

## MINUTES

The Alabama Real Estate Commission met August 18, 2006, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Chairman Poole called the meeting to order at 8:30 a.m. it having been a duly noticed in accordance with the Secretary of State's website and the Open Meetings Act and declared a quorum present.

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

The Commission convened in the upstairs training room for a presentation on simulation testing for brokers. AREC website modifications and license search features were reviewed.

Commissioner Bragg moved to approve the July meeting minutes as presented. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

The financial statement for July was distributed with fund balances, year to date and previous comparative data noted. There was no action taken.

Chairman Poole called the Commission into Executive Session for Hearing deliberation and votes on disciplinary action. The actions of the Commission will be issued in written orders following the meeting.

### **Karen B. Ruby, Application for Determination of Licensing Eligibility, I-12,031**

Upon consideration of the evidence and testimony by Ms. Ruby, Commissioner Hodges moved to approve Ms. Ruby's license eligibility. Commissioner Mallory seconded the motion and it failed 2-4 with Commissioners Buford, Bragg, Henderson and Poole voting no and Commissioner Lovejoy abstaining.

### **Alabama Real Estate Commission vs. Dorothy M. Walther, Formal Complaint No. 2902**

Upon discussion of the evidence and testimony presented in the matter of Dorothy M. Walther, Inactive Salesperson, Mobile, Alabama, 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 Bragg moved to find Ms. Walther guilty and

revoke her license. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Carol A. Lersch, Formal Complaint No. 2935**

Upon discussion of the evidence and testimony presented in the matter of Carol A. Lersch, Associate Broker, The Prudential Cooper and Company, Inc., Hillcrest Branch, Mobile, Alabama, 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 Alabama Real Estate Commission, upon request, original certificates showing the completion of all the required continuing education course hours by the deadline, Commissioner Hodges moved to find Ms. Lersch guilty and to reprimand her. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Clarence P. Evans, Jr., Bo Evans Realty and Auction Co., LLC, Formal Complaint No. 2941**

Upon discussion of the evidence and testimony presented in the matter of Bo Evans, Bo Evans Realty and Auction Company LLC, d/b/a Bo Evans Realty, Prattville, Alabama, 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 by failing to properly account for at all times all funds coming into their possession that belonged to others, Commissioner Mallory moved to find Bo Evans Realty and Clarence P. Evans guilty and to fine them \$1000. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Clarence Wallace, III, Applicant for Determination of Licensing Eligibility, I-12,043**

Upon consideration of the evidence and testimony by Mr. Wallace, Commissioner Hodges moved to deny the license eligibility of Mr. Wallace. Commissioner Buford seconded the motion and it passed unanimously 7-0.

Commissioner Hays departed due to a family emergency following this hearing and did not vote on any of the dispositions.

**Alabama Real Estate Commission vs. Sonya Bovee-Partridge, Formal Complaint No. 2942**

Upon discussion of the evidence and testimony presented in the matter of Sonya Bovee-Partridge, Qualifying Broker, The Real Estate Group, LLC, Enterprise, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-30(10) by presenting to the public, in the referenced periodical, a company known as TREG Property Management as able to perform real estate property management, for which a license is required, without being properly licensed, Commissioner

Hodges moved to find Ms. Bovee-Partridge guilty and to reprimand her. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Paula M. Austin, Denied Application for Determination of Eligibility for Licensure, I-11,893**

Upon consideration of the evidence and testimony by Ms. Austin, Commissioner Mallory moved to approve the temporary salesperson application of Ms. Austin. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Jennifer Manville Ramonell, Formal Complaint No. 2931**

Upon discussion of the evidence and testimony presented in the matter of Jennifer Manville Ramonell, Qualifying Broker, Cahaba Realty, LLC, 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 Lovejoy moved to dismiss Formal Complaint No. 2931. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Mohammed Abdullah, Denied Applicant for Reciprocal Salesperson's License, I-11,983**

Upon consideration of the evidence and testimony presented by Mr. Abdullah, Commissioner Henderson moved to approve the reciprocal salespersons application of Mr. Abdullah. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Kyesha Simone Carroll, Applicant for Determination of Licensing Eligibility, I-12,047**

Upon consideration of the evidence and testimony presented by Ms. Carroll concerning eligibility for licensure, Commissioner Hodges moved to approve licensure for Ms. Carroll. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Valerie R. Wilson, Denied Applicant for Temporary Salesperson's License I-12,028**

Upon consideration of the evidence and testimony presented by Ms. Wilson concerning her application for temporary salesperson's license, Commissioner Hodges moved to approve the license eligibility of Ms. Wilson. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Miriam Moore, Applicant for Temporary Salesperson's License, I-12,038**

Upon consideration of the evidence and testimony presented by Ms. Moore concerning her eligibility for temporary salesperson's licensure, Commissioner Mallory moved to approve the licensure of Ms. Moore. Commissioner Lovejoy seconded the motion and it passed unanimously 7-0.

**Laurence Perry, Denied Application for Determination of Licensing Eligibility, I-12,030**

Upon consideration of the evidence and testimony presented by Mr. Perry concerning license eligibility, Commissioner Hodges moved to approve the license eligibility of Mr. Perry. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

**REMAX vs. Alabama Real Estate Commission, Montgomery County Circuit Court Declaratory Judgment, Re: Charitable Contribution to Children's Miracle Network**

A report was provided for information and no action was taken.

**The Buyer's House, Revoked License, Lisa Colston, License Transferred**

A report was provided for information and no action was taken.

**Donna Black, Applicant for Determination of Licensing Eligibility, I-12,048**

Upon consideration of Ms. Black's eligibility for licensure, Commissioner Hodges moved to deny her eligibility. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Carlotta Joyce Stevenson, Applicant for Determination of Licensing Eligibility, I-12,057**

Upon consideration of the licensing eligibility of Ms. Stevenson, Commissioner Hodges moved to approve her eligibility for licensure. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Victor E. Vance, Desire to Surrender Real Estate Salesperson's License, I-12,052**

Upon discussion of Mr. Vance's affidavit of license surrender, Commissioner Henderson moved to accept the surrender of his license. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Rita J. Parsley, Desire to Surrender Real Estate Salesperson's License, I-12,052**

Upon discussion of the surrender of license by Ms. Parsley, Commissioner Hodges moved to accept her affidavit of license surrender. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. June R. Lasagne, Formal Complaint No. 2948**

Upon discussion of the evidence and testimony presented in the matter of June R. Lasagne, Salesperson, James Grant Realty, Inc., Dothan, 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 Mallory moved to dismiss the formal complaint. Commissioner Lovejoy seconded the motion and it passed unanimously 7-0.

**Alla R. Lewis, Request for Additional Time for Temporary Salespersons License Issuance, I-12,062**

Upon review of Ms. Lewis' request for additional time for salesperson's temporary license issuance, Commissioner Henderson moved to approve an extension for obtaining her license. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Jody Lynn Marsh, Formal Complaint No. 2944**

Upon discussion of the evidence and presented in the matter of Jody Lynn Marsh, Salesperson, TSKC, LLC, d/b/a Exit Realty Gulf Shores, Gulf Shores, 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 Hodges moved to find Ms. Marsh guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 6-0 with Commissioner Mallory abstaining.

**Randall James, Requesting Additional Time for Original Sales License Issuance, I-12,063**

Upon discussion of Mr. James' request for additional time to obtain an original salesperson's license, Commissioner Mallory moved to approve a 30 day extension for Mr. James. Commissioner Lovejoy seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Lee Chancellor, Formal Complaint No. 2945, Respondent Requests Dismissal of Formal Complaint**

Upon discussion of the evidence presented in the matter of Lee Chancellor and a banking error which resulted in a check to the Alabama Real Estate Commission being returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to dismiss Formal Complaint No. 2945. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Linda M. Bartlett, Formal Complaint No. 2949**

Upon discussion of the evidence presented in the matter of Linda M. Bartlett, Salesperson, TMA Referral, Inc., Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding the ORDER of the Commission to pay a fine as outlined in Formal Complaint No. 2908, Commissioner Bragg moved to deny Ms. Bartlett's request to pay her fine on a three month schedule. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Frederick C. Crochen, Formal Complaint No. 2947**

Upon discussion of the evidence presented in the matter of Frederick C. Crochen, Qualifying Broker, Crochen and Associates, LLC, 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 dismiss Formal Complaint No. 2947. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Tammy M. Larsen, Broker Applicant, I-12,066**

Upon review of Ms. Larsen's request for an additional 30 days for obtaining a reciprocal broker license, Commissioner Hodges moved to approve the 30 day extension requested by Ms. Larsen. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

**Veronica L. Love, Applicant for Determination of Licensing Eligibility, I-12,044**

Upon consideration of Ms. Love's eligibility for licensure, Commissioner Hodges moved to approve the license eligibility of Ms. Love. Commissioner Buford seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. James Ryan Jackson, Formal Complaint No. 2946**

Upon discussion of the evidence presented in the matter of James Ryan Jackson, Salesperson, Alabama Timberline d/b/a Alabama Land Partners, LLC, Jasper, 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 Hodges moved to find Mr. Jackson guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 6-0 with Commissioner Mallory abstaining.

There being no further business, the Commission adjourned at 1:20 p.m.

Done this 18<sup>th</sup> day of August, 2006.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary