

## MINUTES

The Alabama Real Estate Commission met on December 3, 2004, at the Mobile Area Association of Realtors, Mobile, Alabama.

Those present were Chairman Bill E. Poole; Vice-Chairman Gordon Henderson; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Bobby Hewes, Sheila Hodges, and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Charles Sowell; Special Investigators David Erfman and Chuck Kelly and Hearing Officer Tori Adams-Burk. Commissioner Lovejoy was absent with prior notice.

Chairman Poole called the meeting to order and declared a quorum present at 9:00 a.m. Mr. Poole then expressed the Commission's appreciation for the Mobile Association's holiday hospitality and for the use of their facilities for conducting business and holding hearings.

Commissioner Hays moved approval of the October 22<sup>nd</sup> meeting minutes as presented. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

### **Executive Director's Report and Commission Discussion**

Executive Director Philip Lasater reviewed the October financial statements with no action being taken. A legislative status report on the Commission bill and the Minimum Services bill was given with Commission objectives showing progress. Attention was called to the ongoing participation in the ARELLO Disciplinary Data Bank, International Licensee Database and the broadening International membership of ARELLO. Commissioner Henderson provided a report on the recent Alabama Real Estate Research and Education Center Trustees meeting. Assistant Director Pat Anderson provided a review of the projected development of the quarterly Instructor Training program.

Chairman Poole introduced and led discussion on TICS, Isoldmyhouse.com, and generally perplexing jurisdiction questions. No action was taken but it was understood that the jurisdiction question discussion would continue.

Upon review of the proposed budget, Commissioner Henderson moved to approve the FY 2006 budget as submitted. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Note was made of the appeal filing by John G. Moss and the Commission's disciplinary action in his hearing.

## **HEARINGS**

### **John A. B. Wilson, III, Applicant for Salesperson's Reciprocal License, I-11,467**

Upon discussion of the salesperson's reciprocal license application submitted by John A. B. Wilson, III, Commissioner Hays moved to approve issuance of a reciprocal sales license to Mr. Wilson. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. Harvey Dinkins, Formal Complaint No. 2829**

Upon discussion of the evidence and testimony presented in the matter of Harvey Dinkins, Qualifying Broker, The Dinkins Realty Group, 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, The Hearing Officer granted a continuance subject to the hearing being scheduled in Montgomery in January 2005.

### **Alabama Real Estate Commission vs. David B. Ball, Formal Complaint No. 2825**

Upon discussion of the evidence and testimony presented in the matter of David B. Ball, Qualifying Broker, Ball Properties, Inc., Mobile, 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 to properly account for money coming into Respondent's possession that belonged to others and by failing to deposit and account for at all times funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Henderson moved to find Mr. Ball guilty of Count #1 and to reprimand him. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

### **David Cye Young, Applicant for Determination of Licensing Eligibility, I-11,482**

Upon discussion of Mr. Young's application for determination of licensing eligibility, Commissioner Hewes moved to approve the licensing eligibility of Mr. Young. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

### **Doris G. Fancher, Applicant for Temporary Salesperson's License, I-11, 483**

Upon discussion of the temporary salesperson's license application submitted by Ms. Fancher, Commissioner Hodges moved to approve the temporary salespersons license application of Ms. Fancher. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

## **NOT APPEARINGS**

### **Alabama Real Estate Commission vs. Joe F. Watkins, Jr., Formal Complaint No. 2833**

Upon discussion of the evidence and testimony presented in the matter of Joe F. Watkins, Jr., Lake Martin Properties, Inc., dba RE/MAX Lake Martin Properties, Eclectic, Alabama, and the alleged 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 in that Respondent failed to notify the Commission within thirty (30) days of relocating his office, Commissioner Hodges moved to find Mr. Watkins guilty and to fine him \$250. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

### **Proposed Settlement, Alabama Real Estate Commission vs. Janelle Z. Angel, Angel Realty, Inc., Kenneth D. Angel, Waterfront Homes and Condos, Formal Complaint No 2801**

In lieu of a hearing, respective counsels negotiated and presented a settlement proposal. Commissioner Hays moved to accept the broker license surrender of Mr. Angel as proposed. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. Nonet Parmer Reese, Formal Complaint No. 2835**

Upon discussion of the evidence and testimony presented in the matter of Nonet Parmer Reese, Qualifying Broker, Reese Real Estate, Opelika, 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 Bragg moved to find Ms. Reese guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

### **Alabama Real Estate Commission vs. William W. Shinault, Formal Complaint No. 2834**

Upon discussion of the evidence and testimony presented in the matter of William W. Shinault, Inactive Broker, Huntsville, 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. Shinault guilty and to fine her \$250. Commissioner Bragg seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

### **Michael Allen Woolard, Reciprocal Reciprocal Broker Applicant, I-11,488**

Upon discussion of the application for broker's reciprocal license submitted by Mr. Woolard, Commissioner Hodges moved to approve the reciprocal broker sales application of Mr. Woolard. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

**Frances M. Meeks, Hardship Request for Home Operation, I-11,490**

Upon discussion of the request made by Ms. Meeks to operate her real estate business from her home, Commissioner Henderson moved to approve the place of business hardship request of Ms. Meeks. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

**Samuel H. Power, Sam Power Realty, Hardship Request for Home Operation, I-11,470**

Upon discussion of the request made by Mr. Samuel H. Power to operate his real estate business from his home, Commissioner Hodges moved to deny Mr. Powers request for a home office. The motion failed for lack of a second. Commissioner Henderson then moved to approve the request subject to Mr. Powers conforming to the place of business requirement for a home office in Rule 790-X-2.07. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Patriot Real Estate, Request for Ruling on Out-of-State Broker, I-11,496**

Commissioner Hodges moved to deny the request to supervise an office from another state. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

**Susie W. Deerman, Applicant for Determination of License Eligibility**

Upon discussion of Ms. Deerman's eligibility for licensure, Commissioner Hodges moved to approve the licensing eligibility of Ms. Deerman. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

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

Done this 3<sup>rd</sup> day of December, 2004.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary

