

MINUTES

A meeting of the Alabama Real Estate Commission was held May 20, 2021 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference (VTC).

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order by Chairman Carole Harrison at 9:00 a.m.

Chairman Harrison called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Emmette Barran, Jimmie Ann Campbell, Reid Cummings, Joyce Harris, Terri May and Susan Smith. A quorum was declared. The seats from the Sixth and Seventh Congressional Districts are currently vacant.

Commission staff members in attendance or participating via VTC were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis; Assistant General Counsel Zack Burr; Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Communications and Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham and State Professional Trainee Jess Sparks; Education Director Ryan Adair; Education Specialist Pam Oates; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins and Vickie Shackelford; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin; Licensing Assistant Amber Green and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner Campbell made a motion to approve the minutes from the April 22, 2021 Commission meeting. Commissioner May seconded the motion and it passed unanimously 7-0.

Chairman Harrison announced that Executive Director Poe has been in the Executive Director's position now for one year. She stated they are glad he is here and doing a great job. Executive Director Vaughn Poe responded it was an honor to be at the Commission.

Director Poe presented the April 2021 financial reports and gave commissioners an update on revenues and expenditures in the operating and recovery fund accounts. He indicated projected revenue is still on course for the fiscal year. Other state agencies have been paid \$382,555.86 and there have been no payments from the recovery fund.

Director Poe stated that the Commission has issued 38,712 licenses. To date, there are 4,115 nonrenewed licenses out of 34,597 licenses eligible to be renewed. Since October 1, 2020 the Commission has issued 4,657 new licenses of all types. The auditors are continuing to perform audits of companies and are averaging 2.5 audits each day with the newly implemented process. The Education Division has completed eight audits in the past 30 days.

Chairman Harrison asked if new offices/brokerages are being visited, audited or assisted with their setups. Director Poe stated these are being tracked, metrics are being used and numbers will be provided at the next meeting.

Special recognition was given to Hattie Thomas for another perfect property audit performed by the State Auditor's office. The Commission is accountable for \$3.56M in assets and Ms. Thomas has had a perfect audit for 35 years at the Commission.

Director Poe discussed the mechanisms that are in place to provide oversight of the Commission. These include the Sunset Review; the Legal Compliance Audit performed by the Examiners of Public Accounts; continuous Commission member training; state ethics training, including the annual filing of the Statement of Economic Interests form; state property inventory by the state auditor's office; and federal consumer protection agencies.

Director Poe reminded Commissioners that, as preparations are made to transition out of the governor's "Stay-Safer-Apart" order on May 31, 2021, virtual attendance at Commission meetings will no longer be allowed. Commissioners will be required to attend Commission meetings in person in order to deliberate or vote. Commissioner May inquired as to the number of people watching the meetings virtually. Director Poe advised the highest number so far was 75-80 viewers and the Commission will continue to provide each meeting on the virtual platform.

Director Poe announced the 2021 legislative session was over and that he is looking ahead to next year. He reminded Commissioners that appointment nominations for Commission vacancies are open until May 31, with applications submitted to the Alabama Association of REALTORS®. The Commission has published a notice regarding commissioner duties and responsibilities.

Director Poe recognized Commissioner Terri May and announced she has been reappointed by the governor and confirmed by the Alabama Senate to the Commission as the Consumer-at-Large member. Her new term begins October 1, 2021 and ends September 30, 2026. Commissioner May stated, "I appreciate the opportunity to be here and serve. I will do my best."

Director Poe reported the education task force has met twice and their findings and recommendations for proposed changes are expected to be discussed at the June 17, 2021 Commission meeting.

Director Poe announced the deadline for the state Finance Office's 2021 Board/Commission Member Training has been extended until June 11 and reminded Commissioners that their participation in this training will be documented in the Sunset Report presented to legislators on the Sunset Committee. Barbi Lee sent an email with all the pertinent information and commissioners were asked for their urgent participation in concluding this training before the June 11, 2021 deadline.

Director Poe reported the initial “Coffee with the Commission” Facebook live session was a success. The licensee community asked great questions based on the feedback received, the date and time for these sessions will be adjusted to one more suitable for our licensees. Wednesday mornings at 9:00 was suggested by Commissioners. Director Poe announced the next Briefly Legal on Facebook Live will be on Friday, May 28 at 10:00 a.m. with Assistant General Counsel Zack Burr’s topic, “Location, Location, Location: Where Can A Brokerage Be Located?”

Director Poe informed Commissioners an information session with EXP Realty will be held on June 16 with the time to be determined. Director Poe will be in Anniston on June 22, 2021 speaking to the Calhoun County Association of REALTORS®. The request from the Marshall County Board of REALTORS® to hold a Commission meeting in their area has been postponed due to the recent loss of their Executive Director, Joyce Daniel.

Commissioners were reminded to contact Molli Jones if they are planning to attend the ARELLO® 2021 Mid-Year Meeting beginning June 30 through July 3, 2021.

Director Poe announced the Commission is already looking to the next renewal cycle in 2022. It is an election year and the legislature will be in session beginning in January. It is important that we plan accordingly.

COMMISSIONER DISCUSSION

Commissioner Barran made a motion that Commissioners conduct disciplinary hearing disposition discussions in an open meeting. Commissioner May seconded the motion and it passed unanimously 7-0.

HEARINGS

April Graham, Application for Real Estate Salesperson’s Temporary License, Investigative File I-21,056

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Graham’s application for a real estate salesperson’s temporary license, Commissioner May made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Jean Nowell, Formal Complaint No. 3542

Assistant General Counsel Zack Burr advised Commissioners that Ms. Nowell submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Jean Nowell, Salesperson, Daleville, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Commissioner May made a motion to accept Ms. Nowell's guilty plea. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0. Commissioner May made a motion to fine her \$250. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Oleavia Penn, Application for Determination of Licensing Eligibility, Investigative File I-21,063

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Penn's application for determination of licensing eligibility, Commissioner Barran made a motion to deny her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Kia Neaka Dailey Lewis, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-21,163

This hearing was continued until June 17, 2021.

Alabama Real Estate Commission VS. Robert Scott, Formal Complaint No. 3539

This hearing was continued until June 17, 2021.

Veretressa Williams Russell, Application for Determination of Licensing Eligibility, Investigative File I-21,101

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Russell's application for determination of licensing eligibility, Commissioner Barran made a motion to deny her application. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Latasha Fultz, Application for Real Estate Salesperson's Temporary License, Investigative File I-21,107

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Fultz's application for a real estate salesperson's temporary license, Commissioner Harris made a motion to approve her application. Commissioner May seconded the motion and it passed unanimously 7-0.

Stephen Brent Hardy, Application for Determination of Licensing Eligibility, Investigative File I-21,064

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Hardy's application for determination of licensing eligibility, Commissioner Barran made a motion to approve his application upon completion of his unsupervised probation. Commissioner May seconded the motion and it passed unanimously 7-0.

Melvin Davis, Application for Real Estate Salesperson's Temporary License, Investigative File I-21,128

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Davis' application for a real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve his application. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Leah Howard Massey, Application for Determination of Licensing Eligibility, Investigative File I-21,065

This hearing was continued until June 17, 2021.

Alabama Real Estate Commission VS. Quandesa Young, Formal Complaint No. 3541

Quandesa Young, Applicant for Temporary Salesperson's Real Estate License, Clayton, Alabama, was charged on **Count 1** with violating the *Code of Alabama 1975*, as amended, Section 34-27-36(a)(1) by procuring or attempting to procure a temporary real estate salesperson's license for herself by fraud, misrepresentation or deceit. Ms. Young was also charged on **Count 2** with violating the *Code of Alabama 1975*, as amended, Section 34-27-36(a)(26) by exhibiting conduct that demonstrates dishonest dealings, bad faith, or untrustworthiness.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner May made a motion to find Ms. Young guilty. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0. Regarding **Count 2**, Commissioner May made a motion to find her guilty. Commissioner Campbell seconded the motion and it passed unanimously 7-0. Commissioner May made a motion to fine her \$1,000 total for **Counts 1 and 2**. Vice Chairman Cummings seconded the motion it passed 5-2 with Commissioners Harris and Smith voting against the motion.

Brian Jeffries Lewis, Request for Extension to Apply for Salesperson's License, Licensing File LC2021-003

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Lewis' request for an extension to apply for a salesperson's license, Vice Chairman Cummings made a motion to grant him a 30-day extension to submit his salesperson application. Commissioner May seconded the motion and it passed unanimously 7-0.

Lori Beth Caylor, Hardship Request for Home Operation Waiver, Investigative File I-21-172

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Caylor's hardship request for home operation waiver, Commissioner Barran made a motion to deny her request. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Marilyn Demetris Dumpson, Application for License Instructor Approval, Investigative File I-21,167

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Dumpson's application for license instructor, Commissioner Barran made a motion to deny her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Tamatha Wynell Johnson, Request for Extension to Submit Application for Original Salesperson's License, Licensing File LC2021-004

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Johnson's request for an extension to submit her application for original salesperson's license, Commissioner Harris made a motion to grant her a 30-day extension to submit her salesperson application. Commissioner Barran seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

Derrick James, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-125

Upon review of Mr. James' application for a real estate salesperson's temporary license, Commissioner Barran made a motion to approve his application. Commissioner Harris seconded the motion and it passed 5-1-1 with Commissioner May voting against the motion and Vice Chairman Cummings abstaining from the vote.

Taneisha Miller, Application for Determination of Licensing Eligibility, Investigative File I-21-138

Upon review of Ms. Miller's application for determination of licensing eligibility, Commissioner Campbell made a motion to approve her application. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Destiny L. Payton, Hardship Request for Extension to Apply for a Salesperson's License, Licensing File LC2021-005

Although Ms. Payton's hearing was originally scheduled as a Not Appearing Agenda item, she was present and testified as to her hardship request.

Upon review of Ms. Payton's hardship request to apply for a salesperson's license, Commissioner May made a motion to grant her a 60-day extension to submit her salesperson application. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Confirm July Meeting Date and Location for the Record: July 22, 2021, 9:00 a.m. in Montgomery, Alabama.

Commissioner Campbell made a motion to confirm the July meeting for July 22, 2021 at 9:00 a.m. in Montgomery, Alabama. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Next Commission Meeting: Thursday, June 17, 2021, 9:00 a.m. in Montgomery.

There being no further business, Commissioner Barran made a motion to adjourn the meeting at 12:18 p.m. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Done this 20th day of May 2021.

Carole Harrison, Chairman

Barbi Lee, Recording Secretary