

MINUTES

A meeting of the Alabama Real Estate Commission was held March 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, Carole Harrison, Clif Miller, Dorothy Riggins-Allen 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. The Hearing Officer was Tori Adams.

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 Steve Brown, Executive Assistant Nicholas Bunch, Staff Accountant Hattie Thomas and IT Programmers Rashondria Perryman and Ralph Bailey.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:03 a.m. by Chairman Bill Watts and a quorum was declared.

Commissioner Miller made a motion to approve the minutes from the February 19, 2015 meeting. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Executive Director Patricia Anderson presented the February financial report. Revenues have increased, but expenditures have also increased due to the hiring of a new assistant executive director and two new staff members in the Information Technology division. The Commission's investments are still doing well. There was a refund made back to the Recovery Fund by a consumer; however, Recovery Fund expenditures are still exceeding revenue.

The Commission's audit by the Alabama Department of Examiners of Public Accounts has been completed. Ms. Anderson will meet with the auditor to discuss findings. The date for the meeting with the Sunset Committee will be announced to Commissioners once it has been established.

Information Technology Manager Brett Scott introduced new staff members in the IT Division, programmers Ralph Bailey and Rashondria Perryman. Mr. Bailey came to the Commission after serving in the U. S. Air Force and Ms. Perryman was previously with Guardian Credit Union.

Ms. Anderson recognized Hattie Thomas, staff accountant and property manager, for achieving a perfect property audit. Ms. Thomas was presented with a certificate of recognition from State Auditor Jim Ziegler.

The Commission's strategic planning consultant, J. Danny Cooper, provided an update on the status of the Homeowners' Association Bill (HB241). The Commission is also following the Alabama Open Meetings Act Bill (SB126). Commissioner Cummings made a motion that the Commission support Sen. Arthur Orr's amendment to SB126. Commissioner Cawthon seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion that the Commission not support SB55,

which would amend the Administrative Procedure Act to provide that an agency cannot amend a rule for 10 years once it is adopted. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Commissioner Miller made a motion to conduct disciplinary hearing disposition discussions and decisions in an open meeting. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Craig F. Dyas, Formal Complaint No. 3364

Craig F. Dyas, Qualifying Broker, Dyas LLC, Fairhope, Alabama, was charged on Count 1 with violating *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) by violating Commission Rule 790-X-3-.05 which states, "Listing Agreements shall contain no provision for automatic extensions" and charged on Count 2 for violating *Code of Alabama* 1975, as amended, Section 34-27-36(a)(25) by failing to include a fixed date of expiration in a written listing agreement. Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find him guilty on Count 1. Commissioner Cawthon seconded the motion and it passed unanimously 9-0. Commissioner Cummings made a motion to find him guilty on Count 2. Commissioner Wright seconded the motion and it passed unanimously 9-0. Commissioner Riggins-Allen made a motion to reprimand him on Counts 1 and 2 and require him to complete the Alabama License Law course within three months and submit proof of completion to the Commission. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Staisha Marie Jennings, Formal Complaint No. 3355

Staisha Marie Jennings, Temporary Salesperson, New South Realtors.com, Madison, Alabama, was charged on Count 1 with violating *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) for presenting to the Commission, as payment for a fee or fine, a check which was returned unpaid by the bank upon which it was drawn. Upon discussion of the evidence and testimony presented in the matter, Commissioner Cawthon made a motion to dismiss the charge and accept payment from Ms. Jennings on March 19, 2015. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

NOT APPEARING ITEMS FOR RULING

Sharon L. McDonald, Request for Dismissal of \$250 Fine Imposed for Bad Check, Formal Complaint No. 3353

Upon review of Ms. McDonald's request for dismissal of a \$250 fine imposed for a bad check due to extreme financial hardship, Commissioner Riggins-Allen made a motion to dismiss her fine. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Confirm Next Meeting Date and Location for the Record: April 23, 2015, 9:00 a.m., Montgomery

Commissioner Sharp made a motion to approve the next Commission meeting for April 23, 2015 in Montgomery. Commissioner Miller seconded the motion and it passed unanimously 9-0.

The Commissioners conducted a Performance Appraisal of the Executive Director. After expressing satisfaction with her performance, the Commission voted unanimously, 9-0, to increase her salary by 5% effective upon receiving the requisite state government system approvals.

There being no further business, the meeting adjourned at 11:20 a.m.

Done this 19th day of March, 2015.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary