

## MINUTES

A commission meeting was held October 26, 2007, at the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Gordon Henderson; Vice Chairperson Sheila Hodges; Commissioners Jewel Buford, Steve Cawthon, Bobby Hewes, Chester Mallory, Jan Morris, Dorothy Riggins and Bill Watts; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Director Ryan Adair; Investigators David Erfman, Chuck Kelly and Phillip Bunch; Auditor Vickie Shackelford and Hearing Officer Tori Adams.

The meeting having been duly noticed according to the Open Meetings Act was called to order at 9:00 a.m. by Vice Chair Shelia Hodges. She then called for the election of Chair and Vice Chair in accordance with 34-27-7(f).

Commissioner Hewes nominated Gordon Henderson for Chair. Commissioner Watts seconded the motion. Commissioner Mallory moved that nominations be closed and Gordon Henderson elected Chair. Commissioner Morris seconded the motion and it passed unanimously 9-0. Chairman Henderson acknowledged the election with appreciation for the confidence placed in him.

Chairman Henderson called for nominations of Vice Chair. Commissioner Watts nominated Shelia Hodges. Commissioner Morris seconded the nomination. Commissioner Morris moved for election by acclamation and Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Commissioner Morris moved to approve the September meeting minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

New Education Specialist Julie Norris was introduced and welcomed.

Upon consideration of the proposed 2008 meeting calendar Commissioner Morris moved for its adoption with the following amendments: January 24 - 1:00 p.m.; February 19 - 1:00 p.m.; March 10 - 9:00 a.m.; August 8 - 9:00 a.m. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

Executive Director Philip Lasater was recognized for the financial report. The September statement was reviewed noting various line item projections versus receipts/expenditures and that the 07 appropriation had been exceeded. There was no action taken.

The 2009 budget was reviewed for adoption and submission to the Finance Director and Legislature. Commissioner Morris moved to adopt and Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Commissioner Hodges moved that the 08 spending plan be reviewed for funds to develop use of an electronic meeting packet format for advance meeting preparation and commission hearing room use. The 2009 budget should be adapted to include any of the development that cannot be accommodated in 2008. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

## HEARINGS AND APPEARINGS

### **Alabama Real Estate Commission vs. Stephen T. Beaird, Formal Complaint No. 3028**

Upon discussion of the evidence and testimony presented in the matter of Stephen T. Beaird, Qualifying Broker, Beaird Realty Company, Montgomery, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing within a reasonable time to properly account for money coming into his possession that belonged to others and by failing to deposit and account for at all times funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama. In lieu of a hearing Mr. Beaird offered an affidavit of surrender for his broker license. Commissioner Hodges moved to accept his license surrender which renders his license revoked. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

### **Alabama Real Estate Commission vs. Betty J. Hughes, Qualifying Broker, Hughes Properties, Inc., Formal Complaint No. 2999**

Commissioners Buford, Cawthon, Morris, and Watts acknowledged familiarity with Ms. Hughes. Hearing Officer Tori Adams had each affirm they could hear the evidence and make a fair ruling based upon the presentation of the hearing.

Upon discussion of the evidence and testimony presented in the matter of Betty J. Hughes, Qualifying Broker, Hughes Properties, Inc., Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and Section 34-27-36(a)(8)b. by failing, within a reasonable time to properly account for money coming into her possession that belonged to others and by failing to deposit and account for at all times funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Mallory moved to find Ms. Hughes guilty and to reprimand her. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

### **Ashlye Davis Hix, Applicant for Temporary Salesperson's License, I-12,497**

Upon discussion of the temporary salesperson's application submitted by Ms. Hix and her failure to submit the application before the 90 day deadline after passing the exam, Commissioner Mallory moved to extend the deadline one week. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Jerald H. Gunter, Formal Complaint No. 3026**

Upon discussion of the evidence and testimony presented in the matter of Jerald H. Gunter, Inactive Salesperson, Trussville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding the Order in Formal Complaint no. 2964 to pay a fine by certified check within 30 days of receipt of the Order, Commissioner Hodges moved to accept the affidavit of surrender from Mr. Gunter for his salesperson license which renders it revoked. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Cammeila Lowrence, Request for Extension of Twelve-Month Deadline for Having License Issued After Exam, I-12,491**

Upon discussion of Ms. Lowrence's request for an extension to the twelve month deadline after pre-license course completion for license issuance, Commissioner Hodges moved to approve a 90 day extension for issuance of a temporary salesperson license. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

**Alabama Real Estate Commission vs. Loretta Dunham Ables, Formal Complaint No. 3027**

Upon discussion of the evidence and testimony presented in the matter of Loretta Dunham Ables, Inactive Salesperson, Seymour, Tennessee, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a) (19) by disregarding the Order in Formal Complaint No. 3000 in that she failed to pay a fine by certified check within 30 days of receipt of Order, the hearing was continued at the request of Ms. Ables and the concurrence of the Hearing Officer.

**Marty LaWayne Jones, Applicant for Determination of Licensing Eligibility, I-12,443**

Upon discussion of the licensing eligibility of Mr. Jones, Commissioner Morris moved to approve his eligibility. Commissioner Hewes seconded the motion and it passed 8-1 with Commissioner Riggins voting no.

NOT APPEARING ITEMS FOR RULING

**Karen A. McGee, Applicant for Determination of Licensing Eligibility, I-12,480**

Upon review of the application for determination of licensing eligibility issued by Ms. McGee, Commissioner Hodges moved to deny the license eligibility of Ms. McGee. Commissioner Watts seconded the motion and it passed unanimously 9-0.

**Edwin Greenhalgh, Request to Complete Broker's Course Without Retaking Exam**

Upon review of Mr. Greenhalgh's request to complete the 60 hour broker course required to obtain a broker's license without having to retake the broker exam, Commissioner Hewes

moved to approve the exam score of Mr. Greenhlagh contingent upon his completing the 60 hour broker course. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

**Robert Hayes, Request to Complete Broker's Course Without Retaking Exam**

Upon review of Mr. Hayes' request to complete the 60 hour broker course required to obtain a broker's license without having to retake the broker exam, Commissioner Hewes moved to approve the exam score of Mr. Hayes contingent upon his completing the 60 hour broker course. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

**Barbara Porterfield, Request to Complete Broker's Course Without Retaking Exam**

Upon review of Ms. Porterfield's request to complete the 60 hour broker course required to obtain a broker's license without having to retake the broker exam, Commissioner Hewes moved to approve the exam score of Ms. Porterfield contingent upon her completion of the 60 hour broker course. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

**Omar L. Harville, Surrender of License, Formal Complaint No. 3005**

Upon discussion of the voluntary surrender of Mr. Harville's salespersons license, Commissioner Hodges moved to accept the affidavit of surrender of Mr. Harville's salesperson license which renders it revoked. Commissioner Watts seconded the motion and it passed unanimously 9-0.

**Eva C. Raley, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3023**

Upon discussion of the evidence and testimony presented in the matter of Eva C. Raley, Qualifying Broker, Charlie Raley Plumbing Company, d/b/a Christy Raley, Theodore, 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 Commission Rule 790-X-3-.01 in that she failed to notify the Commission in writing of a change of business address within 30 days of having moved; Count 2: Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-2-.17 in that she failed to publicly display licenses of all corporations, partnerships, branch offices, brokers and salespersons at the place of business, Commissioner Hodges moved to suspend the broker license of Ms. Raley for one year. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

**Brenda R. Kean, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3030**

Upon review of the evidence and testimony presented in the matter of Brenda R. Kean, Salesperson, Waddell Realty Company, LLC, Columbus, Georgia, and the alleged violation of 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, Commissioner Hewes moved to find Ms. Kean guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 8-1 with Commissioner Mallory voting no.

### **Determination of CE Hours for 2009-2010**

Upon full discussion and consideration Commissioner Watts moved that the related rule be retained as is. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

In further related discussion, Commissioner Mallory moved that correspondence be directed to real estate instructor Ginny Willis at LAH School of Real Estate calling for attention to publishing and disseminating accurate information and that future discrepancies could result in formal disciplinary action. Commissioner Riggins seconded the motion and it passed unanimously 9-0.

### **Aldrena Mew Long, Request for Extension to Complete Salesperson Prelicense Course, I-12,503**

Upon review of Ms. Long's request for an extension to the one year deadline for completing the salesperson pre-license course, Commissioner Hodges moved to extend the period for completing pre-license course work 90 days. Commissioner Cawthon seconded the motion and it passed unanimously 9-0.

### **Bernice Ellis Edwards, Request for Extension to Complete Salesperson Prelicense Course, I-12,502**

Upon review of Ms. Edwards' request for an extension to the one year deadline for completing the salesperson pre-license course, Commissioner Hewes moved to approve a 90 day extension for completing the pre-license salesperson course. Commissioner Watts seconded the motion and it passed unanimously 9-0.

### **Mary Summerville, Request to Provide CE to Students Retroactively, I-12,505**

Upon review of the circumstances underlying the request Commissioner Hodges moved to approve the request for the DeKalb County Association of Realtors. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

There being no further business, the Commission adjourned at 11:40 a.m.

Done this 26<sup>th</sup> day of October, 2007.

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Gordon Henderson, Chairman

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D. Philip Lasater, Recording Secretary