

## **MINUTES**

A meeting of the Alabama Real Estate Commission was held August 22, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Reid Cummings, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman, General Counsel Mandy Speirs, Assistant General Counsel Starla Van Steenis; Investigators David Erfman, K.C. Baldwin, Rickey Fennie, Marshall Simons; and Auditors Vickie Shackelford and Denise Blevins. The Hearing Officer was Jim Hampton.

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

The meeting having been duly noticed according to the Alabama Open Meetings Act, was called to order at 1:00 p.m. and a quorum was declared.

Chairman Watts expressed his appreciation to all Commission Members for their attendance at the Sunset Review Committee Meeting earlier in the day.

Commissioner Denney made a motion to approve the minutes from the July 25, 2019 meeting. Commissioner Barran seconded the motion and it passed 8-0. Commissioner Cummings did not vote due to his absence from that meeting.

Executive Director Patricia Anderson presented the July 2019 financial report. She gave Commissioners an update for revenues and expenditures in the operating and recovery fund accounts.

Commissioners were reminded of the 2019 ARELLO® Annual Conference September 18-21, 2019 in Denver, Colorado and asked to get their paperwork to Molli as soon as possible.

General Counsel Mandy Speirs introduced Assistant General Counsel Starla Van Steenis to the Commission. Ms. Speirs also provided an appeals update.

### **COMMISSIONER DISCUSSION**

Commissioner Cummings read a letter that he received from Gregory B. Saad with Saad Realty Partners in Mobile regarding excellent customer service provided by Pam Taylor in the Licensing Division. Commissioner Cummings congratulated Ms. Taylor and the entire staff for outstanding work.

Commissioner Cummings made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

## HEARINGS

### **Alabama Real Estate Commission vs. Donald O. Manning and Realty Centre T&M LLC, Formal Complaint No. 3488**

Commissioner Cummings offered to recuse himself, but Mr. Manning declined his offer.

Donald O. Manning, Qualifying Broker and Realty Centre T&M LLC, Mobile, Alabama, were charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)b. by failing, within a reasonable time, to properly account for or remit money coming into their possession which belonged to others by moving rental trust funds to the security deposit account to cover a shortage.

Respondents were charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a., by failing within a reasonable time, to properly account for or remit money coming into their possession which belonged to others and by placing personal funds in the account to cover shortages, thus commingling trust funds with company funds.

Regarding **Count 1**, Commissioner Cummings made a motion to find Mr. Manning guilty. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to fine him \$1,000. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

Regarding **Count 2**, Commissioner Cummings made a motion to find Mr. Manning guilty. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to fine him \$1,000. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

### **Alabama Real Estate Commission vs. James E. Merial, Formal Complaint No. 3489**

James E. Merial, Qualifying Broker, Coldwell Banker of the Valley, Huntsville, Alabama, was charged on **Count 1** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(31) and Commission Rule 790-X-3-.13 through Section 34-27-36(a)(19) in that thirty one (31) of his sales transaction files were missing the Real Estate Brokerage Services Disclosure form.

Mr. Merial was charged on **Count 2** with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(31) and Commission Rule 790-X-3-.04 through Section 34-27-36(a)(19) in that he failed to see that completed estimated closing statements were in the appropriate sales files.

Mr. Merial was charged on **Count 3**, with violating the *Code of Alabama* 1975, as amended, Section 34-27-35(a)(19) by failing to comply with Commission Rule 790-X-3-.14 (1,2, & 3) in that the current 2018 RECAD office policy was only signed by fifteen (15) of the seventy-nine (79) licensees at Coldwell Banker of the Valley.

Regarding **Counts 1, 2 and 3**, Commissioner Cummings made a motion to find Mr. Merial guilty on each of the three counts. Commissioner Barran seconded the motion and it passed unanimously 9-0. Commissioner Barran made a motion to fine him \$1,500 on each of the three counts and a follow-up audit to be conducted in 90 days. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

**Kirk Littrup, Application for Determination of Licensing Eligibility, Investigative File I-15,588**

Upon discussion of the evidence and testimony presented in the matter regarding his application for determination of license eligibility, Commissioner Barran made a motion to approve his application. Commissioner Harrison seconded the motion and it passed 8-1 with Commissioner Harris voting against the motion.

**Alabama Real Estate Commission vs. Gwendolyn Woods, Formal Complaint No. 3492**

Gwendolyn Woods, Inactive Salesperson, Harvest, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding any provision of this chapter or any rule, regulation, or order of the commission.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty. Commissioner Smith seconded the motion and it passed unanimously 9-0. Commissioner Smith made a motion to fine her \$150 for failure to pay her fine within 30 days as ordered. Commissioner Cummings seconded the motion and it passed 8-1 with Vice Chairman Sharp voting against the motion.

**NOT APPEARINGS**

**Shante' Ross, Request for Extension of Deadline to Have Broker's License Issued, Licensing File LC2019-012**

Upon review of the request from Ms. Ross for an extension of the deadline for the issuance of her broker's license, Commissioner Barran made a motion to grant her a 30-day extension. Commissioner Harris seconded the motion and it pass unanimously 9-0.

**Connie C. Hamer and Great South Realty Inc., Surrender of Licenses in Lieu of Formal Complaint, Investigative File I-19,004**

Upon review of the affidavit of license surrender submitted by Ms. Hamer, Commissioner Harrison made a motion to accept the surrender of Ms. Hamer's broker license

and her company license. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

**Confirm October Meeting Date and Location for the Record:** October 24, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Cummings made a motion to confirm the October meeting for October 24, 2019 at 9:00 a.m. in Montgomery, Alabama. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

**Next Commission Meeting:** Thursday, September 26, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Vaughn Poe announced that he was resigning from the Commission, effective immediately, to pursue other legislative opportunities. Commissioners and staff expressed their appreciation for his service.

There being no further business, the meeting adjourned at 3:02 p.m.

Done this 22<sup>nd</sup> day of August 2019.

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Bill Watts, Chairman

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Barbi Lee, Recording Secretary