

MINUTES

The Alabama Real Estate Commission met April 21, 2006 at the Birmingham Area Association of Realtors in Birmingham, Alabama.

Those present were Chairman Bill E. Poole; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Gordon Henderson, Bobby Hewes, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Specialist Ryan Adair; Special Investigators David Erfman and Chuck Kelly; Auditors Anthony Brown and Vicky Shackelford and Hearing Officer Milt Belcher. Vice Chair Sheila Hodges was absent with prior notice.

Chairman Poole called the meeting to order at 9:00 a.m.

Chairman Poole welcomed all guests and recognized Angie Perry, AE from St. Clair County and real estate licensee Christie King Ray from Gadsden who were present to observe.

Commissioner Bragg moved to approve the March meeting Minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

The Financial Statement for March was reviewed without any action taken.

Executive Director Philip Lasater elaborated on the report of the passage of HB 550 and commended the efforts of legislators and AAR lobbyist Greg Masood in assisting Commissioners in achieving this legislative priority. Assistant Executive Director Pat Anderson was recognized for the introduction of rules to promulgate and Ryan Adair, Education Director, was recognized to review the status of the CE audits and the progress of the newly initiated education audits.

Commissioner Bragg moved to adopt resolutions commending and thanking Senator Means, Representative Ford and AAR for their assistance and efforts to enact HB 550. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Upon the Executive Director's report of the General Counsel's public information and speaking activity and acknowledgement of its value, Commissioner Henderson moved to adopt resolutions commending and thanking General Counsel Charles Sowell for his work on behalf of the Commission. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Chairman Poole reported on attendance at the recent ARELLO meeting in Jacksonville, highlighting information on the TICS Task Force. Commissioner Mallory also reported highlighting a session on CE subject matter and another session on leadership.

HEARINGS

Alabama Real Estate Commission vs. Reginald Seay, Belview Real Estate Company, Inc. and Mary T. Gilyard, Formal Complaint No. 2911

Upon discussion of the evidence and testimony presented in the matter of Reginald Seay, Qualifying Broker of Belview Real Estate Company, Inc.; Mary T. Gilyard, Salesperson; and Belview Real Estate and the alleged 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, within a reasonable time, to deposit and account for funds belonging to others in a separate federally insured account or accounts located in Alabama, and failing to properly account for at all times, all funds coming into their possession that belong to others, Commissioner Bragg moved to find Ronald Seay guilty and to suspend his license for 30 days and to find Belview Real Estate Company, Inc., and Mary Guilyard guilty and to revoke their licenses. Commissioner Lovejoy seconded the motion and it passed 7-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. Rebel Sharit Henley, Formal Complaint No. 2903

Upon discussion of the evidence and testimony presented in the matter of Rebel Sharit Henley, Inactive Broker, Panama City Beach, Florida, 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 Hays moved to find Ms. Henley(Negley) guilty and to fine her \$100 and require completion of the three hour Risk Management CE course within 90 days. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

David Randy Mosley, Request for Renewing Lapsed Salesperson's License, I-11,918

Upon consideration of Mr. Mosley's request for hardship renewal of his salesperson's license, Commissioner Henderson moved to approve the hardship renewal request of Mr. Mosley subject to his payment of all back fees and penalties and completion of 15 hours of CE with the understanding that he will complete

another 15 hours of CE for the renewal of his license in August of 2006. Commissioner Mallory seconded the motion and it passed unanimously 8-0.
Kisha Renee Urgent, Denied Applicant for Determination of Licensing Eligibility, I-11,895

Hearing was cancelled at the request of the applicant due to medical circumstances.

Alabama Real Estate Commission vs. Jerry Burson, Formal Complaint No. 2917

Upon discussion of the evidence and testimony presented in the matter of Jerry Burson, Qualifying Broker, Boardwalk Properties, Inc., Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with the place of business requirements in Section 34-27-2(a)(11)b., Commissioner Hays moved to find Mr. Burson guilty and to fine him \$250. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Dorothy M. Guerrier, Formal Complaint No. 2918

Upon discussion of the evidence and testimony presented in the matter of Dorothy M. Guerrier, Qualifying Broker, Dorothy Guerrier Realty, Decatur, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to pay the fine ORDERED by the Commission and Count 2: Section 34-27-36(a)(19) by failing to comply with the place of business requirements in Section 34-27-2(a)(11)b., Commissioner Bragg moved to find Ms. Guerrier guilty on Counts 1 and 2 and to revoke her license. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

Terrance Loveless, Application for Determination of Licensing Eligibility, I-11,920

Upon consideration of Mr. Loveless's application for licensing eligibility, Commissioner Mallory moved to approve the license eligibility of Mr. Loveless. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Omar L. Harvill, Applicant for Licensure I-11,941

Upon review of the temporary salesperson's application submitted by Mr. Harvill, Commissioner Mallory moved to approve the license eligibility of Mr. Harvill. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Victor R. Scott, Denied Applicant for Lapsed License Renewal, I-11,907

Upon consideration of Mr. Scott's request to renew a lapsed license, Commissioner Hays moved to approve the hardship renewal request of Mr. Scott subject to payment of back fees and penalties. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Alabama Real Estate Commission vs. Linda M. Bartlett, Formal Complaint No. 2908

Upon discussion of the evidence and testimony presented in the matter of Linda M. Bartlett, Salesperson, Tom Murphy Associates, Inc., d/b/a Tom Murphy Realty-TMR, Birmingham, 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 Hewes moved to find Ms. Bartlett guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

Robert Charles Wallace, Applicant for Determination of Licensing Eligibility, I-11,922

Upon review of Mr. Wallace's eligibility for licensure, Commissioner Bragg moved to approve license eligibility of Mr. Wallace. Commissioner Buford seconded the motion and it passed unanimously 8-0.

Wendy A. Zandstra, Applicant for Determination of Licensing Eligibility, I-11,923

Upon review of Ms. Zandstra's eligibility for licensure, Commissioner Henderson moved to approve the license eligibility of Ms. Zandstra. Commissioner Mallory seconded the motion and it passed 8-0.

Alabama Real Estate Commission vs. Kelly D. Ford, Formal Complaint No. 2915

Upon discussion of the evidence and testimony presented in the matter of Kelly D. Ford, Salesperson, Cropwell, 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 Henderson moved to find Ms. Ford guilty and to fine her \$100. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

Stassa Charmain Austin, Applicant for Determination of Licensing Eligibility, I-11,300

Upon review of Ms. Austin's eligibility for licensure, Commissioner Bragg moved to deny the license eligibility of Ms. Austin. Commissioner Henderson seconded the motion and it passed 7-1 with Commissioner Hays voting no.

Alabama Real Estate Commission vs. Kistra O. Scott, Formal Complaint No. 2898

Upon discussion of the evidence and testimony presented in the matter of Kistra O. Scott, Salesperson, Real Estate Referrals, LLC, Mobile, 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 Hewes moved to freeze the current license status of Ms. Scott until Formal Complaint # 2898 has been resolved. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Kathyne Kilgore Baird, Formal Complaint No. 2914

Upon discussion of the evidence and testimony presented in the matter of Kathyne Kilgore Baird, MBRD LLC, d/b/a Coldwell Banker Red Mountain Realty, Birmingham, 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 Henderson moved to find Ms. Baird guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

Debbie Wood, Request for Ruling on Separate Office Building, I-11,944

Commissioner Bragg moved to approve the request of Ms. Wood regarding incorporation of the adjacent building into her real estate office. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Richard Mendora Moore, Applicant for Reciprocal Salesperson's License, I-11,935

Upon review of the application for salesperson's reciprocal license submitted by Mr. Moore, Commissioner Henderson moved to approve the salesperson application of Mr. Moore. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Michael Hatcher, Request for Additional Time to Complete Post-License Course, I-11,870

Upon review of Mr. Hatcher's request for an extension to the one year deadline for completing the post license course, Commissioner Henderson moved to deny the request of Mr. Hatcher for additional time. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Deborah H. Castleberry, Formal Complaint No. 2921

Upon discussion of the evidence and testimony presented in the matter of Deborah H. Castleberry, Salesperson, D.M. Properties, LLC d/b/a Advanced Real Estate Services, Birmingham, 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 Henderson moved to find Ms. Castleberry guilty and to fine her \$250. Commissioner Bragg seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Clara K. Plummer, Formal Complaint No. 2920

Upon discussion of the evidence and testimony presented in the matter of Clara K. Plummer, Qualifying Broker, Renaissance Beach Realty, Inc., Daphne, 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 moved to find Ms. Plummer guilty and to fine her \$250. Commissioner Hewes seconded the motion and it passed 4-3 with Commissioner Mallory, Lovejoy and Henderson voting no.

Luciana D. Guin, Applicant for Temporary Salesperson's License, I-11,926

Upon review of the application for temporary salesperson's license submitted by Ms. Guin, Commissioner Hays moved to deny the temporary salesperson's

license of Ms. Guin. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Monica Manning, Applicant for Temporary Salesperson's License, I-11,952

Upon review of the application for temporary salesperson's license submitted by Ms. Manning, Commissioner Hewes moved to approve temporary salesperson's licensure for Ms. Manning. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Donna M. Duck, Requesting Hardship for Home Operation, I-11,953

Upon review of Ms. Duck's hardship request to operate from her home, Commissioner Henderson moved to approve the hardship request for home operation. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 3:55 p.m.

Done this 21st day of April, 2006.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary