

## MINUTES

A meeting of the Alabama Real Estate Commission was held July 27, 2017, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts, Vice Chairman Steve Cawthon, Commissioners Cindy Denney, Carole Harrison, Clif Miller, Vaughn Poe, Danny Sharp and Nancy Wright; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; and Investigators David Erfman, K. C. Baldwin and Rickey Fennie. Commissioner Reid Cummings was absent with notice. The Hearing Officer was Jim Hampton.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Accounting and Personnel Director Molli Jones; Education Director Ryan Adair; and Information and Technology Manager Brett Scott.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:00 a.m. and a quorum was declared.

Chairman Watts recognized the guests who were present to observe the meeting: Jeremy Walker, CEO, Alabama Association of REALTORS®; Emily Marsh, Advocacy and Policy Manager, Alabama Association of REALTORS®; Chandra McSwain, Jenny Paull, Fox Fleming and Jane Combs with Coldwell Banker Prestige Homes & Real Estate Inc. in Enterprise, Alabama; and Peggy Goins, legal assistant to hearing officer Jim Hampton.

Commissioner Cawthon made a motion to approve the June 22, 2017 minutes with a correction showing that the vote in the hearing Alabama Real Estate Commission VS. Lorenzo (Low) Finley be changed to reflect that the motion to revoke Mr. Finley's license passed 8-1 with Commissioner Sharp voting against the motion, instead of showing a unanimous vote. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Executive Director Patricia Anderson presented the June 2017 financial report. There were no Recovery Fund claims in June. Revenues have increased slightly between 2015-2017 mainly due to more people taking the licensing examination. In June 2017, 453 salespersons and 63 brokers took the examination. Pass rates continue to do well, with a 62% pass rate for those taking the salesperson examination for the first time and a 51% overall pass rate for all examinees. Expenditures are lower than in June 2015, but slightly higher than in June 2016.

Commissioners will meet on August 23, 2017 to review additions and revisions to the Alabama License Law. Ms. Anderson provided Commissioners with some of the changes that have been proposed by the Commission staff.

Assistant Executive Director Teresa Hoffman is researching property management. She will provide an update at the August 24, 2017 Commission meeting.

Commissioners discussed the 2018 calendar. Ms. Anderson informed the Commissioners that the North Alabama REALTOR® Leadership Program and the Birmingham Association of REALTORS®

requested that Commission meetings be held in Cullman and Birmingham respectively in 2018. These requests will be considered as meeting dates and locations are approved at the monthly meetings. Commissioners approved the proposed 2018 calendar by consensus.

Commissioner Wright made a motion that Commissioners conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Miller seconded the motion and it passed unanimously 8-0.

## HEARINGS

### **Michael Edward Holmes, Application for Determination of Licensing Eligibility, Investigative File I-15,090**

Upon discussion of the evidence and testimony presented by Mr. Holmes regarding his application for determination of licensing eligibility, Commissioner Sharp made a motion to approve his application. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

### **Jake Lorino, Application for Temporary Salesperson's License, Investigative File I-15,089**

Upon discussion of the evidence and testimony presented by Mr. Lorino regarding his application for a temporary salesperson's license, Commissioner Cawthon made a motion to approve his application subject to completion of probation. Commissioner Sharp seconded the motion and it passed 6-2 with Commissioners Harrison and Miller voting against the motion.

### **Nancy Zimmerman Mehan, Hardship Request for Renewal of Lapsed Salesperson's License, Investigative File I-15,094**

Upon discussion of the evidence and testimony presented by Ms. Mehan regarding her hardship request to renew her lapsed salesperson's license, Commissioner Cawthon made a motion to deny her request. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

### **Tony Brown, Jr., Request for Extension to Pass the Salesperson's Examination, Investigative File I-15,097**

Upon discussion of the evidence and testimony presented by Mr. Brown regarding his request for an extension to take and pass the salesperson's examination, Commissioner Denney made a motion to grant him a 30-day extension. Commissioner Wright seconded the motion and it passed unanimously 8-0.

### **J. E. (Jim Mitchell), Hardship Request for Renewal of Lapsed Salesperson's License #6118**

Commissioner Watts offered to recuse himself prior to the beginning of the case, but Mr. Mitchell declined.

Upon discussion of the evidence and testimony presented by Mr. Mitchell regarding his hardship request to renew his lapsed salesperson's license, Commissioner Harrison made a motion to deny his request. Commissioner Denney seconded the motion and it passed 6-1-1 with Commissioner Poe voting against the motion and Chairman Watts abstaining.

NOT APPEARINGS

**Amanda McAuley, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3425**

Amanda McAuley, Salesperson, Inshore Realty Montrose, Fairhope, Alabama, was charged with violating 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 Cawthon made a motion to find Ms. McAuley guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 8-0.

**Marilyn Dumpson, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3426**

Marilyn Dumpson, Salesperson, Pritchett Moore Real Estate, Tuscaloosa, Alabama, was charged with violating 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 Miller made a motion to find Ms. Dumpson guilty and fine her \$250. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

**Malcolm Young, Request for Acceptance of Score on the National Portion of the PSI Broker Exam, Investigative File I-15,101**

Upon discussion of the evidence presented regarding Mr. Young's request for the Commission to accept his score on the national portion of the PSI broker's exam taken in Tennessee and the state portion of the exam taken in Alabama as meeting the exam requirements for an Alabama salesperson's license, Commissioner Cawthon made a motion to accept Mr. Young's score and allow him to apply for an Alabama salesperson's license. Commissioner Wright seconded the motion and it passed unanimously 8-0.

**Eugenic M. Lee, Request for Home Operation, Investigative File I-15,017**

Upon discussion of the evidence presented regarding Ms. Lee's hardship request for home operation, Commissioner Denny made a motion to deny her request. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**Nikia T. (Tanaka) Wilson, Request for Home Operation, Investigative File I-15,109**

Upon discussion of the evidence presented regarding Mr. Wilson's hardship request for home operation, Commissioner Denny made a motion to deny his request. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

**Howard Patterson (Trey) Garner, Offer of Settlement**

Mr. Garner’s license was revoked on Formal Complaint #3423 at the May 25, 2017 Commission meeting for violating *Code of Alabama*, 1975, as amended, Section 34-27-36(a)(14) by accepting a commission for performing an act for which a license was required; for violating *Code of Alabama*, 1975, as amended, Section 34-27-36(a)(21) by failing to disclose to a seller the true terms of a transaction; and for violating *Code of Alabama*, 1975, as amended, Section 34-27-36(a)(26) conduct which constitutes and demonstrates dishonest dealings, bad faith and untrustworthiness. Mr. Garner submitted an offer of settlement through his attorney proposing that he make payment to his former broker in the amount of \$1,900 and that his license be fully reinstated upon payment. It was further suggested that Mr. Garner not be placed on probation or that his license be suspended and that the disciplinary action against him not be published. Commissioner Harrison made a motion to deny the offer of settlement. Commissioner Denney seconded the motion and it passed unanimously 8-0.

**Confirm September Meeting Date and Location for the Record:** September 28, 2017, 9:00 a.m. in Birmingham

Commissioner Wright made a motion to confirm the September meeting date and location. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

**Next Commission Meeting:** August 24, 2017, 9:00 a.m. in Montgomery

There being no further business, the meeting adjourned at 11:15 a.m.

Done this 27<sup>th</sup> day of July, 2017.

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Bill Watts, Chairman

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Lori Moneyham, Recording Secretary