

MINUTES

The Alabama Real Estate Commission met June 15, 2007 in the Commission's Hearing Room, 1201 Carmichael Way, Montgomery, Alabama.

The meeting, having been duly noticed in accordance with the Open Meetings Act, was called to order at 9:00 a.m. by Chairman Poole with a quorum declared for conduct of business.

Those present were Chairman Bill Poole, Vice Chair Sheila Hodges; Commissioners Jewel Buford, Gordon Henderson, Bobby Hewes, Chester Mallory, Jan Morris, Dorothy Riggins and Bill Watts; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly and Phillip Bunch and Auditor Anthony Brown. Commissioner Riggins gave prior notice she would be arriving late.

Chairman Poole extended a warm welcome to new Commissioner Bill Watts and expressed anticipation of his service with the Commission.

In accordance with 34-27-7(f), Chairman Poole opened the floor for nominations of Chair. Commissioner Mallory moved to elect Bill Poole. Commissioner Hodges seconded the motion. Commissioner Buford moved to close nominations. Commissioner Morris seconded the motion and it passed unanimously 8-0. Chairman Poole then opened the floor for nominations for Vice Chair. Commissioner Morris moved to elect Shelia Hodges. Commissioner Watts seconded the motion. Commissioner Buford moved to close nominations. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Commissioner Mallory introduced Bridgette Jones, a recent affiliate with his company. Walker Lasater was recognized, having come to observe Commission proceedings.

Commissioner Morris moved to approve the May minutes upon inclusion of Commissioner Buford's appointment to the Task Force on review of license background checks and potential stipulation of certain technical violations. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Commission Discussion

Upon review of the Renewal of Mutual Recognition Agreement with Florida, Commissioner Henderson moved to approve the renewal of the agreement as presented. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Sunset Hearing

It was the consensus of the Commission to assemble informally at 8:30 a.m. prior to our hearing on Thursday June 21st with the Joint Legislative Sunset Committee at 9:30 a.m.

Upon discussion of the AAR Open Forum opportunity in September and in consideration of the conflict with the ARELLO annual conference, Commissioner Henderson moved to forego the September 2007 forum. Following comments reiterating the importance of ongoing presence and participation with AAR meetings, Chairman Poole ruled the consensus of the Commission was to inform AAR it would not do a forum in September but will look forward to continuing in future meetings.

Auditor Anthony Brown provided a report and gave an overview on how closed files are audited.

A report from Chris Booth and his attendance at the National Land Council meeting in Nashville in May was reviewed.

The Executive Director's written report on development of a communications proposal was deferred until later in the meeting.

Commissioner Riggins arrived at 9:15 a.m.

Education Director Ryan Adair was recognized to provide an overview of the work of the Examination RFP Task Force. After so doing, Commissioner Mallory made the report for the Task Force highlighting the scoring factors and considerations that led to the recommendation for contract award. The recommendation was to award the examination contract which included the enhanced feature of simulation testing for broker candidates to Applied Measurement Professionals AMP. Commissioner Morris seconded the motion and it passed unanimously 9-0.

HEARINGS

Alabama Real Estate Commission vs. Pamela Martin-Lynch, Formal Complaint No.2977

Upon discussion of the evidence and testimony presented in the matter of Pamela Martin-Lynch, Qualifying Broker, Martin-Lynch Realty LLC, Auburn, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Section 34-27-2(a)(5) which specified that a real estate company such as Tiger Properties is to be licensed by the Commission; Count 2: Section 34-27-35(a)(8)a. & Section 34-27-35(a)(8)b. by failing, within a reasonable time, to properly account for or remit money coming into their possession which belonged to others, and by commingling money belonging to others with personal funds, and by failing to deposit and account for at all times funds belonging to others by having a shortage of such funds; Count 3: Section 34-27-35(a)(19) by failing to comply with Section 34-27-35(a)(28) and (29) by failing to refusing on demand to produce a document, book, or record in their possession concerning a real estate transaction conducted by them and by failing within a reasonable time to provide information requested by the Commission during an investigation.

Commissioner Morris moved to find Ms. Lynch and Martin-Lynch Realty LLC guilty on Count #1 and to fine her and the company \$1000 each. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

Commissioner Henderson moved to find Ms. Lynch and Martin- Lynch Realty LLC guilty on Count #2 and to accept Ms. Lynch's offer to relinquish her broker's license for a salesperson's license. The salesperson's license was suspended until October 1, 2007 and fine her \$2500. Commissioner Riggins seconded the motion and it passed unanimously 7-0.

Commissioner Morris moved to find Ms. Lynch and Martin-Lynch Realty LLC guilty on Count #3 and to fine her and the company \$1000 each. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

Commissioners Hodges and Watts were ineligible to participate in this disposition not having heard the original evidence in the matter that was remanded.

Alabama Real Estate Commission vs. David Wilson Steelman, Jr., Formal Complaint No. 3009

Upon discussion of the evidence and testimony presented in the matter of David Wilson Steelman, Jr., Qualifying Broker, The Home Team Realty, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Section 34-27-35(k) by operating the company with an inactive qualifying broker and an inactive company license, performing acts for which an active license is required; Count 2: Section 34-27-36(a)(19) by establishing his place of business at his home address within the city limits or police jurisdiction of the municipality of Madison, Alabama in violation of Section 34-27-2(a)(11)b.

Commissioner Hodges moved to find Mr. Steelman and Home Team Realty guilty on Count 1 and to levy a fine of \$1000. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Commissioner Hodges moved to find Mr. Steelman guilty on Count 2, suspend his license for 12 months and require his completion of the Risk Management Course. The second six months suspension will be stayed upon completion of the course. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Melissa Gwynn Love, Formal Complaint No. 3010

Upon discussion of the evidence and testimony presented in the matter of Melissa Gwynn Love, Inactive Salesperson, Bay Minette, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(j) in that she failed to notify the Commission of the institution of criminal prosecution against her; Count 2: Section 34-27-35(a)(19) by failing to comply with Section 34-27-31(k) by failing to notify the Commission regarding the criminal verdict in these cases; Count 3: Section 34-27-36(a)(23)a. by entering a plea to a crime involving moral turpitude, Commissioner Henderson moved to accept the affidavit of surrender in lieu of a hearing from Ms. Love and her salesperson's license. This acceptance renders her license to the status of revoked. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Lachondria Crockett, Application for Determination of Licensing Eligibility, I-11,408

Upon discussion of the application for determination of licensing eligibility submitted by Ms. Crockett, Commissioner Hodges moved to approve the license eligibility of Ms. Crockett. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Stephen D. Hardwick, Applicant for Determination of Licensing Eligibility, I-12,156

Upon discussion of the application for determination of licensing eligibility submitted by Mr. Hardwick, Commissioner Hodges moved to approve the license eligibility of Mr. Hardwick. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Tyrone Smith, Formal Complaint No. 3011

Commissioner Hodges moved to dismiss formal complaint #3011 due to mitigating circumstances. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Sabrina Suzanne Williams, Surrender of License, I-12,284

Commissioner Hodges moved to accept the surrender of Ms. Williams' inactive salespersons license. This action renders her license status revoked. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Kendall W. Miller, Hardship Request for Home Operation, I-12,331

Upon review of Mr. Miller's hardship request for home operation, Commissioner Hodges moved to approve his home operation request. Commissioner Morris seconded the motion and it passed unanimously 9-0. Commissioner Morris moved for reconsideration of the previous motion having voted on the prevailing side. Commissioner Hodges seconded the motion and it passed unanimously 9-0. Commissioner Morris moved to amend the previous motion by limiting the approval for home operation to the extent of the continuation of the present circumstances upon which the hardship was granted. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Supplemental Not Appearing items for Ruling

Darrel Pierre McTerry, Applicant for Determination of Licensing Eligibility, I-12,349

Upon review of the application for determination of licensing eligibility submitted by Mr. McTerry, Commissioner Hodges moved to deny the license eligibility of Mr. McTerry. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

Commissioner Henderson moved to present the Commission's request to the legislature before the Sunset Committee by sharing the recent Attorney General's Opinion ruling on the compensation question affecting Commissioner Riggins and that the legislature amend the related code section so that state employees appointed to boards or commissions by the Governor and confirmed by the Senate could serve without taking leave from their state position and also be eligible to receive the same compensation as other Commissioners. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Upon review and receiving comments from Philip Lasater, Executive Director, and the report on a Communications Plan proposal, it was the consensus of Commissioners that time be allotted at the July 20 meeting to receive more information on a cooperative working arrangement with divisions of Auburn University's Outreach.

There being no further business, the Commission adjourned at 12:15 p.m.

The next regular meeting will be July 20th in Montgomery.

Done this 15th day of June, 2007.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary