

MINUTES

A meeting of the Alabama Real Estate Commission was held June 17, 2011, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Vice Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer. Chairman Sheila Hodges was absent with notice.

Other staff in attendance for part or all of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Information Technology Manager Nancy Barfield; and Assistant Information Technology Manager Brett Scott.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 9:00 a.m. by Vice Chairman Jewel Buford.

Commissioner Watts made a motion to approve the May minutes as presented. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Executive Director Philip Lasater called attention to the May financial statement which was posted and noted that current trends continue. Hearing no questions, he continued his report by giving an update on the proposed contract with N9ne Agency. He reported that we will file the contract with the Legislative Contract Review Committee by the deadline and attend their meeting on July 7th. Mr. Lasater discussed the upcoming Sunset Hearing scheduled for June 23, 2011. He discussed both of the significant issues cited by Examiners with Commissioners and will be prepared to speak to them or answer any questions the Sunset Committee may have. Commissioners plan to be present to speak to any issues as they may choose.

Deputy Attorney General Charles Sowell and Assistant Attorney General Chris Booth updated Commissioners on the cases under appeal. Mr. Sowell reported that the judge in Houston County overturned the Commission's revocation of Darrell Reid's license and ordered a four month suspension instead. By consensus, Commissioners agreed not to pursue an appeal of the judge's decision. Other appeal updates included the status of cases involving licensees Felicia Owens, Coby Lake, Roger Sweeney, Linda Sheffield and David Herman.

Commissioner Watts complimented Commissioner Morris on her tenure as a commissioner and recognized her enthusiasm, willingness and desire to help on the Commission. He further stated appreciation for her active participation in ARELLO.

Commissioner Watts also recognized Commissioner Riggins-Allen for her good work on the Commission over the last five years and expressed hope that she will be reappointed.

Commissioner Morris made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open session. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

HEARINGS

Michael Lashan Smith, Application for Determination of Licensing Eligibility, I-13,628

Upon discussion of the evidence and testimony presented in the matter of Mr. Smith's eligibility for licensure, Commissioner Morris made a motion to deny Mr. Smith's application. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Cynthia Gaspelin and Robert Franklin Berry, Formal Complaint No. 3236

Upon discussion of the evidence and testimony presented in the matter of Cynthia Gaspelin, Salesperson RE/MAX Realty Centre, LLC, Mobile, Alabama, and Robert Franklin Berry, Qualifying Broker, RE/MAX Realty Centre, LLC, Mobile, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(10) in that Respondent Gaspelin failed to voluntarily furnish purchaser copies of the signed documents within a reasonable time; Count 2: Section 34-27-36(a)(19) via Alabama Real Estate Commission Rule 790-X-3-.03(2) in that Respondent Gaspelin failed to pay over to Qualifying Broker Berry the rent payments and deposit which came into her possession in trust for other parties immediately upon receipt of same; Count 3: Section 34-27-36(a)(14) in that Respondent Gaspelin accepted a commission or other valuable consideration for performing an act for which a license is required from any person except her qualifying broker when she took \$50 out of each month's rent check; Count 4: Section 34-27-36(a)(19) via Section 34-27-34(a)(2) in that Respondent Berry as Qualifying Broker failed to see that all transactions of Respondent Gaspelin complied with the Alabama Real Estate License Law as set out in Counts 1, 2 and 3, Commissioner Watts made a motion to find Ms. Gaspelin guilty on Counts 1, 2 and 3. Commissioner Morris seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to fine Ms. Gaspelin \$2500 and suspend her license for 120 days but stay the suspension pending her completion of 3 hour CE courses in Professional Standards, Code of Ethics and Risk Management. Commissioner Morris seconded the motion and it passed unanimously 8-0. Commissioner Morris made a motion to dismiss Count 4 against Mr. Berry. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

Odell White, Jr., Qualifying Broker with Another Job, I-13,645

Upon review of the request by Mr. White for Commission approval to hold another job while maintaining his position as qualifying broker for his company with eleven active licensees, Commissioner Cawthon made a motion to deny Mr. White's request. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

Agnes Sergion-Willis, Request for License Approval After Revocation, Formal Complaint No. 3108

Upon review of Ms. Sergion-Willis' request for re-licensure after previously surrendering her license, Commissioner Morris made a motion to deny Ms. Sergion-Willis' request. Commissioner Cawthon seconded the motion and it passed 7-1 with Commissioner Riggins-Allen voting no.

Donald Fuller, Request for 60-Day Extension of Temporary Broker License Due to Hardship, I-13,654

Upon review of Mr. Fuller's request for a 60 day extension to his temporary broker license in order to complete course work, pass the exam and apply for a broker license, Commissioner Watts made a motion to approve Mr. Fuller's request. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record: July 15, 2011, 9:00 a.m., Montgomery

Commissioner Watts made a motion to approve the next Commission meeting date and location for July 15, 2011 at 9:00 a.m. at the Commission offices in Montgomery, Alabama. Commissioner Morris seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 11:30 a.m.

Done this 17th day of June, 2011.

Jewell Buford, Vice Chairman

Patricia Anderson, Recording Secretary