

## MINUTES

The Alabama Real Estate Commission met at 1:00 p.m. on January 21, 2004, at the Montgomery Area Association of Realtors, 4280 Carmichael Road, Montgomery, Alabama.

Those present were Chairman Bill E. Poole; Vice Chairman Gordon Henderson; Commissioners Roy Bragg, Thomas Hays, Bobby Hewes, Lyman Lovejoy, Chester Mallory and Ruth Whitley; Executive Director Philip Lasater; Education Director Patricia Anderson; Legal Counsel Charles Sowell; Special Investigators David Erfman and Chuck Kelly; Hearing Officer was Tori Adams-Burk. Commissioner Hodges was delayed in arrival.

Chairman Poole called the meeting to order and declared a quorum present at 1:00 p.m. Chairman Poole expressed appreciation to the Montgomery Association of Realtors for use of their facility for conducting the Commission meeting.

Commissioner Bragg moved to approve the November 21, 2003, minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

The financial statement for December, 2003, was reviewed with no action taken.

Chairman Poole requested that Executive Director Philip Lasater distribute a report on the prospective filling of the vacancy for an Assistant Executive Director. Chairman Poole then appointed Commissioners Henderson, Hodges, Mallory and Hays to serve as a Committee for the development of a job description, advertisement, interview and hiring process to be reported and recommended to the full Commission by the March meeting. Commissioner Bragg moved to approve the Chair's plan and appointment. Commissioner Whitley seconded the motion and it passed unanimously 8-0.

Commissioner Whitley followed up on comments submitted in the November meeting regarding a need to revise content in the recently published Consumer Guide. After a brief overview, Commissioner Whitley requested that each Commissioner receive a fresh copy and by the February meeting read, mark and be prepared to discuss potential revisions before another printing. By consensus, the Executive Director was directed to provide the copies and reminder notice.

Upon request of the Chair, reconsideration of proposed meeting dates for April and July were taken. Commissioner Henderson moved that the April meeting date move from the 9<sup>th</sup> to the 16<sup>th</sup> and that the July meeting date move from the 23<sup>rd</sup> to the 30<sup>th</sup>. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Executive Director Philip Lasater introduced IT staff members Nancy Barfield and Brett Scott to present a proposed solution to Commissioner request for electronic CE crediting for licensees. An overview of a plan that would require instructors to submit online to the Commission, and its various features and benefits, was reviewed and considered. This process is facilitated by an agreement with Alabama Interactive. Following questions, explanation and clarification, Commissioner Henderson moved to approve the Commission proceed with the

development and implementation of the proposal and that the Commission absorb the subscription costs of \$100 a year per instructor subscriber. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0. It was further understood that administrative rules to implement instructor compliance would have to be promulgated.

## **HEARINGS**

### **Alabama Real Estate Commission vs. Gary D. Head, Formal Complaint No. 2767**

Upon discussion of the evidence and testimony presented in the matter of Gary D. Head, Qualifying Broker, Gary Head Realty, Inc., d/b/a Gary Head Realty, Phenix City, 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-1-.12(8) and Rule 790-X-1-.12(9) by failing to provide upon request, original certificates of completion of approved continuing education courses and by the false or inaccurate filing of the renewal, Commissioner Hays moved to find Mr. Head guilty and to reprimand him. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

### **Donald L. Sellers, Applicant for Temporary Salesperson's License, I-11,200**

Upon discussion of Mr. Sellers' application for temporary salesperson's license, Commissioner Hays moved to approve Mr. Seller's application for license issuance. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

### **Timothy C. Retzlaff, Applicant for Determination of Licensing Eligibility, I-11,220**

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

### **Richard McBride, Applicant for Determination of Licensing Eligibility, I-11,217**

Upon discussion of Mr. McBride's application for determination of licensing eligibility, Commissioner Mallory moved to approve the licensing eligibility of Mr. McBride. Commissioner Hays seconded the motion. The motion passed 6-2 with Commissioners Bragg and Lovejoy voting no.

### **Roger William Creech, Jr., Applicant for Determination of Licensing Eligibility, I-11,221**

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

## **NOT APPEARING ITEMS FOR DISCUSSION**

### **Alabama Real Estate Commission vs. Anita B. Dutton, Formal Complaint No. 2800**

Upon discussion of the evidence and testimony presented in the matter of Anita B. Dutton, Associate Broker, Reed Russell and Associates, LLC, d/b/a Century 21 Alliance Group, 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, checks which were returned unpaid by the bank upon which they were drawn, Commissioner Hewes moved to find Ms. Dutton guilty and to fine her \$250. Commissioner Bragg seconded the motion and it passed 7-0 with Commissioner Mallory abstaining.

### **Tab Bisignani, Instructor Applicant, I-11,228**

Upon discussion of Mr. Bisignani's application for real estate instructor, Commissioner Lovejoy moved to deny the instructor application of Mr. Bisignani. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

### **Kelley L. Garrett, Applicant for Licensure, I-11,210**

Upon discussion of Ms. Garrett's application for temporary salesperson's license, Commissioner Bragg moved to deny the application of Ms. Garrett. Commissioner Whitley seconded the motion and it passed unanimously 8-0.

### **Ray N. Jones, Applicant for Reciprocal Broker's License, I-11,238**

Upon discussion of Mr. Jones' application for reciprocal broker's license, Commissioner Henderson moved to approve the reciprocal broker application of Mr. Jones. Commissioner Hewes seconded the motion and it passed 7-1 with Commissioner Whitley voting no.

### **Alabama Real Estate Commission vs. Christi M. Harpe, Formal Complaint No. 2750, Request that Fine be Paid in Payments**

Upon discussion of Ms. Harpe's request that her fine be paid in monthly installments, Commissioner Whitley moved to deny the request of Ms. Harpe, but provided that the fine may be paid in 60 days. Commissioner Bragg seconded the motion and it passed unanimously 8-0

### **Scott Eric Brown, Applicant for Determination of Licensing Eligibility, I-11,240**

Upon discussion of Mr. Brown's application for determination of licensing eligibility, Commissioner Bragg moved to deny the licensing eligibility of Mr. Brown. Commissioner Lovejoy seconded the motion and it passed 6-1 with Commissioner Mallory voting no and Mr. Hays absent for the vote.

**Tawanna Williams Forston, Applicant for Determination of Licensing Eligibility, I-11,232**

Upon discussion of Ms. Forston's application for determination of licensing eligibility, Commissioner Bragg moved to deny the licensing eligibility of Ms. Forston. Commissioner Whitley seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

Commissioner Hodges arrived for the meeting.

**Thomas Larry Gaskin, Jr., Applicant for Determination of Licensing Eligibility, I-11,199**

Upon discussion of Mr. Gaskin's application for determination of licensing eligibility, Commissioner Whitley moved to deny the licensing eligibility of Mr. Gaskin. Commissioner Henderson seconded the motion and it passed 9-0.

**Cynthia Oswald, Requests Renewal of Lapsed License, I-11,245**

Upon Ms. Oswald's request to renew her lapsed license, Commissioner Hays moved to approve Ms. Oswald's hardship request to renew her lapsed license. Commissioner Mallory seconded the motion and it passed 8-1 with Commissioner Whitley voting no.

There being no further discussion, the Commission adjourned at 4:10 p.m.

Done this 21<sup>st</sup> day of January, 2004.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary