

MINUTES

A meeting of the Alabama Real Estate Commission was held February 19, 2015, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Steve Cawthon, Reid Cummings, Cindy Denney, Clif Miller and Danny Sharp; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin and Investigators David Erfman, Chuck Kelly, Phil Bunch and K. C. Baldwin; and Auditor Anthony Brown. The Hearing Officer was Tori Adams. Commissioners Carole Harrison and Dorothy Riggins-Allen were absent with notice.

Other staff members present for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; IT Manager Brett Scott; Accounting and Personnel Manager Molli Jones; IT Systems Specialist Steven Brown and Executive Assistant Nicholas Bunch.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 10:05 a.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Wright made a motion to approve the minutes from the January 20, 2015 meeting. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

Executive Director Patricia Anderson presented the January financial report. Revenues and expenditures are tracking as anticipated, with applications and exams having increased. Over \$19,000 was paid out in Recovery Fund claims in January 2015. The Recovery Fund balance continues to decrease as it has since 2010.

Commissioners received login instructions and identification numbers for the State of Alabama's eMap website. They were informed that they would need to print their W-2 forms from eMap and that they could also view their paystubs on the site.

Commission General Counsel Chris Booth provided an update on pending cases that are going through the appeals process. There are currently four appeals in progress.

Assistant General Counsel Mandy Lynn reported on the Recovery Fund and Time Share Projects. There are two Recovery Fund cases pending, with over \$46,000 in payouts in FY15. The Commission continues to monitor the 68 Time Share Projects as well as approve new registrations.

Commissioner Wright made a motion to conduct disciplinary hearing disposition discussions and decisions in an open meeting. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Thomas N. Carruthers, III; Red Rock Realty Group, Inc., and Charles Lee Robinson, Jr., Formal Complaint No. 3363

Commissioner Watts recused himself and Commission Vice Chairman Wright presided over the hearing.

Thomas N. Carruthers III, Qualifying Broker, Red Rock Realty Group, Incorporated, Birmingham, Alabama was charged on Count 1 of violating *Code of Alabama 1975*, as amended, Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others. Red Rock Realty Group, Incorporated, Birmingham, Alabama was charged on Count 2 of violating *Code of Alabama 1975*, as amended, Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others. Charles Lee Robinson, Jr., Salesperson, Red Rock Realty Group, Incorporated was charged on Count 3 of violating *Code of Alabama 1975*, as amended, Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds belonging to or being held for others and on Count 4 for violating *Code of Alabama 1975*, as amended, Section 34-27-36(a)(8)a. for commingling money belonging to others with his own funds. Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find Mr. Carruthers guilty on Count 1 and fine him \$2,500. Commissioner Sharp seconded the motion and it passed unanimously 6-0. Commissioner Cummings made a motion to find Red Rock Realty Group guilty on Count 2 and fine the company \$2,500. Commissioner Miller seconded the motion and it passed unanimously 6-0. Commissioner Miller made a motion to find Mr. Robinson guilty on Count 3 and fine him \$2,500. Commissioner Sharp seconded the motion and it passed unanimously 6-0. Commissioner Cummings made a motion to find Mr. Robinson guilty on Count 4 and revoke his license. Commissioner Cawthon seconded the motion and it passed 5-1 with Commissioner Sharp voting against the motion.

NOT APPEARING ITEMS FOR RULING

Nancy Ellen Malone, Request to Renew Salesperson License Without Penalty, I-14,526

Upon review of Ms. Malone's request to renew her salesperson license without penalty, Commissioner Cawthon made a motion to grant her request. Commissioner Cummings seconded the motion and it passed unanimously 7-0.

Confirm Next Meeting Date and Location for the Record: March 19, 2015, 9:00 am – Montgomery

Commissioner Cummings made a motion to approve the next Commission meeting for March 19, 2015 in Montgomery. Commissioner Sharp seconded the motion and it passed unanimously 7-0.

There being no further business, the meeting adjourned at 12:35 p.m.

Done this 19th day of February, 2015.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary