

MINUTES

A meeting of the Alabama Real Estate Commission was held April 21, 2016 at the Commission offices, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice-Chairman Carole Harrison; Commissioners Steve Cawthon, Reid Cummings, Cindy Denney, Dorothy Riggins-Allen, Danny Sharp and Nancy Wright; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; and Investigators David Erfman, Chuck Kelly, K. C. Baldwin and Phil Bunch. The Hearing Officer was Jim Hampton. Commissioner Clif Miller was 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; Accounting and Personnel Director Molli Jones; Information Technology Manager Brett Scott, Information Technology Specialist Steven Brown, and Licensing Assistant Edward Arrington.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:00 a.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Wright made a motion to approve the minutes from the March 24, 2016 meeting. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Chairman Watts recognized visitors Donna Gardner and Leanne Carpenter from Mobile. They were present to observe the Commission meeting.

Executive Director Patricia Anderson presented the March 2016 financial report. Revenue has increased slightly and expenditures remain under projections. The Recovery Fund revenues continue to exceed payouts.

Ms. Anderson introduced Max Graham, Underwriting Manager, and Daryl Masters, Legal Counsel, with the Alabama Division of Risk Management, to provide information to Commissioners regarding the coverage they have through the State of Alabama in the event they are subject to personal lawsuits. Mark Cole, Account Executive with Palomar Insurance, presented information on the plans the company offers, if Commissioners were interested in seeking additional coverage above what is offered by the state.

Ms. Anderson announced that Commissioners Watts, Cummings and Harrison have been confirmed by the Alabama Senate Confirmations Committee to serve second terms. The Committee confirmation will move to the full Senate for final vote. Commissioner Riggins-Allen will continue to serve as the Consumer member until such time as the Governor appoints a new Consumer member who is confirmed by the Senate.

Ms. Anderson provided a legislative update. SB354 to allow the Commission to obtain FBI criminal background checks passed the Senate and moved to the House Boards and

Commissions Committee. SB80 that will provide for Legislative Reference to review proposed rules for any possible antitrust violation has passed the Senate and moved to the House. She also informed Commissioners that, per Advisory Opinion No. 2016-08 from the Alabama Ethics Commission, it is not an ethics violation for Commissioners to serve on Alabama Association of REALTORS® (AAR) committees or in any leadership position with AAR provided that in their decisions or activities in those roles they do not do anything that will be of personal gain to them or their families or that affects them differently than it does any other member.

Ms. Anderson addressed the Commissioners' decision at the February 2016 meeting to reinterpret Rule 790-X-1-.06(2) and require students to begin prelicense courses on the same date and progress through the courses in proper sequence of topics. This change is scheduled to take effect June 1, 2016. After discussion with certain real estate schools and a review of their schedules, it was determined that some instructors have classes that will not return to the beginning of the course by June 1. Therefore, she requested that Commissioners allow staff to work with the schools to assist them in transitioning to the new schedule without disrupting their businesses. Commissioner Wright made a motion to grant this request. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

Commission Education Director Ryan Adair presented proposed amendments to Rules 790-X-1-.06, 790-X-1-.07, 790-X-1-.08, 790-X-1-.10, 790-X-1-.11, 790-X-1-.12, 790-X-1-.16, 790-X-1-.17 and 790-X-1-.18. Commissioner Wright made a motion to approve the amendments for filing with Legislative Reference in order to be published and set for public hearing. Commissioner Denney seconded the motion and it passed unanimously 8-0.

Commissioners will receive an update on the 2013-2017 Strategic Plan at the May Commission meeting. They will determine whether a separate meeting is needed to review progress and give guidance to accomplish it.

Commissioner Wright made a motion to conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

HEARINGS

Rena Jones, Request to Be Relicensed after Revocation, Investigative File I-14,753

Upon discussion of the testimony presented by Ms. Jones regarding her request to be relicensed after previous license revocation, Commissioner Sharp made a motion to grant her request. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

Victor Holmes, Request to Have Temporary Salesperson License Issued, Investigative File I-14,751

Upon discussion of the testimony presented by Mr. Holmes' regarding his request to have his temporary salesperson license issued, Commissioner Cawthon made a motion to grant his request. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

Moses Pennic III, Application for Determination of Licensing Eligibility, Investigative File I-14,768

Upon discussion of the testimony provided by Mr. Pennic regarding his application for determination of licensing eligibility, Commissioner Denney made a motion to approve his application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

John McCluer, Request to Have Temporary Salesperson License Issued, Investigative File I-14,774

Upon discussion of the testimony provided by Mr. McCluer regarding his request to have his temporary salesperson license issued, Commissioner Riggins-Allen made a motion to grant his request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Request to Approve Extension of 90-Day Deadline for June Broker, Reciprocal Broker and Reciprocal Salesperson Examinees to October 1, 2016

Upon discussion of the request to approve the extension of the 90-day deadline for June Broker, Reciprocal Broker and Reciprocal Salesperson Examinees to October 1, 2016, Commissioner Wright made a motion to extend the deadline. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Fort Morgan Realty, Inc., Surrender of License, Formal Complaint No. 3381

Upon review of the affidavit of license surrender for Fort Morgan Realty, Inc., Commissioner Cawthon made a motion to accept the surrender. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record: May 26, 2016, 9:00 a.m. in Montgomery

Commissioner Sharp made a motion to approve the next meeting date and location for May 26, 2016 at 9:00 a.m. in Montgomery. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 11:15 a.m.

Done this 21st day of April, 2016.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary