

MINUTES

The Alabama Real Estate Commission met April 20, 2007, at the Huntsville Association of Realtors, 535 Monroe Street, Huntsville, Alabama.

Those present were Chairman Bill E. Poole; Vice Chair Sheila Hodges; Commissioners Roy Bragg, Jewel Buford, Gordon Henderson, Chester Mallory, Jan Morris and Dorothy Riggins; 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 and Phillip Bunch; Commissioner Bobby Hewes was absent with prior notice. Tori Adams served as Hearing Officer.

The meeting having been duly noticed according to the Open Meetings Act, Chairman Poole called the meeting to order at 9:00 a.m.

Chairman Poole acknowledged the accommodation by the Huntsville Association of Realtors and thanked them for the use of its facilities.

Chairman Poole welcomed guests Donna Watts of Baldwin County and Phillip Riddick of Bill Poole Realty.

Commissioner Mallory, on behalf of Commissioners and staff, expressed deeply felt gratitude to Chairman Poole for his generous hospitality shared in hosting the prior evening meal.

Commissioner Morris moved to approve the March meeting minutes as presented. Commissioner Bragg seconded the motion and it passed unanimously 8-0. The March financial statements were reviewed with revenue and expenditure trends and fund balances noted with no action taken.

The revisions in the 2006-2010 Strategic Plan were considered having been distributed following the March 15 planning session. Commissioner Hodges moved to adopt the revisions and Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Regarding adoption of Rules 790-X-1.06,07,09,12,21 and 790-X-2-.02, noting there had been no written comments received nor any public comment from the hearing, Commissioner Bragg moved to adopt the amendments as proposed and .21(3) as amended by the change of June to October, Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Executive Director Philip Lasater reported on the status of HB 276, the composition of the joint legislative sunset committee, an update on the valuation of the Commission building and its level of required insurance, offered a reminder about the Ethics Commission deadline for the submission of the statements of economic interest, and the development of a joint AREC/AAR study of the community association management issue.

HEARINGS AND APPEARINGS

Charles Jacob Flannagan, Denied Application for Salesperson's Examination, I-12,199

Upon discussion of Mr. Flanagan's request to take the salesperson's examination, Commissioner Hodges moved to deny the request of Mr. Flanagan to sit for the salespersons examination. Commissioner Bragg seconded the motion and it passed 7-0 with Commissioner Morris abstaining.

Darlene Green Hamm, Denied Applicant for Reciprocal Broker's License, I-12,191

Upon review of the reciprocal broker's application submitted by Ms. Hamm, Commissioner Hodges moved to approve her application. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Tab Bisignani, Denied Application for Instructor Status, I-12,183

Upon review of Mr. Bisignani's application for instructor eligibility, Commissioner Bragg moved to deny the eligibility of Mr. Bisignani. Commissioner Hodges seconded the motion and it passed 8-0.

Alabama Real Estate Commission vs. Robert J. Fedder, Formal Complaint No. 2996

Commissioner Hodges acknowledged familiarity with Mr. Fedder but expressed the belief that she could fairly hear and render an impartial decision to which Mr. Fedder also agreed.

Upon discussion of the evidence and testimony presented in the matter of Robert J. Fedder, Qualifying Broker, JME Realty Company, d/b/a Coldwell Banker JME Realty Company, Inc., Daphne Branch, Daphne, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing, within a reasonable time, to properly account for money coming into his possession that belonged to others and by failing to deposit and account for at all times funds belonging to others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Hodges moved to find Mr. Fedder guilty. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Commissioner Mallory moved to fine Mr. Fedder \$1500. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Gerald L. Roberson, Denied Application for Determination of Licensing Eligibility, I-12,196

Upon review of Mr. Roberson's application for determination of licensing eligibility, Commissioner Hodges moved to approve the license eligibility of Mr. Roberson. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Gail Livingston Mills, Attorney, Requesting Declaratory Ruling on Behalf of D.R. Horton, Inc., I-12,252

Upon discussion of Attorney Gail Livingston Mills' request for a declaratory ruling pursuant to Alabama Real Estate Commission Rule 790-X-1-.02(1), Commissioner Henderson moved to deny the request for exemption. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. April May Kazarian, Formal Complaint No. 3003

Upon review and consideration of the evidence presented in the matter of Ms. Kazarian, Commissioner Morris moved to dismiss FC # 3003. Commissioner Riggins seconded the motion and it passed unanimously 8-0.

Julius Warren Jennings, Application for Determination of Licensing Eligibility, I-12,254

Set for reschedule

Joseph Douglas Hodges, Application for Determination of Licensing Eligibility, I-12,195

Upon review of Mr. Hodges' application for determination of licensing eligibility, Commissioner Buford moved to approve the license eligibility of Mr. Hodges. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Kip Lamont Echols, Application for Determination of Licensing Eligibility, I-12,195

Upon review of Mr. Echols' application for determination of licensing eligibility, Commissioner Bragg moved to approve the license eligibility of Mr. Echols. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Kaywanda Smoot, Denied Applicant for Hardship Renewal of Lapsed License, I-12,231

Upon discussion of Ms. Smoot's request to renew her lapsed license, Commissioner Buford moved to deny the hardship renewal request of Ms. Smoot. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Alabama Real Estate Commission vs. Sharrun L. Robinson Gholston, Application for Determination of Licensing Eligibility, I-12,260

Upon review of the application for determination of licensing eligibility submitted by Ms. Gholston, Commissioner Hodges moved to approve the license eligibility of Ms.

Gholston contingent on clearing the balance due for restitution. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. James Ryan Jackson, Inactive Salesperson, Formal Complaint No. 2993

Upon discussion of the affidavit of surrender for Mr. Jackson's license, Commissioner Hodges moved to accept the affidavit of license surrender from Mr. Jackson. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Steve M. Turner & Lisa G. Turner, Surrender of Licenses, Formal Complaint No. 2998

Upon discussion of the affidavit of surrender for the Turner's licenses, Commissioner Henderson moved to accept the affidavit of license surrender from the Turner's. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Delois Slaughter, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3002

Upon discussion of the evidence presented in the matter of Delois Slaughter, Qualifying Broker, Austin Rice Real Estate Services, LLC, d/b/a Charity First, 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 Ms. Slaughter guilty and to reprimand her. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Proposed Rule Amendments

Commissioner Hodges moved to approve submitting the proposed education rule amendments related to schools, instructors, course applications and instructor disciplinary action for the Administrative Procedure process. Commissioner Morris seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 1:47 p.m.

Done this 20th day of April, 2007.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary