Conferences.

Under her leadership, the national organization has engaged in a strategic planning initiative, is working closely with EPA on a new grant which will offer multiple opportunities to REEA members, has developed a 12 hour Technology Instructor Development Workshop which was first presented at Auburn University in October, has adopted policies and procedures for its national awards program, and has substantially revised the organization's by-laws which have been approved by the board of directors and will be voted upon by the general membership in June.

President Simpson's year will conclude with the 19th Annual Conference scheduled for June 4-6, 1998, in St. Louis, Missouri. We anticipate a large Alabama delegation to be on hand for yet another great conference.

Prior to election as REEA's president, Diane served in 1996-97 as the president-elect and in both the 1994-95 and 1995-96 years as vice president of REEA's Region 5 which includes Alabama, Florida, Georgia, Tennessee, Puerto Rico and the Virgin Islands. Diane has also worked extensively on the state level having served as both president and vice president of the Alabama chapter.

Congratulations, Diane and thank you for representing our state so well!

### AREEA State Conference

The first ever state AREEA Conference was held January 29-30, 1998, at Willow Point on beautiful Lake Martin. Educators enjoyed two days of great programming. The first day was an Instructor Development Workshop taught by Cindy Chandler, DREI from Charlotte, North Carolina. The second day was a variety of programs showcasing some of Alabama's many talented educators. After an update from AAR and the Commission, educators were

# DISCIPLINARY ACTIONS TAKEN

September 1997 Through January 1998

**Name:** Robert M. Keith, Qualifying Broker, Mobile, Alabama

**Date of Hearing:** September 26, 1997

**Disposition:** Mr. Keith was found guilty of shortage of funds to be held in trust for others in violation of Section 34-27-36(a)(8)a. and 34-27-36(a)(8)b. of the Code of Alabama 1975, as amended. Mr. Keith's license was revoked; he was fined \$250, and required to attend the Broker Workshop. The revocation was stayed pending payment of the fine and attendance of a Broker Workshop.

**Name:** Marion L. Melson, Qualifying Broker, Selma, Alabama

**Name:** William K. Hicks, Salesperson, Selma, Alabama

**Name:** Elizabeth R. Hicks, Salesperson, Selma, Alabama

**Date of Hearing:** October 17, 1997

**Disposition:** Mr. Melson, Mr. Hicks, and Ms. Hicks were found guilty of violations of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b., in that they failed within a reasonable time to properly account for money coming into their possession that belonged to others and they failed to deposit and account for, at all times, funds belonging to or being held for others in Alabama.

Mr. Melson was ordered to return his license on or before December 5, 1997, with no further action taken against him. Mr. Hicks and Ms. Hicks licenses were revoked and they were fined \$500 each. The revocation was stayed pending attendance of the Commission sponsored Broker Workshop and payment of fines.

**Name:** Madison H. Hooten, Jr., Qualifying Broker, Lineville, Alabama

**Date of Hearing:** October 17, 1997

**Disposition:** Mr. Hooten was found guilty of violation of the Code of Alabama 1975, as amended, Section 34-26-36(a)(8)a. and Section 34-27-36(a)(8)b. in that he failed to, within a reasonable



time, deposit and account for, at all times, all funds which belonged to others that came into the possession of the company in a separate federally insured account or accounts in a financial institution located in Alabama, and the funds were commingled in the company account; Section 34-27-36(a)(17) by establishing an association, by employment or otherwise, with an unlicensed person who was expected or required to act as a licensee, or aiding, or abetting, or conspiring with a person to circumvent the requirements of the Alabama Real Estate License Law, as amended. Mr. Hooten's license was revoked and he was fined \$500. The revocation was stayed pending attendance of the Commission sponsored Broker Workshop and payment of fine.

**Name:** Derrick W. Tolliver, Salesperson, Birmingham, Alabama

**Date of Hearing:** October 17, 1997

**Disposition:** Mr. Tolliver was found guilty and fined \$250 for presenting a check to the Commission which was returned unpaid by the bank in violation of Section 34-27-36(a)(16) of the Code of Alabama 1975, as amended.

**Name:** Cathy A. Adams, Qualifying Broker, Birmingham, Alabama

**Date of Hearing:** November 7, 1997

**Disposition:** Ms. Adams was found

guilty and fined \$250 for violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(13) for inducing a party to a contract to break the contract for the purpose of substituting a new contract, where the substitution was motivated by the personal gain of the licensee.

**Name:** David S. Shirley, Salesperson, Birmingham, Alabama

**Date of Hearing:** November 7, 1997

**Disposition:** Mr. Shirley was found guilty and fined \$250 for presenting a check to the Commission which was returned unpaid by the bank in violation of Section 34-27-36(a)(16) of the Code of Alabama 1975, as amended.

**Name:** Bonnie Kyle Dodd, Salesperson, Gardendale, Alabama

**Date of Hearing:** November 7, 1997

**Disposition:** Mr. Dodd was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with 34-27-36(a)(23) in failing to notify the Commission within ten days of the institution of criminal prosecution; Section 34-27-36(a)(23) in that he pled guilty to a felony or a crime involving moral turpitude. Disciplinary action is pending disposition of probationary hearing.

**Name:** Sara S. Lawless, Salesperson, Huntsville, Alabama

**Date of Hearing:** December 5, 1997

**Disposition:** Ms. Lawless was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), giving a check to the Commission for a fee which was returned unpaid by the bank on which it was drawn. She was ordered to pay a \$250 fine.

**Name:** Paul W. Henderson, Salesperson, Mobile, Alabama

**Date of Hearing:** December 5, 1997

**Disposition:** Mr. Henderson was found guilty in violation of the Code of Alaba-



ma 1975, as amended, Section 34-27-36(a)(16), giving a check to the Commission for a fee which was returned unpaid by the bank on which it was drawn. He was ordered to pay a \$250 fine.

**Name:** Charles T. Varin, Jr., Qualifying Broker, Birmingham, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Mr. Varin was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(8)a. and Section 34-27-36(a)(8)b. by failing to, within a reasonable time, properly deposit and account for, in a separate federally insured account or accounts located in Alabama, all funds coming into his possession that belonged to others and by commingling money belonging to others with non real estate funds and with his own funds. He was also found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(19) by failure to comply with Alabama Real Estate Commission Rule 790-X-3-.14 and the Code of Alabama 1975, as amended, Section 34-27-83, in that he failed to have a written RECAD office policy. Further he was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(19) by failure to comply with Section 34-27-8 (c) in his failure to use the appropriate agency disclosure clause in contracts prepared after October 1, 1996. Mr. Varin was ordered to pay a \$500 fine.

**Name:** Johnny J. Easley, Qualifying Broker, Birmingham, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Mr. Easley was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.01 by changing the address of his place of business and not notifying the Commission within 30 days. Mr. Easley's license was suspended until he obtains a proper place of business and he was reprimanded.

**Name:** Ann W. Rabren, Qualifying Broker, Andalusia, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Ms. Rabren was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(8)a. and Section 34-27-36 (a)(8)b. by failing to within a reasonable time, deposit and account for in a separate federally insured account or accounts located in Alabama, all funds coming into her possession that belonged to others. She was reprimanded and her instructor's approval was revoked.

**Name:** Sharon C. Dupriest, Qualifying Broker, Leeds, Alabama

**Name:** Jeffery W. Falletta, Associate Broker, Leeds, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Ms. Dupriest and Mr. Falletta were found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(8)a. and Section 34-27-36 (a)(8)b. by failing to within a reasonable time, deposit and account for in a separate federally insured account or accounts located in Alabama, all funds coming into their possession that belonged to others. They were reprimanded and fined \$250.

**Name:** Charlene E. Robson, Inactive Salesperson, Decatur, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Ms. Robson was found

guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), giving a check to the Commission for a fee which was returned unpaid by the bank on which it was drawn. She was ordered to pay a \$250 fine.

**Name:** Steve J. Golinveaux, Inactive Salesperson, Oneonta, Alabama

**Date of Hearing:** January 23, 1998

**Disposition:** Mr. Golinveaux was found guilty in violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16), giving a check to the Commission for a fee which was returned unpaid by the bank on which it was drawn. He was ordered to pay a \$250 fine.

**OTHER ADMINISTRATIVE ACTIONS**

**Salesperson Applications**

Approved .....	2
Denied .....	2

**Broker Applications**

Approved .....	0
Denied .....	1

**Determination for Licensing Eligibility**

Approved .....	7
Denied .....	4

**1998 HOLIDAY SCHEDULE**

The Real Estate Commission will be closed on the following State of Alabama legal Holidays in 1998:

Holiday	Date in 1998
Confederate Memorial Day .....	April 27
National Memorial Day .....	May 25
Jefferson Davis' Birthday .....	June 1
Independence Day .....	July 3
Labor Day .....	September 7
Columbus Day .....	October 12
Veterans' Day .....	November 11
Thanksgiving Day .....	November 26
Christmas Day .....	December 25

BROKER WORKSHOP • BROKER WORKSHOP • BROKER WORKSHOP  
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## ALABAMA REAL ESTATE COMMISSION BROKER WORKSHOP

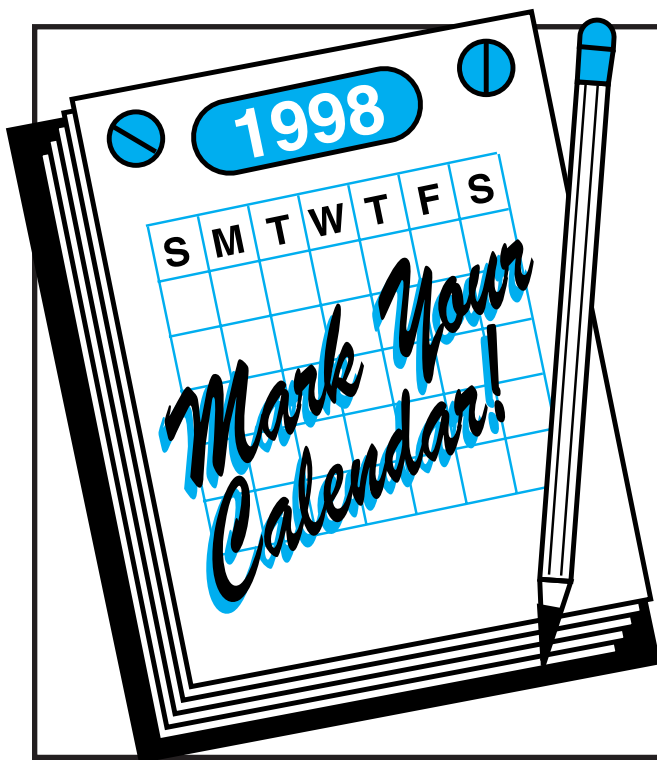
July 16, 1998 • Auburn University Hotel and Conference Center • Auburn, Alabama

Another one just like the other one...presenting the second Broker Workshop! The Alabama Real Estate Commission will sponsor a broker workshop on Thursday, July 16, 1998, in Auburn, Alabama at the Auburn University Hotel and Conference Center. The first broker workshop was a great success; consequently, instructors Kay Evans, DREI, GRI, CRB and Randy McKinney, GRI, CRB, CCIM will return to do it again. They will cover topics on maintaining escrow accounts; property management; broker supervision and other broker management responsibilities; risk reduction, and current trends in real estate. The workshop will also include the popular roundtable discussions.

**NEED CE CREDIT?**

The Broker Workshop has been approved for three (3) hours of continuing education elective course credit so you can earn and learn while encountering this great opportunity.

The Broker Workshop cost is \$60.00 on or before July 1, 1998, and will increase to \$95.00 thereafter. The workshop will start at 1:00 p.m. and end at 5:00 p.m. Registration will be held from 12:30 - 1:00 p.m. For your convenience a registration form has been provided on page 11 in this issue of the "Update" newsletter, or visit our World Wide Web site at <http://www.arec.state.al.us> for online registration. Registration is open to the first 100 participants only. **Please don't delay - register today!**



- |                  |  |
|------------------|--|
| March 11, 1998   | <b>NEW INSTRUCTOR ORIENTATION</b><br>Real Estate Commission Office<br>Montgomery |
| May 13, 1998     | <b>NEW INSTRUCTOR ORIENTATION</b><br>Real Estate Commission Office<br>Montgomery |
| July 16, 1998    | <b>2ND AREC BROKER WORKSHOP</b><br>Auburn Hotel & Conference Center<br>Auburn    |
| July 22, 1998    | <b>NEW INSTRUCTOR ORIENTATION</b><br>Real Estate Commission Office<br>Montgomery |
| October 9, 1998  | <b>ANNUAL INSTRUCTORS' SEMINAR</b><br>Auburn Hotel & Conference Center<br>Auburn |
| November 4, 1998 | <b>NEW INSTRUCTOR ORIENTATION</b><br>Real Estate Commission Office<br>Montgomery |

# REGISTER TODAY!

## ALABAMA REAL ESTATE COMMISSION BROKER WORKSHOP

Thursday • July 16, 1998 • 1:00 pm - 5:00 pm

Auburn University Hotel & Conference Center  
Auburn, Alabama

### REGISTRATION FORM

This registration form may be duplicated and given to colleagues.

Registration open to the first one hundred.

Mr.  Ms.  Mrs.  Dr. Social Security Number \_\_\_\_\_

Name (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_

Name & Affiliation Preference on Name Tag \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Telephone (\_\_\_\_\_) \_\_\_\_\_ Work Telephone (\_\_\_\_\_) \_\_\_\_\_

E-Mail Address \_\_\_\_\_

- Check enclosed made payable to: Auburn University
- \$60.00** (Registration **ON OR BEFORE 07/01/98**)
  - \$95.00** (Registration **AFTER 07/01/98**)

Please charge my:  Visa  MasterCard

Card No. \_\_\_\_\_ Signature \_\_\_\_\_ Expiration Date \_\_\_\_\_

**Mail or Fax To:** Auburn University,  
Outreach Program,  
100 Mell Hall,  
Auburn, Alabama 36849-5608  
**Phone:** (334) 844-5101  
**Fax:** (334) 844-3101

**NO CANCELLATION, BUT SUBSTITUTION  
ALLOWED AT ANY TIME.**

If you desire overnight accommodations at the Auburn University Hotel & Conference Center, call 800-228-2876 and ask for the Real Estate Conference rate.



**State Of Alabama**  
**REAL ESTATE COMMISSION**  
1201 Carmichael Way  
Montgomery, Alabama 36106

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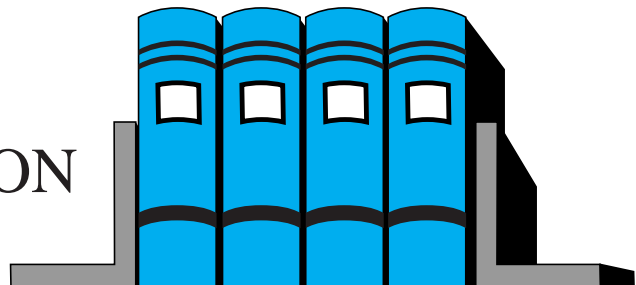
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## In Appreciation: A LIBRARY DONATION



A recent donation of appraisal reference books and journals was made to the Alabama Real Estate Commission Reference Library. The books and journals came from the library of former Alabama Real Estate Commissioner John D. Chichester and John D. Chichester III.

The appraisal references include 65 editions of "The Appraisal Journal"; from October 1967 - July 1984, 2 editions of "The Real Estate Appraiser"; from May 1975 - August 1975, and Appraisal Journals from 1968 - January 1993.

This donation is a welcome and worthy addition that has established a strong appraisal reference section in the Commission's Reference Library. The Real Estate Commission thanks the Chichester family for this most generous contribution that was made in loving memory of such a long time member of the Commission.