

MINUTES

A meeting of the Alabama Real Estate Commission was held September 23, 2011, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Vice Chairman Jewel Buford; Commissioners Steve Cawthon, Clif Miller, Jan Morris, Dorothy Riggins-Allen, Danny Sharp, Bill Watts and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin. Tori Adams served as Hearing Officer. Commissioner Watts was delayed arriving until 9:35 a.m. due to a traffic accident on Interstate 65.

Other staff in attendance were Public Relations Specialist Lori Moneyham, Information Technology Manager Nancy Barfield, and Assistant Information Technology Manager Brett Scott. Also present was Carole Harrison, newly appointed Commissioner from the 3rd Congressional District, who attended to observe the meeting.

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

Commissioner Morris made a motion to approve the August minutes as presented. Commissioner Miller seconded the motion and it passed unanimously 8-0.

Executive Director D. Philip Lasater presented, on behalf of Commissioners, a resolution to outgoing Commission Chairman Sheila Hodges expressing sincere appreciation for her ten years of dedicated service to the Commission, consumers and industry from October 1, 2001 to September 30, 2011. Vice Chairman Jewel Buford made a motion to adopt the resolution for inclusion in the permanent record of the Commission minutes. The motion was seconded by Commissioner Cawthon and it passed unanimously 8-0.

Executive Director D. Philip Lasater presented, on behalf of Commissioners, a resolution to outgoing Commissioner Jan Morris expressing sincere appreciation for her five years of dedicated service to the Commission, consumers and industry from October 1, 2006 to September 30, 2011. Vice Chairman Jewel Buford made a motion to adopt the resolution for inclusion in the permanent record of the Commission minutes. The motion was seconded by Commissioner Wright and it passed unanimously 8-0.

Commissioner Riggins-Allen expressed in song to Commissioners Hodges and Morris how much they are appreciated and will be missed.

Executive Director Philip Lasater reviewed the August Financial statement. He noted that those renewing in the grace period has doubled this license period compared to the

previous license period. The 2013 budget will be presented at the October Commission meeting. He shared that the Commission greatly benefits from the money invested on reserve and its being available for appropriation. This makes the development of the budget much less challenging. The most significant difference that will be seen in the proposed 2013 budget will be a proposal that is being developed by ACRE (Alabama Center for Real Estate) for a grant; its proposed activities an extension of education and regulatory activities that Commissioners have been interested in. A detailed request from ACRE will be a part of the budget request.

In the Executive Director's report, Mr. Lasater reported that the Commission is underway with implementation of the Nine Agency contract. A time line has been implemented with the first unveiling of the new website scheduled for release in February 2012 and beyond.

Mr. Lasater then asked Commissioners to formally recognize three outgoing members of the Education Advisory Committee for their time and contributions. They are Alicia White from Birmingham, Susan Vierkandt from Dothan and Judi Toran from Daphne. Commissioner Morris made a motion to recognize and express appreciation to these three advisory committee members. Commissioner Cawthon seconded the motion and it passed unanimously 8-0.

Commissioner Nancy Wright thanked Commissioners and staff for flowers sent to her Mother's funeral as well as everyone's phone calls, emails, thoughts and prayers.

Due to a traffic accident on I-65 southbound, Commissioner Watts and others were delayed. Upon arrival he made a motion that a resolution be adopted to honor and extend gratitude to outgoing Commissioners Hodges and Morris for their great work on the Commission and to the people of the state of Alabama and that this motion be adopted by standing acclamation. Chairman Hodges received the motion and adjoined it with the earlier Commission action with Commissioner Watts on record approving adoption.

Commissioner Watts made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open session. Commissioner Buford seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Johnny A. Moore, Application for Extended Time to Complete the Real Estate Post License Course, I-13,685

Upon discussion of testimony presented by Mr. Moore in his request for an additional 60 days to complete the post license course in order to apply for the original salesperson's license, Commissioner Morris made a motion to deny his request. Commissioner Sharp seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Judy Ann Young AND Newcastle Homes, Inc., Formal Complaint No. 3241

Upon discussion of the evidence and testimony presented in the matter of Judy Ann Young, Qualifying Broker, and Newcastle Homes, Inc., Bessemer, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(8)a. by commingling funds belonging to others with their own funds; Count 2: Section 34-27-36(a)(8)b. by failing to deposit and account for at all times all funds belonging to or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama resulting in a shortage of funds; on Count 1, Commissioner Morris made a motion to find Ms. Young and Newcastle Homes, Inc. guilty and fine them \$2500 and order Ms. Young to complete a trust account continuing course within 90 days. Commissioner Sharp seconded the motion. After discussion Commissioner Morris withdrew her motion and Commissioner Sharp withdrew his second. Commissioner Watts made a motion to find Ms. Young and Newcastle Homes, Inc. guilty and fine them a total of \$1,000, suspend Ms. Young's license but stay the suspension 90 days pending completion of a 3 hour continuing education course that includes trust fund accounting. Commissioner Sharp seconded the motion and it passed unanimously 9-0. On Count 2, Commissioner Cawthon made a motion to find Ms. Young and Newcastle Homes, Inc. guilty and issue a reprimand. Commissioner Morris seconded the motion and it passed 8-1 with Commissioner Wright voting no. Commissioners instructed staff to revisit the company within 30 days to ensure compliance with the law.

Rockne Wade Pittman, Hardship Request to Submit Broker's Application After 90-Day Deadline of Passing Examination, I-13,696

Upon discussion of Mr. Pittman's request for Commission approval to submit a broker application after failing to meet the 90-day deadline due to hardships, Commissioner Buford made a motion to allow Mr. Pittman 30 days to submit his broker application. Commissioner Miller seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Ruth Page-Nelson, Waiver of Hearing and Guilty Plea Only If She is Not Punished, Formal Complaint No. 3240

Upon review of the evidence and testimony presented in the matter of Ruth Page-Nelson, Continuing Education Instructor, Auburn, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that a check was issued to the Commission, as payment for instructor application and was returned unpaid by the bank upon which it was drawn, Commissioner Buford made a motion to find Ms. Nelson guilty and issue her a warning that instructor approval may be suspended or revoked for any violation of License Law. Commissioner Riggins-Allen seconded the motion and it passed unanimously 9-0.

Blake B. Spicer, Request for Approval of Licensure After License Surrender, I-13,700

Upon review of Mr. Spicer's request for approval to hold a license after previously surrendering his broker license, Commissioner Cawthon made a motion to deny his request. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Amanda Kay Adams, Application for Determination of License Eligibility, I-13,705

Upon review of the evidence and testimony presented by Ms. Adams in her request for Commission approval to hold a real estate license, Commissioner Buford made a motion to approve her request. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Robert L. Hale, III, Hardship Request for Home Operation, I-13,710

Upon review of the hardship request for home operation submitted by Mr. Hale, Commissioner Morris made a motion to deny his request. Commissioner Wright seconded the motion and it passed unanimously 9-0.

Confirm Next Meeting Date and Location for the Record: October 21, 2011, 9:00 a.m. in Montgomery

Commissioner Watts made a motion to approve the next Commission meeting date and location for October 21, 2011, at 9:00 a.m. in Montgomery, Alabama. Commissioner Miller seconded the motion and it passed unanimously 9-0.

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

Done this 23rd day of September, 2011.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary