

## MINUTES

The Alabama Real Estate Commission met November 21, 2003, at the Gulf Shores City Council Chambers, 1905 W. First Street, Gulf Shores, Alabama.

Those present were Chairman Bill E. Poole; Vice Chairman Gordon Henderson; Commissioners Roy Bragg, Bobby Hewes, Sheila Hodges, Lyman Lovejoy and Chester Mallory; 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. Absent with notice were Commissioners Ruth Whitley and Thomas Hays.

Chairman Poole called the meeting to order at 9:00 a.m. and declared a quorum present. Chairman Poole welcomed members of the public and guests of the Commission Michelle Hodges, daughter of Commissioner Hodges; Carolyn Doughty, broker and city council member; Kathleen Gardner McCloskey, former associate of Commissioner Hewes; Martha Taylor, Executive Officer of the Baldwin County Association of Realtors, and Buzz Farrar, AAR Executive Committee member.

Commissioner Hodges moved to approve the minutes of the October 16 meeting as presented. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

Chairman Poole recognized Executive Director Philip Lasater for his report. The financial statement for October was distributed. The budget submitted for 2005 was distributed. There was no action taken. Specific discussion of the prospective staffing plan was scheduled for the January meeting. Upon direction from Examiners, Commissioners were provided information about meal allowances and requested to sign affirming their preference for receipt of that day trip travel reimbursement option.

A revision in the Commission's form and fund receipt policy was presented for adoption after review and comment was obtained from the Examiners of Public Accounts. Commissioner Bragg moved to adopt the revised policy as outlined. Commissioner Hodges seconded the motion and it passed unanimously 7-0. A tentative schedule of meetings for 2004 was presented for review and discussion. It was the consensus of the Commission that the January meeting be set for Wednesday, January 21 beginning at 1:00 p.m. rather than Thursday in the calendar presented. Commissioner Hodges then moved to adopt the tentative calendar. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

Proposed amendments to Education Rules 790-X-1-.09, .10, .11, .12 and Rule 790-X-3-.01 having completed the comment period were considered for adoption. Commissioner Mallory moved to approve the amendments for adoption. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

## **HEARINGS**

**Alabama Real Estate Commission vs. Julie P. Pinson, Formal Complaint No. 2789**

Upon discussion of the evidence and testimony presented in the matter of Julie P. Pinson, Associate Broker, Roberts Brothers, Inc., Mobile, 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 within ten days of the institution of criminal prosecution against her; Count 2: Section 34-27-36(a)(23)a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony, Commissioner Henderson moved to find Ms. Pinson not guilty on Count #1. Commissioner Mallory seconded the motion and it passed unanimously 7-0. Commissioner Henderson moved to find Ms. Pinson guilty on Count #2 and to suspend her license 12 months. Commissioner Bragg seconded the motion. Following discussion, the motion was withdrawn by the makers of the motion. Commissioner Henderson moved to find Ms. Pinson guilty and to revoke her license. Commissioner Lovejoy seconded the motion and it passed unanimously 7-0.

#### **Alabama Real Estate Commission vs. Raymond Lee Maloy, Formal Complaint No. 2786**

Upon discussion of the evidence and testimony presented in the matter of Raymond Lee Maloy, Inactive Broker, Orange Beach, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(j) in that he failed to notify the Commission within ten days of criminal prosecution against him; Count 2: Section 34-27-36(a)(19) by failing to comply with Section 34-27-31(k) by failing to notify the Commission with ten days of a criminal verdict against him; Count 3: Section 34-27-36(a)(23)a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime of moral turpitude, Commissioner Hewes moved to find Mr. Maloy guilty on Count #1 and to fine him \$250. Commissioner Henderson seconded the motion and it passed unanimously 7-0. Commissioner Hewes moved to find Mr. Maloy guilty on count #2 and to fine him \$250. Commissioner Hodges seconded the motion and the motion passed unanimously 7-0. Commissioner Hodges moved to find Mr. Maloy guilty on count #3 and to revoke his license. Commissioner Bragg seconded the motion and it passed unanimously 7-0.

#### **Alabama Real Estate Commission vs. George Schimmer, Formal Complaint No. 2794**

Upon discussion of the evidence and testimony presented in the matter of George Schimmer and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19), by violating or disregarding the ORDER of the Commission, Commissioner Henderson moved to accept the affidavit of surrender from Mr. Schimmer. Commissioner Hodges seconded the motion and it passed 7-0.

#### **Alabama Real Estate Commission vs. Frank N. Crain, Formal Complaint No. 2790**

Upon discussion of the evidence and testimony presented in the matter of Frank N. Crain, Qualifying Broker, Frank Crain Auctioneers, Elizabethtown, Kentucky, 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 34-27-32(e) in that he failed to make application for a corporation license; Count 2: Section 34-27-36(a)(19) by failing to comply with Section 34-27-2(a)(11) by failing to set up and maintain a place of business for the conduct of business; Count 3: Section 34-27-

36(a)(19) by failing to comply with Sections 34-27-2(a)(12) and 34-27-34(a)(2) in his failure to establish a qualifying broker for Coastal Auction Company, Inc., Commissioner Henderson moved to accept the affidavit of surrender from Mr. Crain. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Lane Johnson, Applicant to Renew Lapsed Broker's License, I-11,195**

In view of Mr. Johnson's failure to appear, Commissioner Hewes moved to withdraw the hearing. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Sherri L. Hutcheson, Applicant to Renew Lapsed Broker's License, I-11,189**

Upon discussion of Ms. Hutcheson's request for hardship renewal, Commissioner Hodges moved to deny the hardship renewal request of Ms. Hutcheson. Commissioner Henderson seconded the motion and it passed unanimously 7-0.

**Greg L. Marshall, Applicant to Renew Lapsed Salesperson's License, I-11,187**

Upon discussion of Mr. Marshall's hardship request to renew his lapsed license, Commissioner Hewes moved to deny the hardship renewal request of Mr. Marshall. Commissioner Hodges seconded the motion and it passed unanimously 7-0.

**Eric Paul Harris, Applicant for Determination of Licensing Eligibility, I-11,167**

Upon discussion of Mr. Harris' eligibility for licensure, Commissioner Hodges moved to approve the licensing eligibility of Mr. Harris. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Alicia Davis, Applicant for Determination of Licensing Eligibility, I-11,160**

Continued until next meeting.

**NOT APPEARINGS**

**Alabama Real Estate Commission vs. Clarence Manley, III, Formal Complaint No. 2792**

Upon discussion of the evidence and testimony presented in the matter of Clarence Manley, III, Qualifying Broker, Deanco Auction and Real Estate Company, Inc., Dothan, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to notify the Commission within thirty days of a new office address, Commissioner Hodges moved to find Mr. Manley guilty and to fine him \$500. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Hugh T. Praytor, III, Formal Complaint No. 2793**

Commissioner Henderson moved to dismiss Formal Complaint No. 2793. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Alabama Real Estate Commission vs. Hansel I. Guy, Formal Complaint No. 2796**

Commissioner Bragg moved to dismiss Formal Complaint No. 2796.  
Commissioner Hewes seconded the motion and it passed 7-0.

**James S. Hill, Request for Hardship Renewal of Lapsed Broker's License, I-11,201**

Upon discussion of Mr. Hill's hardship request for renewal, Commissioner Henderson moved to deny the hardship renewal request submitted on behalf of Mr. Hill. Commissioner Hodges seconded the motion and it passed 7-0.

**Glen H. Ward, Surrender of Real Estate Broker's License, I-11,180**

Commissioner Henderson moved to accept the affidavit of surrender from Mr. Ward.  
Commissioner Bragg seconded the motion and it passed unanimously 7-0.

There being no further discussion, the Commission adjourned at 12:40 p.m.

Done this 21<sup>st</sup> day of November, 2003.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary