

MINUTES

A meeting of the Alabama Real Estate Commission was held May 24, 2018, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Nancy Wright; Commissioners Emmette Barran, Reid Cummings, Cindy Denney, Carole Harrison, Clifton Miller, Vaughn Poe and Danny Sharp; Executive Director Patricia Anderson; General Counsel Mandy Lynn; Investigators David Erfman, K.C. Baldwin, and Rickey Fennie. The Hearing Officer was Jim Hampton. Vice Chairman Bill Watts was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott; Information Technology Specialist Steven Brown; Education Specialist Julie Norris and Executive Assistant Barbi Lee.

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

Commissioner Cummings made a motion to approve the minutes from the April 19, 2018 meeting. Commissioner Miller seconded the motion and it passed unanimously 7-0. Commissioner Poe arrived for the meeting at 9:08 a.m. and was not present for the vote on the minutes.

Executive Director Patricia Anderson presented the April 2018 financial report. The Commission is doing well fiscally and will likely not have to access investment income for FY 2018. There has been a \$9,000 payment from the Recovery Fund. Ms. Anderson reported as of May 15, 2018, there are about 32,000 licensees. Of that total, 4,000 are companies and 20,000 are active licensees.

Ms. Anderson provided to the Commission a listing of payments that have been made to other state agencies for services provided to the Commission during Fiscal Year 2018. A total of \$172,000 has been paid out through April 30, 2018.

General Counsel Mandy Lynn provided an update on one appeals case.

COMMISSIONER DISCUSSION

In accordance with Sections 41-22-5.1 and 5.2, *Code of Alabama 1975*, Commission Members were provided a listing of Proposed Rule Amendments along with suggested changes to those rules. Upon discussion of the proposed changes by Commissioners, Commissioner Cummings made a motion to approve the changes as submitted. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Chairman Wright called for an Executive Session at 12:10 p.m. for ±20 minutes to allow Commissioners to receive advice from General Counsel Mandy Lynn. Commissioner Cummings made a motion that Commissioners go into an Executive Session for ±20 minutes to receive advice from counsel. Commissioner Barran seconded the motion and it passed unanimously 8-0. Commissioners reconvened in Open Meeting at 12:40 p.m. with all Commissioners present.

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

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Brynn Elizabeth Herring, Formal Complaint No. 3453

Brynn Elizabeth Herring, Salesperson, Goode Realty LLC, Orange Beach, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check which was returned unpaid by the bank upon which it was drawn marked “No Account/Unable to Locate Account.”

Upon discussion of the evidence and testimony presented by Ms. Herring, Commissioner Denney made a motion to find her not guilty. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Richard Brandon Herring, Formal Complaint No. 3452

Richard Brandon Herring, Salesperson, Goode Realty LLC, Orange Beach, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check which was returned unpaid by the bank upon which it was drawn marked “No Account/Unable to Locate Account.”

Upon discussion of the evidence and testimony presented by Mr. Herring, Commissioner Harrison made a motion to find him not guilty. Commissioner Barran seconded the motion and it passed unanimously 8-0.

Arthur Arnold Watson, Applicant for Temporary Salesperson’s License, I-15,261

Upon discussion of the evidence and testimony presented by Mr. Watson regarding his application for a temporary salesperson license, Commissioner Sharp made a motion to approve his application. Commissioner Barran seconded the motion and it passed 7-1 with Commissioner Poe voting against the motion.

Shelli Walker, Request for an Extension of Six-Month Deadline to Take and Pass Examination I-15,303

Upon discussion of Ms. Walker's request for a six-month extension to take and pass the salespersons examination, Commissioner Denney made a motion to approve her request. Commissioner Harrison seconded the motion and it passed unanimously 8-0.

Julia McBride, Application for Determination of Licensing Eligibility, I-15,257

Upon discussion of the evidence and testimony presented by Ms. McBride regarding her application for determination of licensing eligibility, Commissioner Denney made a motion to deny her application. Commissioner Poe seconded the motion and it passed unanimously 8-0.

Daylynn Herrig, Application for Determination of Licensing Eligibility, I-15,275

Upon discussion of the evidence and testimony presented by Ms. Herrig regarding her application for determination of licensing eligibility, Commissioner Denney made a motion to approve her application. Commissioner Sharp seconded the motion and it passed by a vote of 7-1. Commissioner Poe voted No.

NOT APPEARINGS

Alabama Real Estate Commission vs. Ronald S. Lewis, Jr., Formal Complaint No. 3427

Ronald S. Lewis, Jr., Inactive Salesperson, Birmingham, Alabama, violated the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by 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 marked "Not Sufficient Funds." Commissioner Sharp made a motion to find Mr. Lewis guilty and fine him \$500. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Maximillian J. Grelier, Formal Complaint No. 3397

Maximillian J. Grelier, Qualifying Broker, Rex Commercial Properties, Huntsville, Alabama, violated the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(19) via Rule 790-X-3-.01, in that he failed to notify the Commission within 30 (thirty) days of changing the address of the place of business. Commissioner Cummings made a motion to accept his guilty plea and fine him \$100. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. David Williams, Formal Complaint No. 3444

David Williams, Inactive Salesperson, Orange Beach, Alabama, violated the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16), in that he submitted an online electronic check which was returned unpaid by the bank upon which it was drawn marked "Insufficient Funds." Commissioner Denney made a motion to find him guilty and fine him \$500. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Carlton Raymone Ingram, Applicant for Determination of Licensing Eligibility, I-15,228

NOTE: Mr. Ingram was originally scheduled to appear for his hearing; however, he was unable to attend due to his daughter's graduation and requested a hearing in his absence.

Upon discussion of the evidence presented regarding Mr. Ingram's application for determination of licensing eligibility, Commissioner Cummings made a motion to approve his application. Commissioner Denney seconded the motion and it passed unanimously 8-0.

Confirm July Meeting Date and Location for the Record: July 26, 2018, 9:00 a.m. in Montgomery, Alabama

Commissioner Harrison made a motion to confirm the July meeting for July 26, 2018 at 9:00 a.m. in Montgomery, Alabama. Commissioner Barran seconded the motion and it passed unanimously 8-0. Commissioner Cummings stated he would be unable to attend this meeting.

Next Commission Meeting: June 21, 2018, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting was adjourned at 12:45 p.m.

Done this 24th day of May 2018.

Nancy Wright, Chairman

Barbi Lee, Recording Secretary