

MINUTES

A meeting of the Alabama Real Estate Commission was held July 26, 2018, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Nancy Wright; Vice Chairman Bill Watts; Commissioners Emmette Barran, Cindy Denney, Carole Harrison and Vaughn Poe; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Lynn; Investigators David Erfman, K. C. Baldwin and Rickey Fennie. The Hearing Officer was Jim Hampton. Commissioners Reid Cummings, Clifton Miller and Danny Sharp were absent with notice.

Other staff members in attendance for all or part of the meeting were; Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott; Information Technology Specialist Steven Brown and Executive Assistant Barbi Lee.

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

Commissioner Harrison made a motion to approve the minutes from the June 21, 2018 meeting. Commissioner Denney seconded the motion and it passed unanimously 6-0.

Chairman Wright called for the Public Hearing for proposed amendments to Rules 790-X-1-.01, 790-X-1-.06, 790-X-1-.07, 790-X-1-.09, 790-X-1-.17, 790-X-1-.21, 790-X-2-.03, 790-X-2-.04, 790-X-2-.07, 790-X-3-.01, 790-X-3-.05 and proposed repeal of Rules 790-X-2-.14, 790-X-2-.17, and 790-X-3-.08. Chairman Wright asked if there was anyone present who would like to speak on the proposed rule amendments or repeals. There being no comment from those in attendance, Chairman Wright closed the Public Hearing and continued with the meeting.

Executive Director Patricia Anderson presented the June 2018 financial report. Revenues were down during the month of June; however, examination numbers were steady. The final STAARS payment that was mandated by the Department of Finance three years ago has been processed. This will save AREC \$19,500 each quarter.

Ms. Anderson provided a licensee renewal update for 2018. As of July 25, there had been 5,685 renewals received – 5,528 through the online application and 157 processed in-house.

Ms. Anderson reminded Commissioners of the Strategic Planning meeting on Thursday, August 23. She advised each had received a survey by email from the facilitator, Sharleen Smith, Director of Professional Development with Troy University. She asked that everyone complete it and email it back by the deadline.

Commissioners were provided a handout regarding the New Travel Guidelines for the State of Alabama effective July 1, 2018. The new policy, provided by the Director of Finance and the State Comptroller's office, moves the approval of out of state travel from the Governor's office to the agency's Executive Directors. Other important changes were noted.

Ms. Anderson shared with Commissioners excerpts from a letter from the Examiners of Public Accounts regarding training for commission members and staff of all Boards and Commissions that are subject to Sunset Review. There will be four quarterly training sessions beginning on September 12 then again in December, March and June. The letter states that participation will be documented in each agency's Sunset Report.

Commissioners were also provided an informational packet regarding the 2018 ARELLO Annual Conference and Commissioner College to be held in St. Louis, Missouri on September 26-30, 2018.

COMMISSIONER DISCUSSION

Commissioners were provided an updated calendar with proposed commission meeting dates for 2019. Ms. Anderson asked Commissioners to review the proposed meeting dates and be prepared to adopt a 2019 calendar at the next meeting on August 24, 2018.

Vice Chairman Watts made a motion that the Commissioners conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Barran seconded the motion and it passed unanimously 6-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Len Osteen, Formal Complaint No. 3456

Len Osteen, Salesperson, Leading Edge Commercial, Huntsville, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by showing listed property and negotiating an offer to purchase that property during the time his real estate license was on inactive status by violating Section 34-27-35(k) which indicates that no act for which a license is required shall be performed under an inactive license.

Upon discussion of the evidence and testimony provided by Len Osteen, Vice Chairman Watts made a motion to find Mr. Osteen guilty. Commissioner Denney seconded the motion and it passed unanimously 6-0. Commissioner Poe made a motion to fine Mr. Osteen in the amount of \$250.00. Commissioner Barran seconded the motion and it passed 4-2 with Commissioners Harrison and Denney voting against the motion.

Sikita Foster, Application for Temporary Salespersons License, Investigative File I-15,304

Upon discussion of the evidence and testimony presented by Sikita Foster regarding her application for a temporary salesperson license, Vice Chairman Watts made a motion to approve her application. Commissioner Poe seconded the motion and it passed unanimously 6-0.

Alabama Real Estate Commission vs. Brent Beavers and Tammy Renee Domingue, Formal Complaint No. 3457

This hearing was continued until the September 20, 2018 meeting.

Alabama Real Estate Commission vs. Brent Beavers and Clarence Graham, Formal Complaint No. 3458

This hearing was continued until the September 20, 2018 meeting.

Henry Bryant II, Application for Determination of Licensing Eligibility, Investigative File I-15,290

Upon discussion of the evidence and testimony presented by Henry Bryant II and his attorney regarding his application for determination of licensing eligibility, Vice Chairman Watts made a motion to approve Mr. Bryant's application upon completion of restitution payments due to the appropriate court. Commissioner Barran seconded the motion and it passed 5-1 with Commissioner Poe voting against the motion.

Margaret Lessa, Application for Temporary Salesperson License, Investigative File I-15,301

Upon discussion of the evidence and testimony presented by Margaret Lessa regarding her application for a temporary salesperson license, Commissioner Harrison made a motion to approve her application. Commissioner Barran seconded the motion and it passed 5-1 with Commissioner Poe voting against the motion.

Deborah F. Lumpkin, Request to be Relicensed After Revocation, Investigative File I-15,317

This hearing was continued until the October 25, 2018 meeting.

Alexandra Gogol, Request for Extension of Six-Month Deadline to Take and Pass the Salesperson Examination, Investigative File I-15,330

Upon discussion of the evidence and testimony presented by Alexandra Gogol regarding her request for additional time to take and pass the salesperson examination, Vice Chairman Watts made a motion to approve her request with a new deadline date of November 15, 2018. Commissioner Barran seconded the motion and it passed unanimously 6-0.

NOT APPEARINGS

Jerry I. Cherner, Requesting Waiver for Home Operation, Investigative File I-15,318

Upon review of the documentation provided by Jerry I. Cherner regarding his request for waiver for home operation, Vice Chairman Watts made a motion to approve his request. Commissioner Barran seconded the motion and it passed unanimously 6-0.

Confirm September Meeting Date and Location for the Record: Thursday, September 20, 2018, 9:00 a.m. in Montgomery, Alabama

Vice Chairman Watts made a motion to approve the September meeting for September 20, 2018 at 9:00 a.m. in Montgomery, Alabama. Commissioner Harrison seconded the motion and passed unanimously 6-0.

Next Commission Meeting: Friday, August 24, 2018, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 11:01 a.m.

Done this 26th day of July 2018.

Nancy Wright, Chairman

Barbi Lee, Recording Secretary