

MINUTES

A meeting of the Alabama Real Estate Commission was held May 2, 2008, at 1201 Carmichael Way, Montgomery, Alabama.

The meeting having been duly noticed in accordance with the Open Meetings Act, Chairman Henderson declared a quorum and called the meeting to order at 9:00 a.m.

Those present were Chairman Gordon Henderson; Vice Chair Sheila Hodges; Commissioners Jewel Buford, Steve Cawthon, Bobby Hewes, Chester Mallory, 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, Phillip Bunch and K.C. Baldwin and Hearing Officer Walter Turner. Commissioner Jan Morris was absent with prior notice.

Commissioner Mallory moved to approve the April 2008 meeting minutes. Commissioner Watts seconded the motion and it passed unanimously 8-0.

The April financial statements were reviewed with down turn in examination numbers and temporary license issuance noted. No action was taken.

Commissioners Mallory, Riggins and Buford reported on their attendance at the ARELLO mid-year meeting. They reported that meetings were diverse and helpful in content. Commissioner Mallory complimented Commission staff for their work in ARELLO and the good image that is brought to Alabama.

Commissioner Mallory asked about again exploring options for conducting background checks. Assistant Counsel Chris Booth explained about pending legislation that if passed will allow the Commission to access broader data through CEGIS. The Chair asked legal to explore options and report back at the May 30 meeting.

Executive Director Philip Lasater reported that the Auction Bill has not moved since last reports and that we have received no feedback since we offered suggested amendments to satisfy Commission concerns. HB331 is in position to hopefully pass the Senate. The administrative law bill has moved out of Senate committee. Mr. Lasater then introduced and welcomed new programmer Codey Cherry.

Upon the expectation that the general reputation or character or professional competence of a licensee would be discussed, Commissioner Hodges made a motion that the Commission hold its deliberations and vote in closed session and subsequently issue written orders. The motion was seconded by Commissioner Cawthon and passed 8-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Sandra Leila Stinson, Formal Complaint No. 3068

Upon discussion of the evidence and testimony presented in the matter of Sandra Leila Stinson, Salesperson, JRHBW Realty, Inc., d/b/a RealtySouth Chelsea Branch, Chelsea, 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 Hodges made a motion to dismiss formal complaint #3068. The motion was seconded by Commissioner Watts and passed unanimously 8-0.

Philip M. (Matt) Sankey, Applicant for Broker's License, I-12,616

Upon discussion of Mr. Sankey's failure to apply for the broker's license before the 90 day deadline after taking the exam, Commissioner Hodges made a motion to deny the request for an extension of the deadline. Commissioner Mallory seconded the motion. The motion passed 5-2 with Commissioners Hodges, Mallory, Riggins, Buford

and Henderson voting for the motion. Commissioners Watts and Cawthon voted no and Commissioner Hewes abstained.

Crystal Elaine King, Applicant for Determination of Licensing Eligibility, I-12,609

Upon determination of Ms. King's eligibility for licensure, Commissioner Hodges made a motion to approve Ms. King's application. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

NOT APPEARING REQUESTS FOR RULING

Carrie Ann Crutcher, Request for Extension to File Application for Original Salesperson's License, I-12,704

Upon review of Ms. Crutcher's request for additional time for filing an original salesperson's license application, Commissioner Hewes made a motion to grant Ms. Crutcher's request. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Documentation of Licensing Requirements

After discussion of the change to Section 34-27-32 in SB 183 regarding the citizenship requirement, Commissioners decided by consensus that the Commission will develop a rule to require all applicants for licensure to provide documentation of U.S. citizenship or legal permanent resident status or documentation of being legally present in the United States. After additional discussion regarding whether originals, copies or certified copies will be acceptable, the Chair asked staff to research the issue further and provide additional information and a recommendation for consideration at the next meeting.

William O. Jarboe, Request for Extension to Complete the 30 Hour Post License Course, I-12,710

Upon discussion of Mr. Jarboe's lapsed temporary license and his request that he be permitted to take the 30 hour post licensing course and apply for an original salesperson's license, Commissioner Hodges made a motion to deny Mr. Jarboe's request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Robert J. Barnes, Dual Office Locations, One Qualifying Broker, I-12,709

Upon discussion of utilizing an onsite leasing office at the Wharf in Orange Beach, Alabama, without the office being licensed as a branch office, Commissioner Hodges made a motion to approve the request provided the office is staffed by licensed persons to handle all leasing activities and the office must only be utilized to lease and manage space at the Wharf with no other business being conducted from that office. The motion was seconded by Commissioner Hewes and passed unanimously 8-0.

There being no further business, the meeting adjourned at 11:00 a.m.

Done this 2nd day of May, 2008.

Gordon Henderson, Chairman

Patricia Anderson, Recording Secretary