

MINUTES

A meeting of the Alabama Real Estate Commission was held March 24, 2016 at the Commission offices, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Carole Harrison; Commissioners Steve Cawthon, Reid Cummings, Cindy Denney, 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; Investigators David Erfman, Chuck Kelly and Phil Bunch. Commissioner Nancy Wright was absent with notice. The Hearing Officer was Tori Adams.

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; Information Technology Specialist Steven Brown; and Education Specialist David Bowen.

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

Commissioner Sharp made a motion to approve the minutes from the February 25, 2016 meeting. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Executive Director Patricia Anderson presented the February 2016 financial report. Revenue is a little under projection, but has remained steady as there continues to be an increase in the number of new temporary licensees and original salespersons. Expenditures remain under projection and are below where they were in FY2015. There has only been one payout from the Recovery Fund in FY2016.

Ms. Anderson stated that Max Graham from the Alabama Division of Risk Management will be at the April 2016 Commission meeting to explain the coverage Commissioners have through the state in the event they are subject to personal lawsuits. Information from Mark Cole with Palomar Insurance will also be available for Commissioners to review if they would like to discuss additional coverage.

The Commission's strategic planning consultant JDanny Cooper provided an update on the status of bills that are of interest to the Commission. Mr. Cooper also provided an update on the implementation of the Homeowners Association (HOA) law that was passed in 2015.

Real estate instructors Robin Blake from Professional School of Real Estate in Mobile, Alabama and Bo Goodson from Bo Goodson Real Estate School in Montgomery, Alabama addressed the Commission. They expressed opposition to the Commission's decision at the February 2016 meeting to reinterpret Rule 790-X-1-.06(2). The reinterpretation requires students to begin prelicense courses on the same date and progress through the courses in proper sequence of topics, effective June 1, 2016. Mr. Goodson and Ms. Blake expressed

concern that the change would affect their schools' established business models and their ability to accommodate the varying schedules of current and future students. Mr. Goodson suggested the Commission stay the effective date to allow time for a smooth transition that would be the least detrimental to the school's business.

Commissioner Sharp made a motion to conduct disciplinary hearing disposition discussions and decisions in an Open Meeting. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

HEARINGS

DeAngela Oreil Berryhill, Request to Relicensed After Revocation, Investigative File I-14,732

Ms. Berryhill requested and was granted a continuance.

Rena Jones, Request to be Relicensed After Revocation, Investigative File I-14,753

Ms. Jones requested and was granted a continuance.

Jack Witherspoon Hines Jr., Request to be Relicensed After Revocation, Investigative File I-14,735

Upon discussion of the testimony presented by Mr. Hines in his request to be relicensed after previous license revocation, Commissioner Sharp made a motion to grant Mr. Hines' request. Commissioner Riggins-Allen seconded the motion and it passed 7-1 with Commissioner Harrison voting against the motion.

Darrow Jones III, Application for Determination of Licensing Eligibility, Investigative File I-14,739

Upon discussion of the application for determination of license eligibility presented by Mr. Jones, Commissioner Cawthon made a motion to approve his application. Commissioner Denney seconded the motion and it passed unanimously 8-0.

NOT APPEARING REQUESTS FOR RULING

Shelby Schenck, Surrender of Real Estate License, Formal Complaint No. 3382

Upon review of the affidavit of license surrender submitted by Ms. Schenck, Commissioner Cawthon made a motion to accept her surrender. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Lonnie M. Hacker, Surrender of Real Estate License, Investigative File I-14,740

Upon review of the affidavit of license surrender submitted by Mr. Hacker, Commissioner Cummings made a motion to accept his surrender. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

G.B. Miller, Surrender of Real Estate License, Formal Complaint No. 3381

Upon review of the affidavit for license surrender submitted by Mr. Miller, Commissioner Riggins-Allen made a motion to accept the surrender of his license. Commissioner Cawthon seconded the motion and it passed unanimously 8-0. Commissioner Cawthon made a motion not to dismiss the formal complaint against Mr. Miller's company, Ft. Morgan Realty in Gulf Shores, Alabama. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Confirm Next Meeting Date and Location for the Record: April 21, 2016, 9:00 a.m. in Montgomery

Commissioner Sharp made a motion to approve the next Commission meeting for April 21, 2016 at 9:00 a.m. in Montgomery. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Commissioners discussed the presentation made by instructors Robin Blake and Bo Goodson regarding Commission action on Rule 790-X-1-.06(2) at the February 2016 meeting. Instructors Goodson and Blake expressed their opposition to changing the interpretation from allowing continuous enrollment in prelicense courses to having all students begin the course together and then have students progress through the material in a logical sequential manner. No action was taken.

Subsequent to discussion, Commissioner Cawthon made a motion to increase the Executive Director's salary by 5% effective upon receiving the requisite state approvals based on her performance over the past year. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

There being no further business, the meeting adjourned at 11:50 a.m.

Done this 24th day of March, 2016.

Bill Watts, Chairman

Lori Moneyham, Recording Secretary