

## MINUTES

A meeting of the Alabama Real Estate Commission was held November 20, 2009, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice-Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly, Phillip Bunch, K.C. Baldwin and Auditor Vickie Shackelford. Hearing Officer was Tori Adams. Commissioner Bobby Hewes was absent with prior notice. Commissioner Hodges arrived at 9:15 having been delayed by a traffic accident.

Other staff members present were Public Information Specialist Lori Moneyham; Senior Accountant Molli Jones; Information Technology Manager Nancy Barfield, Assistant Information Technology Manager Brett Scott and Programmer Analyst Matt Davis.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 9:00 a.m. by Vice Chairman Buford.

Commissioner Watts moved to approve the October 9, 2009, minutes as presented. Commissioner Morris seconded the motion and it passed unanimously 7-0.

Mr. Lasater reviewed the October financial report. He reported that the Commission is under projections on expenditures and still over projections on revenue maintaining a healthy cash flow. We have fortunately experienced no unexpected expenditures.

Mr. Lasater informed Commissioners that the University of Alabama attorneys have not finalized the proposed contract with Nine Agency so that will be available at a later date for consideration.

Commissioners were reminded that they have again been invited to participate in an open forum at AAR's Leadership Conference on January 20, 2010. Commission Information Technology staff will have a booth where they will have computers there to show licenses how they can access their own records as well as other online services. This will be a good demo opportunity.

The CAM (Community Association Management) task force will meet at 1:00 at the Embassy Suites in Montgomery in conjunction with Leadership Conference. Commissioner Morris, task force chairman, encouraged all Commissioners to attend this meeting and said Mr. Booth will have a draft of the CAM legislation by December 21, 2009.

Ms. Anderson gave registration forms to Commissioners for both Leadership Conference to be held in January in Montgomery and for AAR's Salesmanship Conference to be held in February in Tuscaloosa.

Commissioner Watts thanked Mr. Lasater and Mr. Sowell for the time they spent with him on matters pertaining to the work of the Escrow Account Task Force. Upon completing a comprehensive review of statute, rule and guidelines, it was concluded to make no recommendations for change. Having spoken with the other members of the task force, Commissioner Watts made a motion to dissolve it. Commissioner Morris seconded the motion and it passed unanimously 7-0.

Commissioner Cawthon reported on the ACRE (Alabama Center for Real Estate) Trustee meeting held in Tuscaloosa on November 19, 2009. He said he learned at the meeting that the University of Alabama's CBA (Commerce and Business Administration) department is the largest in the Southeastern Conference. ACRE is promoting specialization in real estate and gaining student interest through ACRE's marketing campaign. Even though the University has faced significant budget cuts, CBA will likely receive additional teaching units in the department and in real estate specifically due to the growth in that area. Commissioner Cawthon further reported that ACRE's Annual Commercial Conference will be held on January 29, 2010 in Birmingham and six hours of CE will be earned by those who attend. Dave Roberts is rotating off as Chair of the Trustees and former Commission Chairman Bill Poole will Chair and Mark Fain with Alpha will Vice Chair the 2010 ACRE Trustees.

Commissioner Watts noted that removing the apartment manager's exemption has been placed in the AREC Strategic Plan and asked who is going to pursue contacting organizations to partner with us in developing legislation to license apartment managers. By consensus Commissioners directed Mr. Lasater to assist Commissioner Watts in moving forward with this.

Commissioner Morris made a motion to conduct disciplinary hearing disposition discussions in open session. The motion was seconded by Commissioner Wright and it passed unanimously 8-0. Commissioner Hodges had joined the meeting by this time and resumed her role as chairman with the beginning of the hearings.

## **HEARINGS**

### **Alabama Real Estate Commission vs. Martha B. Cassels and Martha Cassels Real Estate, Formal Complaint No. 3167**

Upon discussion of the evidence and testimony presented in the matter of Martha B. Cassels, Qualifying Broker, and Martha Cassels Real Estate, Montgomery, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Sections 34-27-36(a)(8)a. and 34-27-36(a)(8)b. by failing, within a reasonable time, to deposit and account for funds belonging to others in a separate federally insured account or accounts located in Alabama, and by failing to properly account for at all times all funds coming into their possession that belong to others, Commissioner Morris made a motion to find Ms. Cassels guilty and issue a reprimand. Commissioner Watts seconded the motion and it passed unanimously 8-0.

**Mark Everett Beckworth, Application for Determination of Licensing Eligibility, Investigative File I-13,227**

Upon discussion of the testimony by Mr. Beckworth regarding a felony criminal conviction, Commissioner Morris made a motion to approve Mr. Beckworth's application. Commissioner Watts seconded the motion and it passed unanimously 8-0.

**Theron Dwight Barron, Application for Reciprocal Broker's License, Investigative File I-13,220**

Upon discussion of the testimony presented by Mr. Barron regarding his reciprocal broker application, Commissioner Morris made a motion to approve Mr. Barron's application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Ellen R. Yetter, Application for Hardship Home Office Operation, Investigative File I-13,230**

Upon review and discussion of Ms. Yetter's hardship request for home operation, Commissioner Morris made a motion to deny Ms. Yetter's request. The motion died for lack of a second. Commissioner Riggins-Allen made a motion to approve the request. Commissioner Cawthon seconded the motion. After discussion, Commissioner Riggins-Allen offered an amendment to the main motion that the approval be for a period of six months. Commissioner Morris seconded the motion on the amendment and it passed unanimously 8-0. The Chairman then called for a vote on the amended motion to approve the request for six months and the motion passed 7-1 with Commissioner Morris voting no.

**Alabama Real Estate Commission vs. John C. Wilson, Formal Complaint No. 3168**

Upon discussion of the evidence and testimony presented in the matter of John C. Wilson, Salesperson, Double Diamond Enterprises, Decatur, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by payment being made from the Alabama Real Estate Commission recovery fund toward a judgment against Respondent, Commissioner Cawthon made a motion to revoke Mr. Wilson's license. Commissioner Watts seconded the motion and it passed unanimously 8-0.

**Woodie Andrew Holloway, Jr., Application for Determination of Licensing Eligibility, Investigative File I-13,237**

Upon discussion of the felony criminal conviction related by Mr. Holloway on the application for determination of licensing eligibility, Commissioner Riggins-Allen made a motion to approve Mr. Holloway's application. Commissioner Wright seconded the motion and it passed unanimously 8-0.

**Daniel Adam Baker, Application for Determination of Licensing Eligibility, Investigative File I-13,244**

Upon discussion of the felony criminal conviction related by Mr. Baker on the application for determination of licensing eligibility, Commissioner Cawthon made a motion to deny Mr. Baker's application. Commissioner Watts seconded the motion and the motion failed 3-4 with Commissioners Cawthon, Watts and Morris voting for the motion and Commissioners Wright, Miller, Buford and Riggins-Allen voting against the motion. Commissioner Riggins-Allen made a motion to approve Mr. Baker's request for licensing eligibility. Commissioner Buford seconded the motion and it passed 7-1 with Commissioner Morris voting no.

**NOT APPEARING ITEMS FOR DISCUSSION**

**Gary D. Skipper, Jr., Waiver of Hearing and Guilty Plea, Formal Complaint No. 3163**

Upon review of the evidence presented in the matter of Gary D. Skipper, Qualifying Broker, Foley, 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 Watts made a motion to find Mr. Skipper guilty and fine him \$250. Commissioner Morris seconded the motion and it passed unanimously 8-0.

**Nancy Ellen Malone, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3166**

Upon review of the evidence presented in the matter of Nancy Ellen Malone, Inactive Salesperson, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that she presented a check to the Alabama Real Estate Commission which was returned unpaid by the bank upon which it was drawn, Commissioner Buford made a motion to find Ms. Malone guilty and fine her \$250. Commissioner Watts seconded the motion and it passed unanimously 8-0.

**David D. Larson, Request for Dismissal of Complaint, Formal Complaint No. 3164**

Upon review and discussion of Mr. Larson's request for dismissal of Formal Complaint No. 3164, Commissioner Riggins-Allen made a motion to dismiss the complaint. Commissioner Wright seconded the motion and it passed unanimously 8-0.

**Sandra Stanton, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3159**

Upon review of the evidence presented in the matter of Sandra Stanton, Salesperson, Premier Mountain Brook, LLC d/b/a Keller Williams Realty, Birmingham, 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, for payment of a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Wright made a motion

to find Ms. Stanton guilty and fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Tonella Vest, Hardship Request to Renew Lapsed License, Investigative File I-13,251**

Upon review of Ms. Vest's request for Commission approval to renew her lapsed broker license, Commissioner Morris made a motion to allow Ms. Vest to renew her license by paying all fees and penalties due. Commissioner Miller seconded the motion and it passed unanimously 8-0.

**Jennifer Johnson, Request for Extension of 90-Day Deadline for License Issuance, Investigative File I-13,232**

Upon review of Ms. Johnson's request for an extension to the 90-day deadline for submitting application for the temporary salesperson's license, Commissioner Morris made a motion to deny the extension. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Linda Whitaker Campbell, Request for Extension to Take the Salesperson Examination, Investigative File I-13,233**

Upon review of Ms. Campbell's request for a 30-day extension for taking and passing the salesperson's exam, Commissioner Watts made a motion to grant the 30-day extension. Commissioner Miller seconded the motion and it passed 8-0.

**Ricky Wright, Request for Extension to Take the Salespersons Pre-license Course, Investigative File I-13,245**

Upon review of Mr. Wright's request for a 60-day extension to complete the salesperson's pre-license course, Commissioner Morris made a motion to grant the 60-day extension. Commissioner Riggins-Allen seconded the motion and it passed 8-0.

**Carolyn Sims, Request for Extension to Take the Salespersons Examination, Investigative File I-13,248**

Upon review of Ms. Sims' request for an extension through the end of the year to take and pass the exam, Commissioner Morris made a motion to grant a 60-day extension. Commissioner Riggins-Allen seconded the motion and it passed 8-0.

**Heidi Harris, Hardship Request to Renew Lapsed License, Investigative File I-13,246**

Upon review of Ms. Harris' hardship request for renewal of her lapsed broker license, Commissioner Watts made a motion to deny the request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**James D. Wells, Hardship Request to Renew Lapsed License, Investigative File I-13,247**

Upon review of Mr. Wells' hardship request for renewal of his lapsed broker license, Commissioner Morris made a motion to approve his request. Commissioner Riggins-Allen seconded the motion. The motion passed 7-1 with Commissioner Buford voting no.

**Linda G. Nickerson, Hardship Request to Renew Lapsed License, Investigative File I-13,249**

Upon review of Ms. Nickerson's hardship request for renewal of her lapsed reciprocal broker license, Commissioner Watts made a motion to allow Ms. Nickerson to renew her license by paying all fees and penalties due. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**Donna McKillip, Hardship Request to Renew Lapsed License, Investigative File I-13,252**

Upon review of Ms. McKillip's hardship request for renewal of her lapsed salesperson's license, Commissioner Morris made a motion to deny the request. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Confirm January 21, 2010, Meeting Date and Location for the Record**

Commissioner Watts made a motion to approve the next Commission meeting date and location for January 21, 2010 at 1:00 p.m. in Montgomery, Alabama. Commissioner Buford seconded the motion and it passed unanimously 8-0.

There being no further discussion, the meeting adjourned at 12:15 p.m.

Done this 20<sup>th</sup> day of November 2009.

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Sheila Hodges, Chairman

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Patricia Anderson, Recording Secretary