

MINUTES

A meeting of the Alabama Real Estate Commission was held June 11, 2013, at Perdido Beach Resort in Orange Beach, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Jewel Buford, Steve Cawthon, Reid Cummings, Carole Harrison, Clif Miller, Dorothy Riggins-Allen and Danny Sharp; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman and K. C. Baldwin; and Auditor Denise Blevins. Tori Adams served as Hearing Officer.

Other staff members in attendance for all or part of the meeting were Information Technology Manager Brett Scott and Public Relations Specialist Lori Moneyham.

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

Since many visitors were present, Chairman Watts welcomed them and introduced each Commissioner.

Commissioner Wright made a motion to approve the May minutes as presented. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Chairman Watts introduced Executive Director Philip Lasater who introduced all staff present. He too welcomed all licensees and other visitors to the meeting.

In the Financial report, Mr. Lasater called attention to the first page on balances and expenditures, the following page on investment status, and a third page on recovery fund balances. Of significant note was that the year-to-date expenditures are slightly under last year's and revenues are about \$37,000 ahead of last year's.

Mr. Lasater gave a preliminary report on Act 2013-88 that requires economic impact statements on promulgation of rules. Legislative Reference distributed information about what will be required under this act. AREC General Counsel, Mr. Booth, believes that licensing boards may be exempt from this law that will go into effect in July 2013. Further research will be done on this issue and a more complete report given at a later time.

Chairman Watts called on Education Director Ryan Adair to review proposed rules. Mr. Adair covered proposed changes to Rules 790-X-1-.06, 790-X-1-.10, 790-X-1-.12, 790-X-1-.14, 790-X-1-.15, 790-X-1-.17 and 790-X-1-.21. Mr. Booth reviewed proposed new Rule 790-X-2-.05 regarding nicknames. Commissioner Cawthon made a motion to submit these rule changes to Legislative Reference in order to be published and set for public hearing. Commissioner Wright seconded the motion and it passed unanimously 9-0.

At the request of Chairman Watts, Hearing Officer Tori Adams gave the audience an overview of the hearing process.

Commissioner Cawthon made a motion that Commissioners conduct hearing disposition discussions and decisions in open meeting. Commissioner Wright seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Ross C. Easter and Mediterranean, LLC, Formal Complaint No. 3311

Ms. Easter requested and was granted a continuance.

Alabama Real Estate Commission vs. Robert L. Hale, III, Formal Complaint No. 3313

Upon discussion of the evidence and testimony presented in the matter of Robert L. Hale, III, Qualifying Broker, Robert Hall Real Estate, Orange Beach, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with the Alabama Real Estate Commission Rule 790-X-3-.01 in that Respondent failed to notify the Commission within thirty (30) days of having changed the address of his company; Count 2: Section 34-27-36(a)(19) by Respondent's failure to comply with the place of business requirements in the *Code of Alabama* 1975, as amended, Section 34-27-2(a)(11)b.; Commissioner Cummings made a motion to reprimand Mr. Hale on both Counts 1 and 2. Commissioner Buford seconded the motion. Subsequent to Commission discussion Commissioners Cummings and Buford withdrew their motions. Commissioner Cawthon made a motion to revoke Mr. Hales' license. Commissioner Miller seconded the motion and it passed unanimously 9-0.

Stacey Sanders, Request for Declaratory Ruling, I-14,101

Ms. Sanders withdrew her request for a declaratory ruling prior to the Commission meeting.

Alabama Real Estate Commission vs. Kyle Brandon Burgdorf, Formal Complaint No. 3310

Mr. Burgdorf did not appear and since he had 14 days' notice rather than the 15 required by law, the hearing was continued.

NOT APPEARING ITEMS FOR RULING

Yvette Trussell, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3312

Upon review of the evidence and testimony presented in the matter of Yvette Trussell, Salesperson, Helena, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) in that Respondent submitted a check as payment for a real estate license activation fee which was returned unpaid, Commissioner Buford made a motion to find Ms. Trussell guilty and fine her \$250. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Confirm Next Meeting Date and Location for the Record: July 19, 2013, 9:00 a.m. - Montgomery

Commissioner Cawthon made a motion to approve the Commission meeting date and location for July 19, 2013, at 9:00 a.m. in Montgomery, Alabama. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Presentation by Dr. Don Epley, University of South Alabama, Mitchell College of Business

Dr. Epley was introduced by USA (University of South Alabama) lobbyist Mr. Happy Fulford. Both Mr. Fulford and Dr. Epley thanked Commissioners for allowing them the opportunity to familiarize them with the Center for Real Estate Economic Development at the University of South Alabama. Dr. Epley said that he established a real estate center at USA when he arrived there eight years ago. The University of South Alabama now offers a real estate major. The Center also offers MAI and CCIM courses and other Commission-approved continuing education courses. Dr. Epley elaborated on the significant areas of economic impact and development they do through research and analysis. Dr. Epley said he came to ask that Commissioners entertain a conversation in the future regarding their need for funds to support continuing education offerings and other work they do. Chairman Watts thanked Dr. Epley and Mr. Fulford for their presence and comments.

There being no further business, the meeting adjourned at 2:45 p.m.

Done this 11th day of June, 2013.

Bill Watts, Chairman

Patricia Anderson, Recording Secretary