

MINUTES

The Alabama Real Estate Commission met October 14, 2005, at the Alabama Real Estate Commission building, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill E. Poole; Vice Chairman Gordon Henderson; Commissioners Roy Bragg, Jewel Buford, Bobby Hewes, Sheila Hodges Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Specialist Ryan Adair; Special Investigators David Erfman and Chuck Kelly, and Hearing Officer Tori Adams-Burk. Commissioner Hays was absent with notice.

Chairman Poole called the meeting to order at 9:00 a.m. and declared a quorum present. In accordance with provisions of 34-27-7(f), Chairman Poole opened the floor for nominations for election of Chair. Commissioner Hewes nominated Bill Poole. Commissioner Hodges seconded the motion and there being no other nominations, the Commission voted unanimously 8-0 to elect Bill Poole as Chair. Vice Chair Gordon Henderson declared the position of Vice Chair vacant and invited an alternate nomination. Commissioner Lovejoy nominated Sheila Hodges and Commissioner Henderson seconded the nomination. There being no further nominations, the Commission voted unanimously 8-0 to elect Sheila Hodges Vice- Chair.

Chairman Poole expressed appreciation for the confidence placed in him. He stated that he found it humbling and that he is committed not to disappoint.

Commissioner Mallory moved to approve the August 26 meeting minutes as presented. Commissioner Henderson seconded the motion and the motion passed unanimously 8-0.

Chairman Poole referenced a recent article by the Chief Legal Officer of REMAX International regarding competition in real estate. He further indicated he would provide a copy for distribution to all Commissioners and appropriate staff and commended its reading.

In follow up to discussion from the AAR Open Forum in Savannah Commissioners entertained reconsideration of the rule requiring preparation and distribution of estimated net sheets by both brokers to both parties, the buyer in particular. Chairman Poole appointed Commissioner Buford to Chair the

Commission review effort and Commissioner Mallory volunteered to assist.

Chairman Poole reported on the ARELLO forum he facilitated in Toronto and Commissioner Mallory and Hodges provided a general overview on other aspects of the conference. Assistant Director, Pat Anderson, shared receipt of the ARELLO award to AREC for the CMAP program.

Chairman Poole gave the Strategic Planning Retreat facilitated by Brent Peinhardt positive reviews and stated he felt it was worth the time and effort and would help the Commission be more effective and efficient in its planning and managing for the future. A final report on the development of the Strategic Plan will be presented in December.

Chairman Poole reported visiting with AAR following our Strategic Planning retreat. Discussion included the Commission interest in working with the AAR Task Force on exploring a solution for unlicensed activity and the jurisdiction question. A motion by Commissioner Bragg and seconded by Commissioner Hewes carried unanimously to establish a task force with AAR to study unlicensed activity. Chairman Poole asked Commissioner Hodges to chair the task force and asked the Commission's General Counsel, Charles Sowell, to serve in an advisory and resource support role.

Executive Director Philip Lasater distributed a preliminary financial statement for September was presented for review with understanding a more complete review would be scheduled in November. Chief Accountant Janie Jordan was recognized to introduce new staff member Molli Jones. Ms. Jones then reviewed updates to travel reimbursements and procedures.

HEARINGS

Emery Wade Harris, Application for Determination of Licensing Eligibility, I-11,751

Upon review of the application for determination of licensing eligibility submitted by Mr. Harris, Commissioner Hodges moved to approve the license eligibility of Mr. Harris. Commissioner Mallory seconded the motion and it failed 3-5 with Commissioners Hewes, Buford, Poole, Henderson and Bragg voting no.

Commissioner Henderson moved to deny the license eligibility of Mr. Harris on the basis of his still being on

probation. Commissioner Bragg seconded the motion and it passed unanimously 8-0. Commissioners requested that Mr. Harris' correspondence reiterate his eligibility to reapply after his probation concludes.

Keith Deerman, Application for Determination of Licensing Eligibility, I-11,758

Upon review of the application for determination of licensing eligibility submitted by Mr. Deerman, Commissioner Bragg moved to approve the license eligibility of Mr. Deerman. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Renee Stacey Bentley, Application for Determination of Licensing Eligibility, I-11, 591

Upon review of the application for determination of licensing eligibility submitted by Ms. Bentley, Commissioner Hodges moved to deny the license eligibility of Ms. Bentley. Commissioner Buford seconded the motion and it failed 2-6 with Commissioners Bragg, Lovejoy, Henderson, Hewes, Mallory, and Poole voting no.

Commissioner Henderson then moved to approve the license eligibility of Ms. Bentley. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Ronnie Lee Williams, Request for Hardship for Home Office Operation, I-11,756

Upon discussion of Mr. Williams' request for permission to operate his real estate business from his home, Commissioner Hewes moved to deny the hardship request for home operation by Mr. Williams. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Tarus Lakeith Ceasor, Application for Determination of Licensing Eligibility, I-11,737

Upon review of the application for determination of licensing eligibility submitted by Mr. Ceasor, Commissioner Hodges moved to deny the application for license eligibility from Mr. Ceasor. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

William E. Ogburn, Jr., Applicant for Reciprocal Broker's License, I-11,759

Upon discussion of Mr. Ogburn's application for broker's reciprocal license, Commissioner Henderson moved to approve the reciprocal broker's application of Mr. Ogburn. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. David G. LaPointe, Formal Complaint No. 2876

Upon discussion of the evidence and testimony presented in the matter of David G. LaPointe, Inactive Broker, Ocean Springs, Mississippi, 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 Hewes moved to dismiss Formal Complaint # 2876. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Wiley W. Reed, Formal Complaint No. 2873

Upon discussion of the evidence and testimony presented in the matter of Wiley W. Reed, Associate Broker, Century 21 Alliance, 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, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Bragg moved to dismiss Formal Complaint #2873. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Kiet Minh Ho, Applicant for Determination of Licensing Eligibility, I-11,730

Upon review of Mr. Ho's application for determination of licensing eligibility, Commissioner Henderson moved to deny the application for license eligibility from Mr. Ho. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Jebediah J. Rogers, Formal Complaint No. 2878

Upon discussion of the evidence and testimony presented in the matter of Jebediah J. Rogers, Temporary Salesperson, MBRD

LLD d/b/a Coldwell Banker Red Mountain 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, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Mr. Rogers guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 7-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. James D. Hlubek, Formal Complaint No. 2877

Upon discussion of the evidence and testimony presented in the matter of James D. Hlubek, Qualifying Broker, Little Sabine Realty Co., Inc., d/b/a Beach Ball Realty, Pensacola, Florida, 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 was drawn, Commissioner Mallory moved to dismiss Formal Complaint #2877. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Shanna Marie Gamble, Applicant for Temporary Salesperson's License, I-11,766

Upon discussion of Ms. Gamble's application for temporary salesperson's license, Commissioner Hodges moved to deny the temporary license application of Ms. Gamble. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Robert E. Peterson, Applicant for Determination of Licensing Eligibility, I,11-760

Upon review of the application for determination of licensing eligibility submitted by Mr. Peterson, Commissioner Bragg moved to deny Mr. Peterson's application for licensure. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

Ashley Levert, Request for Hardship Renewal of License, I-11,782

Upon consideration of the statement from Qualifying Broker Roderick McKinney, Commissioner Henderson moved to approve the late renewal of the lapsed salesperson's license of Ms. Levert. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Sandra K. Milling, Formal
Complaint No. 2879**

Upon discussion of the evidence and testimony presented in the matter of Sandra K. Milling, Inactive Salesperson, Tuscaloosa, 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 Hewes moved to find Ms. Milling guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed unanimously 7-0 with Commissioner Mallory abstaining.

There being no further business, the Commission meeting was adjourned at 12:15 p.m.

Done this 14th day of October, 2005.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary