

MINUTES

A meeting of the Alabama Real Estate Commission was held June 21, 2018, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

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

Other staff members in attendance for all or part of the meeting were; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott; Information Technology Specialist Steven Brown; Executive Assistant Barbi Lee and Licensing Clerical Aide Pam Taylor.

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 May 24, 2018 meeting. Commissioner Cummings seconded the motion and it passed unanimously 6-0.

Executive Director Patricia Anderson presented the May 2018 financial report. The Commission continues to be fiscally stable with two-thirds of the year complete. May revenue was down due to fewer temporary licenses being issued during the month of May. Currently there are 32,279 licensees with 24,096 on active status and 8,183 on inactive status. However, historically between 3,000 and 4,000 licensees do not renew. Ms. Anderson announced that 2018 license renewals went live on the Commission's website Friday, June 15, and 1,286 licensees have already renewed. Notices to renew will be mailed July 23-24 to all licensees who have not renewed.

Ms. Anderson expressed her appreciation to the Commissioners for their flexibility in rescheduling the Strategic Planning Session. A new date will be determined to meet everyone's calendar needs. The staff at Troy University Montgomery was able to cancel all obligations of the previously scheduled meeting with no costs to be incurred by the Commission.

Ms. Anderson provided the Commissioners with an updated timeline for the proposed rule amendments and repeals. The affected rules will be published in the *Alabama Administrative Monthly* on June 29, 2018 by the Legislative Services Agency. These rules will also be posted on the Commission's website June 29, 2018 and notices will then be sent to interested parties.

Ms. Anderson shared with the Commissioners a new travel policy from the Governor's Office. Effective July 1, 2018, overnight per diem for in-state travel for one night will increase to \$85.00 per day. For travel of two or more nights, the per diem will be \$100.00 per day. Out-of-state travel will no longer require meal receipts as meals will be reimbursed at the Federal daily rate (CONUS).

Licensing Administrator Anthony Griffin introduced Pam Taylor to the Commission. Ms. Taylor will be assisting the Licensing Division during the renewal period.

General Counsel Mandy Lynn provided an update on an appeals case.

COMMISSIONER DISCUSSION

Commissioners were provided a 2019 calendar with proposed dates for Commission meetings. Ms. Anderson reminded Commissioners that a vote would be taken at a later meeting, but to see if the recommended dates were agreeable with their schedules. Chairman Wright asked Ms. Anderson to contact the staff at Troy University Montgomery for availability to reschedule the Strategic Planning Session for Thursday, August 23. If so, the Commission meeting would be moved to Friday, August 24, 2018. Ms. Anderson reported back that August 23, 2018 is confirmed for the Strategic Planning Session. Commissioners agreed to move the August Commission Meeting to Friday, August 24.

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

HEARINGS AND APPEARINGS

Gabrielle Welch Parker, Hardship Request for Renewal of Lapsed Salesperson License, I-15,286

Upon discussion of the evidence and testimony presented by Ms. Parker regarding her hardship request for renewal of her lapsed real estate salesperson license, Commissioner Denney made a motion to deny her request. Commissioner Harrison seconded the motion and it passed 5-1 with Commissioner Cummings voting against the motion.

Wyndi T. Turner, Application for Determination of Licensing Eligibility, Investigative File I-15,277

Upon discussion of the evidence and testimony presented by Ms. Turner regarding her application for determination of licensing eligibility, Commissioner Miller made a motion to approve her application. Commissioner Sharp seconded the motion and it passed 5-1 with Commissioner Harrison voting against the motion.

Alabama Real Estate Commission vs. Jearena R. Campbell, Formal Complaint # 3435

NOTE: Ms. Campbell was not present for her hearing. Proper service was given and the case was presented in her absence.

Jearena R. Campbell, Inactive Salesperson, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an electronic check in the amount of \$335.00 which was returned unpaid by the bank upon which it was drawn marked "Insufficient Funds."

Upon discussion of the evidence presented by Mandy Lynn, General Counsel for the Commission, Commissioner Miller made a motion to find her guilty and fine her \$500.00 in addition to all monies owed to the Commission. Commissioner Cummings seconded the motion and it passed unanimously 6-0.

Summer Ashton Ward, Application for Determination of Licensing Eligibility, Investigative File I-15,285

Upon discussion of the evidence and testimony presented by Ms. Ward regarding her application for determination of licensing eligibility, Commissioner Sharp made a motion to approve her application upon completion of her probation in Alabama. Commissioner Cummings seconded the motion and it passed unanimously 6-0.

Rhonda Richards Barrett, Application for Temporary Salesperson License, Investigative File I-15,276

Upon discussion of the evidence and testimony presented by Ms. Barrett regarding her application for a temporary salesperson license, Commissioner Cummings made a motion to approve her application. Commissioner Sharp seconded the motion and it passed unanimously 6-0.

Alabama Real Estate Commission vs. James H. Huggins and J. Huggins Realty Inc., Formal Complaint # 3455

James H. Huggins and J. Huggins Realty, Inc., were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. by failing, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others, or commingling money belonging to others with his or her own funds and Section 34-27-36(a)(8)b. by failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama.

Upon discussion of the evidence and testimony presented by Mr. Huggins, Commissioner Cummings made a motion to find Mr. Huggins and J. Huggins Realty, Inc. guilty. Commissioner Miller seconded the motion and it passed unanimously 6-0. Commissioner Harrison made a motion to revoke the licenses of Mr. Huggins (7584-0 and 7582-2) and J. Huggins Realty, Inc. (54486). Commissioner Cummings seconded the motion and it passed 4-2 with Commissioners Sharp and Miller voting against the motion.

Alabama Real Estate Commission vs. Dennis Scott Norton and Rocket City Property Management Services, LLC., Formal Complaint # 3434

Commissioner Cummings recused himself.

Mr. Norton originally appeared before the Commission on November 30, 2017 and the Commission ordered that his licenses and those of Rocket City Property be revoked. A rehearing was requested by Mr. Norton's attorney at the January 25, 2018 meeting and was granted by the Commission. The rehearing was held on February 22, 2018 regarding the original revocation order. The Commission stayed the revocation pending Mr. Norton's completion of continuing education classroom courses in both *Risk Management for Brokers* and *Risk Management for Property Managers* and a satisfactory re-audit of Rocket City Property Management Services, LLC within 90 days of the ruling.

Mr. Norton appeared before the Commission June 21, 2018 regarding his compliance with the above order. Upon discussion of the evidence and testimony presented by Mr. Norton regarding the completion of the required courses, Commissioner Miller made a motion to find Mr. Norton in substantive compliance with the order. Commissioner Sharp seconded the motion and it passed 5-0.

NOT APPEARINGS – None

Confirm August Meeting Date and Location for the Record: August 23, 2018, 9:00 a.m. in Montgomery, Alabama.

Commissioner Cummings made a motion to move the August Commission meeting to Friday, August 24, 2018 at 9:00 a.m. in Montgomery, Alabama. Commissioner Sharp seconded the motion and it passed unanimously 6-0.

Commissioner Cummings made a motion to hold the Strategic Planning Session on Thursday, August 23, 2018. Commissioner Sharp seconded the motion and it passed unanimously 6-0.

Next Commission Meeting: July 26, 2018, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 12:02 p.m.

Done this 21st day of June 2018.

Nancy Wright, Chairman

Barbi Lee, Recording Secretary