

MINUTES

A meeting of the Alabama Real Estate Commission was held November 30, 2017 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

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

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Information Technology Director Brett Scott; Accounting and Personnel Director Molli Jones; Information Technology Specialist Steven Brown; Executive Assistant Barbi Lee; and Information Technology Programmer Analyst John Brown.

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 October 26, 2017 meeting. Commissioner Sharp seconded the motion and it passed unanimously 8-0. Vice Chairman Watts arrived at 9:05 a.m. and was not present for the vote on the minutes.

Executive Director Patricia Anderson presented the October financial report. The 2018 Fiscal Year began October 1. Revenues decreased for October 2018 compared to October 2017. However, the October 2017 revenue increase was primarily due to the amount of penalty fees that were paid by licensees who renewed after the deadline. Expenditures increased in October 2018 compared to October 2017 primarily due to personnel, increases in employee health insurance, and postage for mailing *The Update* newsletter. Commissioners received a report showing quarterly amounts paid to the Alabama Center for Real Estate (ACRE).

A review of exam candidates for both the salesperson and broker examinations shows that numbers have increased for 2017 over 2016. A final count will be made available after the calendar year concludes on December 31, 2017. A comparison of the first ten months of 2017 to the same time period in 2016, shows that overall and first-time passing rates are up five percent.

Information Technology Director Brett Scott introduced new Information Technology Programmer Analyst John Brown. Mr. Brown joins the Commission from the Alabama Office of Information Technology (OIT).

Ms. Anderson discussed *Code of Alabama* Section 41-22-5.2 which requires all agencies that have administrative rules to review them every five years and determine if revisions need to be made. The Commission staff is currently reviewing rules and will be proposing changes.

Commissioners were also asked to submit their proposed rule changes. All proposed rule changes will be reviewed with Commissioners when staff review has been completed in 2018.

Ms. Anderson also discussed Commission Rule 790-X-1.-05 which addresses out-of-state co-brokerage agreements. There has been some confusion among licensees because the rule currently states that an “Alabama licensed broker may enter into a co-brokerage agreement with a broker of another state...” A proposed rule change will replace “Alabama licensed broker” with “Alabama licensed qualifying broker” to clarify the rule. The number of transactions that can be conducted under a co-brokerage agreement will also be added to the rule.

Commissioner Harrison made a motion that Commissioners conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Miller seconded the motion and it passed unanimously 9-0.

HEARINGS

Richard N. Patton, Hardship Request to Renew Lapsed Salesperson License, Investigative File I-15,176

Commissioner Denney offered to recuse herself from this hearing; however, Mr. Patton expressed that he did not have a problem with Commissioner Denney hearing and deliberating on his case.

Upon discussion of the evidence and testimony presented by Mr. Patton regarding his hardship request to renew his lapsed salesperson license, Commissioner Harrison made a motion to approve his request. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Evan Andry, Application for Temporary Salesperson License, Investigative File I-15,183

Mr. Andry was not present for the hearing and it was held in his absence. It was verified that he received appropriate service as required by law. Upon discussion of the evidence and testimony presented regarding Mr. Andry’s application for a temporary salesperson license, Commissioner Denney made a motion to deny his request. Commissioner Poe seconded the motion and it passed unanimously 9-0.

Cherell Beal, Request for Rehearing, Formal Complaint No. 3430

Commissioner Cummings recused himself as he was not present for Ms. Beal’s initial hearing on September 28, 2017. Commissioner Barran also recused himself since he was not a member of the Commission on September 28, 2017. Ms. Beal’s attorney addressed Commissioners on her behalf regarding her request for rehearing. Upon discussion of the evidence presented, Commissioner Denney made a motion to deny her request. Commissioner Poe seconded the motion and it passed 7-0 with two recusals as noted above.

Alabama Real Estate Commission vs. Dennis Scott Norton and Rocket City Property Management Services LLC, Formal Complaint No. 3434

Commissioner Cummings recused himself from this hearing.

Dennis Scott Norton, former Qualifying Broker for Rocket City Property Management Services and current Qualifying Broker of Better Homes and Gardens Real Estate Southern Branch in Huntsville, Alabama along with Rocket City Property Management Services LLC, Huntsville, Alabama were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. for commingling money belonging to others with the company funds in the trust accounts.

Commissioner Watts made a motion to find Mr. Norton guilty and revoke his licenses and fine him \$2,500 for each of the licenses he holds and fine Rocket City Property Management Services LLC \$2,500 for a total fine of \$7,500. Commissioner Sharp seconded the motion and it passed 7-1 with Commissioner Harrison voting against the motion and one recusal as noted above.

Michael R. Blackwood, Denied Application for Pre-license/Post License Instructor, Investigative File I-15,188

Upon discussion of the testimony presented by Mr. Blackwood regarding his denied instructor application, Commissioner Cummings made a motion to approve his application. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Jessica Cagle, Request for Extension to Take and Pass Salesperson Examination, Investigative File, I-15,189

Upon discussion of the evidence and testimony presented by Ms. Cagle regarding her request for an extension to take and pass the salesperson examination, Commissioner Cummings made a motion to grant her a 120-day extension. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Shundra Barnes, Request for Extension to Take and Pass Salesperson Examination, Investigative File I-15,190

Upon discussion of the evidence and testimony presented by Ms. Barnes regarding her request for an extension to take and pass the salesperson examination, Commissioner Cummings made a motion to grant her a 120-day extension. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Marc B. Anthony, Request to be Relicensed After Revocation, Investigative File I-15,162

Upon discussion of the evidence and testimony presented by Mr. Anthony regarding his request to be relicensed after license revocation, Commissioner Poe made a motion to deny his request. Commissioner Denney seconded the motion and it passed unanimously 9-0.

Irfan Rajpari, Request to be Relicensed After Revocation, Investigative File I-15,069

Upon discussion of the evidence and testimony presented by Mr. Rajpari regarding his request to be relicensed after license revocation, Commissioner Harrison made a motion to deny his request. Commissioner Barran seconded the motion and it passed 8-1 with Commissioner Miller voting against the motion.

Tionne Shamar Barclay, Application for Determination of Licensing Eligibility, Investigative File I-15,172

Upon discussion of the evidence and testimony provided by Ms. Barclay regarding her application for determination of licensing eligibility, Commissioner Barran made a motion to approve her application, pending completion of her payment of all court costs. Commissioner Watts seconded the motion and it passed 8-1 with Commissioner Poe voting against the motion.

NOT APPEARINGS

Dennis Olive, Jr., Waiver of Hearing and Guilty Plea for Address Change, Formal Complaint No. 3439

Dennis Olive, Jr., Qualifying Broker, Real Pro Realtors, Madison, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Rule 790-X-3-.01 in that Mr. Olive failed to notify the Commission in writing within thirty (30) days of changing the address of his place of business. Commissioner Sharp made a motion to find Mr. Olive guilty and fine him \$500. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Shanek L. Madison, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3437

Commissioner Denney recused herself.

Shanek L. Madison, Inactive Salesperson, Aliceville, Alabama, was charged with violating 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, an online electronic check payment which was returned unpaid by the bank upon which it was drawn. Commissioner Sharp made a motion to find her guilty and fine her \$500. Commissioner Miller seconded the motion and it passed 8-0 with one recusal as noted above.

Mark Spencer Weekly, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3438

Mark Spencer Weekly, Salesperson, Southland Realty and Auction LLC, Scottsboro, Alabama, was charged with violating 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 Sharp made a motion to find him guilty and fine him \$500. Commissioner Watts seconded the motion and it passed unanimously 9-0.

Confirm February Meeting Date and Location for the Record: February 22, 2018, 9:00 a.m. in Montgomery

Commissioner Watts made a motion to confirm the February Commission meeting for February 22, 2018 at 9:00 a.m. in Montgomery. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: January 25, 2018, 9:00 a.m. in Montgomery

There being no further business, the meeting adjourned at 12:54 p.m.

Done this 30th day of November 2017.

Nancy Wright, Chairman

Lori Moneyham, Recording Secretary