

MINUTES

The Alabama Real Estate Commission met January 22, 2009, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chair Jewel Buford; Commissioners Steve Cawthon, Bobby Hewes, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Bill Watts and Nancy Wright; Executive Director D. Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Director Ryan Adair; Chief Investigator David Erfman; Investigators Phillip Bunch, Charles Kelly, K.C. Baldwin and Hearing Officer Tori Adams.

Other Commission staff in attendance included Public Information Manager Vernita Oliver-Lane; Public Information Specialist Lori Moneyham, Information Technology Manager Nancy Barfield, Information Technology Assistant Manager Brett Scott, Senior Accountant Molli Jones, and Education Specialist Pam Oates.

The meeting having been duly noticed according to the Open Meetings Act was called to order by Chairman Sheila Hodges at 1:00 p.m. Prior Commissioners participated in an Open Forum on Wednesday January 21 with licensees at the AAR Leadership conference which had been noticed but no business considered or any action taken.

Commissioner Morris moved to approve the December 5, 2008 minutes. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater highlighted in overview the December 2008 financial statement. He noted that the budget remains healthy even though we have had a decline in applications. We are testing at the 2003-2004 level which has not negatively impacted our budget.

Commissioners were reminded to complete their "Statement of Economic Interest" to the Ethics Commission. Commissioner Morris and Watts reported having completed their forms online and shared the process was experienced favorably.

Mr. Lasater informed Commissioners that Senate Bill 23 has been pre-filed by Senator Mitchell and Section 6 amendments will be included.

Mr. Lasater introduced auditors Robin Hutchison and Dennis Wiggins from the Examiners of Public Accounts office who began to conduct our agency compliance audit for 2007-2008 on January 12. He made note that Commissioners Clif Miller and Nancy Wright will attend the Annual Board and Commissioner training presented by the Examiners office next Thursday, January 29 along with staff representatives. The Executive Director's report concluded with Mr. Lasater welcoming Hearing Officer Tori Adams and making Commissioners aware that the Attorney General's office has indicated she will continue in this role.

Chairman Hodges welcomed guests and invited introductions. Commissioner Watts introduced his son and qualifying broker, William (Chip) A. Watts, IV. Commissioner Buford introduced Tuscaloosa Association of Realtors Executive Officer Nicki Simmons.

Commissioner Morris announced that the Community Association Task Force will meet at 10:00 a.m. on March 10, 2009 at the Commission office. Commissioners also congratulated Commissioner Wright on presentation to her at AAR's Leadership Conference of the Robert Jemison Award.

Commissioner Morris made a motion to conduct its disciplinary hearing disposition discussions in open meeting. Commissioner Watts seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Rachelle Dawn Miller, Hardship Application to Obtain Original Salesperson's License, I-12,952

Upon discussion of the evidence and testimony presented in the matter of Rachelle Dawn Miller and her request for additional time to complete the 30 hour post license course and apply for an original salesperson's license, Commissioner Wright made a motion deny Ms. Miller's application. Commissioner Cawthon seconded the motion and it passed 8-1 with Commissioner Riggins-Allen voting no.

Alabama Real Estate Commission vs. Kenneth D. Butler, Formal Complaint No. 3126

Upon discussion of the evidence and testimony presented in the matter of Kenneth D. Butler, Salesperson, Williams Realty Group, Anniston, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(23)a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or crime involving moral turpitude, Commissioner Hewes made a motion to find Mr. Butler guilty and fine him \$500. Commissioner Riggins-Allen seconded the motion and it passed 7-1 with Commissioner Morris voting no. Commissioner Watts abstained.

NOT APPEARING ITEMS FOR RULING

Jil J. Walker, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3121

Upon discussion of the evidence and testimony presented in the matter of Jil J. Walker, Salesperson, Cunningham and Foley, Inc., d/b/a Cunningham and Barnes, Foley, 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 Riggins-Allen voted to find Ms. Walker guilty and fine her \$100. The motion was seconded by Commission Morris and it passed unanimously 9-0.

Cindy Cook, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3124

Upon discussion of the evidence and testimony presented in the matter of Cindy Cook, Qualifying Broker, Southern Land and Homes LLC, Pulaski, Tennessee, and the alleged violation of the Code of Alabama 1975, 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. Cook guilty and fine her \$100. The motion was seconded by Commission Riggins-Allen and it passed unanimously 9-0.

Bobby Lucille Warner, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3125

Upon discussion of the evidence and testimony presented in the matter of Bobby Lucille Warner, Qualifying Broker, BW Properties, Lillian, 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 Morris moved to find Ms. Warner guilty and fine her \$200. The motion was seconded by Commissioner Cawthon and it passed unanimously 9-0.

Jerome A. Owes aka Jerome Owens, Applicant for Determination of Licensing Eligibility, I-12,962

Upon review of the application for determination of licensing eligibility submitted by Mr. Owes, Commissioner Watts made a motion to deny the application. The motion was seconded by Commissioner Hewes and it passed unanimously 9-0.

P.S. Parker, Request to Waiver \$150 Late Renewal Fee, I-12,935

Upon review and consideration of the hardship evidence submitted by Mr. Parker in his request for waiver of the \$150 late renewal fee, Commissioner Watts made a motion to approve Mr. Parker's request. The motion was seconded by Commissioner Cawthon and it passed unanimously 9-0.

Toni Gulsby, Request to Operate Real Estate Business in Home, I-12,964

Upon review of the hardship waiver request by Ms. Gulsby for permission to operate her real estate business from her home, Commissioner Watts made a motion to allow her to operate from her home for 90 days with the understanding that she must pay all applicable transfer fees. The motion was seconded by Commissioner Riggins-Allen and it passed unanimously 9-0.

Audrey Harrell, Request for Extension of 90-Day Deadline for License Issuance, I-12,966

Upon review of the request by Ms. Harrell for a 90-day extension for license issuance, Commissioner Riggins-Allen made a motion to grant her request. The motion was seconded by Commissioner Morris and it passed unanimously 9-0.

Tyler Whitten, Request for Extension of 90-Day Deadline for License Issuance, I-12,967

Upon review of the request by Ms. Whitten for an extension for issuance of her broker's license, Commissioner Cawthon made a motion to deny the request. The motion was seconded by Commissioner Morris and it passed 8-1 with Commissioner Riggins-Allen voting no.

Victoria G. Lindsey, Request for Extension to File Application for Original Salesperson License, I-12,968

Upon review of the request by Ms. Lindsey for an extension for filing the application for salesperson's original license, Commissioner Wright made a motion to deny the request. The motion was seconded by Commissioner Watts and it passed 7-2 with Commissioners Riggins-Allen and Morris voting no.

Delisa Alford, Request for Extension to File Application for Original Salesperson License, I-12,969

Upon review of the request by Ms. Alford for an extension for filing application for the original salesperson's license, Commissioner Wright made a motion to deny the request. The motion was seconded by Commissioner Cawthon and it passed 8-1 with Commissioner Riggins-Allen voting no.

Phyllis Jo Montgomery, Request to Operate Real Estate Business in Home, I-12,950

Upon review of Ms. Montgomery's request for a hardship waiver the Commission's approval to operate a real estate company from her home, Commissioner Watts made a motion to approve her request but she may not have any licensees operating under her company. The motion was seconded by Commissioner Cawthon and it passed unanimously 9-0.

Robert L. Hyche, Request for Extension to File Application for Original Salesperson License, I-12,971

Upon review of the request by Mr. Hyche for an extension for filing application for the original salesperson's license, Commissioner Morris made a motion to deny the request. The motion was seconded by Commissioner Cawthon and it passed unanimously 9-0.

Christopher Beau Gantt, Request for Extension of 90-day Deadline for License Issuance, I-12,972

Upon review of the request by Mr. Gantt for an extension for filing application for the original salesperson's license, Commissioner Watts made a motion to approve the request. The motion was seconded by Commissioner Morris and it passed unanimously 9-0.

Janet Goggans Delaney, Request for Extension to Complete Salesperson Prelicense Course, I-12,974

Upon review of Ms. Delaney's request for an extension to complete her salesperson's prelicense course, Commissioner Buford made a motion to grant Ms. Delaney a 60-day extension. The motion was seconded by Commissioner Riggins-Allen and it passed unanimously 9-0.

In response to a request for information reflecting inactive/active license status history among licensees, Commissioners were given a chart showing total licensees, active licensees and inactive licensees as of October of each renewal year from 1990 – 2008.

Information and registration forms for Salesmanship Conference were distributed. Commissioners affirmed the next Commission meeting scheduled for Wednesday, February 11, 2009 at 9:00 a.m. The location is in the Capstone Hotel in Tuscaloosa, Alabama.

There being no further business, the Commission adjourned at 2:15 p.m.

Done this 22nd day of January, 2009.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary