Due to amendments in Rule 790-X-1-.11, CE requirements for the license renewal in 2014 look a little different.

The Commission adopted a rule amendment effective October 1, 2012, that changes CE requirements for the license period ending September 30, 2014. Risk Management is still required but it now consists of six hours instead of the one three hour course that all licensees have been required to take. The following explains the rule amendment and the new requirements:

**Rule 790-X-1-.11. Course Content for Continuing Education.**

(1) To meet continuing education requirements, licensees shall complete fifteen (15) clock hours each license period as set out below beginning October 1, 2012:

a) **Three (3) clock hours in Risk Management – Level 1.** In this level, brokers and salespersons shall take the *Risk Management: Avoiding Violations* course.

b) **Three (3) clock hours in Risk Management – Level 2.** In this level, all brokers shall take the *Risk Management for Brokers* course. Salespersons shall take the *Risk Management for Salespersons* course, the *Risk Management for Brokers* course, or an industry-specific Risk Management course approved for Level 2 credit by the Commission.

c) **Nine (9) clock hours** in Commission-approved courses.

First of all, you will see the change in the number of hours required for Risk Management. As stated earlier, six hours are now required which is an increase from the previous three hours. The following identifies the requirements and options for licensees:

**For Level 1, all licensees** must take the course entitled *Risk Management: Avoiding Violations* for three hours of Risk Management CE.

**For Level 2, all brokers (associate and qualifying)** must take the course entitled *Risk Management for Brokers* for the other three hours of Risk Management CE.

**For Level 2, salespersons** have the option of taking either *Risk Management for Salespersons* or *Risk Management for Brokers* for the other three hours of Risk Management CE. If any industry-specific Risk Management courses are submitted and approved, they will satisfy the Level 2 requirement as well.

(Additional important information continued on page 3)
SALES OF FORECLOSED PROPERTIES:
INFORMATION FOR BUYERS AND AGENTS

Charles Sowell, author of Briefly Legal, retired on July 31, 2012, after serving as the Commission’s General Counsel for 27 years. We thank Charles for the clarity and insight he brought to legal issues facing licensees and consumers over the years. We also thank him for providing this last article before his departure. We wish Charles well as he embarks on this new chapter in his life.

Briefly Legal will not be abandoned, however. It will continue under the authorship of Chris Booth, the Commission’s current General Counsel.

Sales of foreclosed upon properties are going to be with us for some time to come. Unfortunately, they make up a larger share of overall sales than anyone would prefer. Potential buyers and the real estate licensees working with them need to understand how these sales work. The owners of the properties are not ordinary sellers. They range from Fannie Mae to small community banks. This sometimes makes the buying process tougher than ordinary transactions. It is hard to generalize, but here are some of the main issues to be considered.

Some serious patience is going to be required. The sellers are mortgage lenders that were not designed to own property, much less lots of properties at the same time.

The larger sellers list all their properties with a local real estate company. Many will only accept offers from the listing agency. They require that potential buyers get a pre-qualification or pre-approval letter from a mortgage lender. If it is a cash sale they require proof of funds. Earnest money is required. Offers are usually not considered complete until everything required has been provided and incomplete offers are not accepted. Some sellers have programs giving preferential treatment to buyers of residential property who will live in the property, as opposed to investor buyers. The smaller sellers might have an authorized bank officer handling the sale.

Most of the sellers will accept an offer written on a sales contract form common to the property location. Some large sellers, however, require a special addendum to be added before they will consider an offer. Some large sellers have a web-based system into which real estate licensees enter the basic offer information, including the offering price. No seller is ever obligated to accept any offer. A verbal acceptance of an offer is not binding.

Some of the larger sellers sometimes make a “counter-offer” back to the potential buyer, but this can cause real confusion for those not familiar with the process. Legally, a normal counter-offer has the seller’s authorized signature, and is binding by its terms. This means when the buyer accepts it and signs the counter-offer, there is a contract between the parties. I put “counter-offer” in quotes, because some sellers use this term, but they have not truly made a legal counter-offer. Either the “counter-offer” does not contain the signature of the person authorized to bind the seller, or the fine print on the document says in effect that it is not binding on the seller at that point. This can cause consumers and their agents to believe they have a contract when in fact they do not. Verbal counter-offers are not binding.

This should go without saying, but I am going to say it anyhow. When I said “A verbal acceptance of an offer is not binding” and when I said “Verbal counter-offers are not binding,” I meant that literally. This means that a seller might give a buyer a verbal acceptance of a written offer, and still for a lot of reasons end up accepting another buyer’s offer. It also means that a seller might extend a verbal counter-offer to a buyer in response to that buyer’s written offer, and still for a lot of reasons end up accepting another buyer’s offer.

In cases where there are more than one offer on the same property many sellers will give multiple offer notices to the potential buyers of their choosing. No seller is required to do this, but some do. The notice informs those making offers that there are multiple offers, and asks the potential buyers to make their highest and best offer. The seller then chooses the offer they want to accept, if any.

Some sellers will make some repairs so the property is more marketable before it is offered for sale. Some sellers will allow repairs before closing to be provided for in the contract, but some will not. Regardless of repairs, most sellers sell their properties “as is.” In Alabama “as is” means that the buyer has no recourse against the seller, no matter how bad the condition of the property turns out to be.

Alabama law gives the former owner of the property who was foreclosed upon and other parties a right to redeem the property. The right of redemption extends one year from the date of the foreclosure sale. It gives the foreclosed upon former owner the right to buy it back from whomever currently owns the property. If the purchase is within the one-year period, the buyer of a foreclosed upon property has to take title to the property subject to any outstanding right of redemption. In order to exercise the right of redemption the former owner has to pay the purchase price paid at the foreclosure sale, interest, and perhaps some expenses in order to redeem it.

This article is to be read carefully.

I have said a lot in the fewest words possible and I have translated a lot of complex law into plain English. Based on what we hear, especially from consumer buyers, a lot of things about this process can come to bother them. I hope these points help.
**CE CHANGES**

(Continued from page 1)

**IMPORTANT**

- The new Risk Management courses should be available both in the classroom and online by January of 2013. Active licensees who are getting an early start for renewal in 2014 by taking CE now, your Risk Management courses will not be available until January 2013. Take only electives until then.

- All renewed inactive licensees who need to complete CE and activate a current license prior to January 1, 2013, may do so by meeting the old requirement of 3 hours in Risk Management: That Delicate Balance plus 12 hours of approved elective CE courses.

- If the CE requirement for license activation is not completed and the license has not been activated prior to January 1, 2013, the new CE requirements (6 hours of Risk Management and 9 elective hours) must be satisfied for license activation.

- All licensees who are completing CE to activate their 2013-14 license must take another 15 hours (including the new Risk Management courses) by September 30, 2014, in order to renew a license on active status for the next license period. Rule 790-X-2-.13 of License Law explains the activation of inactive licenses and the CE required afterward.

These improvements in the Risk Management courses will provide current information including more options for licensees. The Alabama Real Estate Commission thanks Jim Lawrence with ACRE (Alabama Center for Real Estate) for the development of the Risk Management: Avoiding Violations course and members of the Commission’s Education Advisory Committee for the development of Risk Management for Salespersons and Risk Management for Brokers.

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**BRIEFLY LEGAL**

By Chris Booth, General Counsel

**Model Home and Condominium Office Exemptions**

Through its declaratory ruling authority the Commission had previously decided issues regarding offices in model homes and condominium sales and leasing. Those prior rulings were officially added to the Commission’s administrative rules effective October 1, 2012, to clarify issues regarding these situations. Under Section 34-27-32(g) every location where licensed activity regularly occurs has to have a company or branch license with a qualifying broker for each location. These new rules exempt company and branch licensure requirements for these locations so long as they follow all the requirements for the exemption.

The model home licensure exemption, Rule 790-X-2-.25, has four requirements that must be satisfied to be exempted from company licensure:

- **Rule 790-X-2-.25 Model Home Sales Office**

  When a real estate company maintains an office at a residential subdivision or development this office shall not be considered a branch office, and shall not be required to have a branch office license, provided the all the following conditions shall be met:
  1. The company shall have a listing agreement covering all first-time sales of all the lots in the subdivision or development; and
  2. Sales activities shall be limited to the first-time sales, and no re-sales shall be permitted from this office; and
  3. Only licensed persons shall be present at the office to show property for sale and to engage in the other activities requiring a real estate license; and
  4. No other business activities of the company shall be conducted at this office. The activities of all persons in the office shall be confined to the business of that one subdivision or development.

The condominium sales and leasing licensure exemption, Rule 790-X-2-.24, has three stated requirements for the exemption to apply:

- **Rule 790-X-2-.24 Condominium Sales and Leasing Office**

  When a real estate company maintains an on-site office in a condominium building or complex, this office shall not be considered a branch office, and shall not be required to have a branch office license, provided the all the following conditions shall be met:
  1. Licensed persons shall be present to show property for sale or rent and to engage in all other activities requiring a real estate license; and
  2. Unlicensed persons may be in the office, and may engage in clerical functions including taking reservations, as long as licensed persons are present to consummate the rental agreements; and
  3. The activities of all licensed and unlicensed persons in the office shall be confined to the business of that one condominium building or complex.

First and foremost these rules do not entirely do away with the primary requirement for company licensing. All licensed activity must occur and licensees must still be licensed under a company and/or branch location with a qualifying broker at that location. The licensed location is still expected to maintain the licenses, files, and accounting for the company or branch.
Retiring or Canceling a Real Estate License

During the process of reminding licensees about the 2013-14 license renewal deadlines this past renewal period, the Commission received many requests from licensees who are retiring from real estate or who wish to cancel their 2012 license and be taken off the roster of licensees eligible to renew. Therefore, they do not want to receive any more emails or mailed correspondence from the Commission regarding license renewal deadlines. We understand this request; however, by law, the Commission cannot cancel or retire a current real estate license upon request. Section 34-27-35(j) of Alabama License Law states “Every license shall expire at midnight on September 30 of the final year of each license period. An expired license may be renewed during the 12 month period following the license period for which the license was current.” Therefore, if you did not renew your license by August 31, 2012, you have until September 30, 2013, to renew your license with penalty. If you do not renew your license during this grace period, it will lapse on October 1, 2013.

If you have retired, changed careers, or just no longer plan on engaging in activities that require a real estate license, then the license must go through the process of lapsing. Once the license lapses you are then no longer considered a real estate licensee and will no longer receive correspondence from the Commission. A lapsed license cannot be renewed or activated.

If you wish not to receive any more emails from the Commission before the license lapses, you can log in to your record on the Commission’s website and remove your email address from our records. You can also provide a signed written statement or email to the Commission informing us to remove your email address from our records. However, you will continue to receive written correspondence in the mail from the Commission, including the late renewal notice reminding you of the final deadline to renew, until the license lapses. Thank you for your cooperation.

Inactive Licenses Must Be Renewed

The Commission received feedback from some inactive licensees who thought they did not have to renew an inactive license. We also received feedback from active licensees requesting to change their status to inactive to avoid having to renew their license. If you hold a current license that is on active or inactive status, and if you did not renew your license by August 31, 2012, you have until September 30, 2013, to renew your license with penalty. If you do not renew your license during this grace period, it will lapse on October 1, 2013. Renewing your license and keeping it current for the upcoming license period ensures that the license can be activated at any time once CE (continuing education) requirements have been met and qualifying broker responsibility is in place.

Notify the Commission of Any Changes to Address and Contact Information

Some inactive licensees were frustrated that they did not receive a Renewal Form at their home or mailing address to remind them to renew their license. This occurred because the Commission did not have the correct address information on file. It is important to notify the Commission whenever your address or any of your contact information changes. Since the Commission sends information and deadline reminders regarding your license through your contact information it is important that it is accurate at all times. Additionally, Section 34-27-35(h) of License Law requires licensees to notify us of a change in home address within 30 days of the change.

You can check your address and contact information and make any required changes free of charge by logging in on the Commission’s website or you can mail or email the changes to the Commission’s Licensing Division.

Renewal forms are mailed to the active licensees’ company address on record to the attention of the Qualifying Broker.

Is Your License Active?

We have some licensees who are performing activities that require an active real estate license, but either the company, qualifying broker, or both, have not met all renewal requirements and, therefore, does not hold an active real estate license. Both the company and qualifying broker must hold an active real estate license in order for them or licensees registered to that company to engage in real estate transactions.

Qualifying brokers must make sure that their license and their company license have met all renewal requirements and the licenses are active. Failure to do so will result in the company, qualifying broker, and other licenses registered to that company being placed on inactive status.

Have You Renewed Your Real Estate License?

Your 2012 license has expired, but you still have until September 30, 2013, to renew your license with penalty. Failure to renew your license by September 30, 2013, will result in a lapsed license. A lapsed license cannot be activated or renewed and, if you decide to engage in activities that require a real estate license, you will again have to meet all requirements to obtain a license including retaking the coursework and passing the examination.
New License Law Changes Effective October 1, 2012

**790-X-2-.06. Temporary Broker License. (REPEAL)**

In the event a qualifying broker dies between April 1 of the final year of a license period and the end of that license period, a temporary qualifying broker, if one is designated, shall be issued a license from the time the application is received through midnight of the final day of the license period provided he meets all other requirements. Upon receipt of an application for renewal of the said license and payment of the required fee, said temporary qualifying broker shall be issued a temporary license to cover an additional period of time such that the temporary broker is licensed for not more than the six month period as provided in Code of Ala. 1975, Section 34-27-32(h).

NOTE: Temporary broker licenses now have to be renewed just like all other broker licenses.

**790-X-2-.13. Activation Of Inactive License.**

A transfer fee shall be paid to activate an inactive license. All such fees shall be paid by check or money order. A total of 15 clock hours of approved continuing education coursework shall be completed to activate an inactive license when the license is activated for the first time in a license period. An additional 15 hours of approved continuing education coursework shall be completed to renew the license on active status for the next license period.

NOTE: This is not a change but an explanation of statutory requirements that has been placed in a rule to help inactive licensees understand how the continuing education requirement applies to them.

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**ATTENTION! QUALIFYING BROKERS!**

Have you printed your new 2013-14 licenses?

If you have not printed your licenses please take a few minutes to do so. It is quick and easy to do!

From the Commission’s website, arec.alabama.gov, click the “Login” link at the top right corner. Login using the company license number, the last four digits of the Qualifying Broker’s social security number, and the Qualifying Broker’s date of birth and choose Official License Document Print. Please contact us if you need assistance.

Licenses will NOT be mailed from the Commission office unless the Qualifying Broker sends a written, signed request to the Commission for licenses to be mailed or submits a License Print and Mail Form. This form can be accessed from the Forms section of our website.

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Commissioners Cawthon and Riggins-Allen Reappointed to Second Terms

Congratulations to Commissioners Steve Cawthon and Dorothy P. Riggins-Allen who have been reappointed by Governor Robert Bentley and confirmed by the Alabama Senate to serve a second term.

Commissioner Cawthon represents the Fifth Congressional District on the Commission. He has been actively involved in the real estate profession for many years. He is a past president of both the Huntsville Board of REALTORS® and AAR (Alabama Association of REALTORS®). He is currently a member of AAR’s Board of Directors, Past Presidents Advisory Committee, and Government and Political Affairs Committee. Commissioner Cawthon has received numerous certifications and recognitions during his career. He has been honored as REALTOR® of the Year by AAR and the Huntsville Board of REALTORS®. He has also received AAR’s David D. Roberts Award and the Century 21 Centurion Production Award. He enjoys traveling, spending time with his family, and participating in various church functions.

Commissioner Riggins-Allen serves as the Consumer-At-Large member on the Commission. A leader and expert in adult and education administration, Commissioner Riggins-Allen holds B.S., M.Ed., Ed.S., and Ph.D. degrees. Her past experience includes serving as Education Administrator with the Federal Programs Section at the Alabama Department of Education. She has held positions with Trenholm State Technical College as Director of the Evening College Programs, Director of Title III, and as an instructor of business and math courses. She was also an Education Specialist with the Cooperative Extension Service and the Human Resources Development Center at Tuskegee University. A native Alabamian, Commissioner Riggins-Allen is known in and around Montgomery, for her beautiful singing voice.

Commission Mourns Passing of Former Commissioner Gordon Henderson

We are saddened to report the passing of former Commissioner Gordon Henderson on September 9, 2012. Mr. Henderson served on the Alabama Real Estate Commission for 10 years from 1998 -2008 and was Commission chairman in 2008. He was an Alabama Center for Real Estate Trustee from 2005-2008 and served in various capacities for the Alabama Association of REALTORS®. He was also past president of the Marshall County Board of REALTORS®.

Mr. Henderson was elected Mayor of Albertville in 1980 and served two terms. He loved the city of Albertville and was instrumental in retail and industrial development. In addition, he served as president of the Albertville Chamber of Commerce and as state president of the Alabama Poultry and Egg Association. He had served on the Alabama Housing Finance Authority since its inception.

Mr. Henderson will be missed by all who knew him and especially by those in the city of Albertville and those in the real estate community. We extend our sincere sympathy to his family and friends.
DISPOSITION
The below were found guilty of violating 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.

Walter Whitlow
License No. 000081306
Associate Broker; Montgomery, Alabama
Date of Hearing: February 17, 2012
Fined $250

Lisa Keenum
License No. 000077459
Qualifying Broker; Gadsden, Alabama
Date of Hearing: March 23, 2012
Fined $500

Melody Elaine Lyons
License No. 000098885
Salesperson; Conyers, Georgia
Date of Hearing: April 26, 2012
Fined $250

Judy Stephens
License No. 000098532
Salesperson; Troy, Alabama
Date of Hearing: May 24, 2012
Reprimanded

Mary Harmon Young
License No. 000095896
Associate Broker; Tuscaloosa, Alabama
Date of Hearing: June 12, 2012
Fined $250

DISPOSITION
Respondent Roger Gene Sweeney was found guilty of violating Section 34-27-36(a)(4) for making a false promise of a character likely to influence, persuade, or induce buyers to enter into a contract or agreement. Respondent Linda Sheffield, as Qualifying Broker, was found guilty of violating Section 34-27-34(a)(2) for failing to oversee the transactions of her licensee Roger Gene Sweeney.

Jeffrey King Sandridge
License No. 000082397
Associate Broker; Huntsville, Alabama
Date of Hearing: July 26, 2012
Fined $2500 (fined jointly with Sweet Homes in Alabama); License Revoked

DISPOSITION
The below were found guilty of violating Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds being held for others by having shortages of funds in the escrow account.

Gary D. Skipper
License No. 000013947
Qualifying Broker; Robertsdale, Alabama
Date of Hearing: June 12, 2012
Reprimanded and fined $2500 (fined jointly with Skipper Realty, LLC); License suspended for 9 months, with suspension stayed pending Mr. Skipper's completion of the new Risk Management courses Risk Management: Avoiding Violations and Risk Management for Brokers.

DISPOSITION
The below were found guilty of violating Section 34-27-36(c)(2) for acting as a licensed individual in attempting to procure prospects for the sale of real property and who showed real property for procuring those prospects.

Jeffrey King Sandridge
License No. 000082397
Associate Broker; Huntsville, Alabama
Date of Hearing: July 26, 2012
Fined $2500 (fined jointly with Sweet Homes in Alabama and license suspended for 6 months with suspension stayed pending Mr. Sandridge's completion of 12 hours of continuing education consisting of License Law, Code of Ethics, Risk Management: Avoiding Violations, and Risk Management for Brokers.

Sweet Homes in Alabama
License No. 000097353
Company; Huntsville, Alabama
Date of Hearing: July 26, 2012
Fined $2500 (fined jointly with Jeffrey King Sandridge); License Revoked

DISPOSITION
The below were found guilty of violating Section 34-27-36(c)(2) for acting as a licensed individual in attempting to procure prospects for the sale of real property and showing real property for procuring those prospects while being unlicensed.

Judy Stephens
License No. 000098532
Salesperson; Troy, Alabama
Date of Hearing: May 24, 2012
Reprimanded

Mary Harmon Young
License No. 000095896
Associate Broker; Tuscaloosa, Alabama
Date of Hearing: June 12, 2012
Fined $250

DISPOSITION
The below were found guilty of violating Section 34-27-36(a)(19) as the Commission paid from the Recovery Fund an amount in settlement of a claim or toward a satisfaction of a judgment against the licensee.

Aarons Pugh
License No. 000071898
Salesperson; Robertsdale, Alabama
Date of Hearing: February 17, 2012
Revoked

DISPOSITION
The below were found guilty of violating Section 34-27-36(a)(8)b. for failing to deposit and account for at all times all funds being held for others by having shortages of funds in the escrow account.

Gary D. Skipper
License No. 000013947
Qualifying Broker; Robertsdale, Alabama
Date of Hearing: June 12, 2012
Reprimanded and fined $2500 (fined jointly with Skipper Realty, LLC); License suspended for 9 months, with suspension stayed pending Mr. Skipper's completion of the new Risk Management courses Risk Management: Avoiding Violations and Risk Management for Brokers.
By Steven Brown, Information Technology Systems Administrator

**Mmm...**

Unsolicited email, we all get it. Most likely if you looked in your email inbox right now you’d find more than a few messages that you’d consider “spam.” However, have you ever considered that your messages may be construed as spam by others? I know that you’re saying, “Oh no, not me! The emails I send out to coworkers and clients are informative and pertinent to business,” but I can assure you that there may be a good chance that the majority of your email recipients never even read your well-intended messages.

There are a few different options you have to move those messages out of the “spam” category. First thing you could do is make sure that those on your email list actually want to receive the messages you send. The easiest way to do this is to go from an opt-out method to an opt-in recipient list. Using this method, individuals would actually have to request to be on your mailing list. While I know it’s easier to just mass-email everyone from whom you have collected an email address, you’re sure to have a better target audience when you know that your audience actually wants to hear what you have to say.

Another option to evaluate is the number of messages you send. As they say, timing is everything. Even if you have a clearly-defined audience that wants to hear from you, if you are sending too many updates in a short period of time people will start ignoring what you have to say. Depending on the topic and the target audience you may need to increase or decrease the frequency of messages.

Finally, you can choose to stop sending emails all together. I’ll give you a second to compose yourself after that one, but seriously, it’s an option. Social networking has made a huge shift in how people receive information. You can take that email that you’ve been sending out weekly and put the same information into a blog or a Facebook page. Instead of waiting to send out updates you can tweet your followers using Twitter in real time. This allows you to have a level of interaction with your audience that just doesn’t appear to exist with an email distribution list.

With good audience targeting and a clear plan of action you can make sure that your messages can go from the spam folder to the “favorites list.”

**New Video Resources Available Online**

In the last issue of The Update we announced the Commission’s new brand. Since then, we have continuously worked to develop resources for our licensees and consumers as we incorporate the brand online.

We are pleased to announce that our first online instructional videos are now available to watch. These videos are step-by-step guides for how to use three of our most popular online services.

- **How a Qualifying Broker Can Print Licenses** shows qualifying brokers the steps of printing licenses for their licensees, companies, and branches.
- **How a Qualifying Broker Can Check Renewal Status and Licenses Available to Print** shows qualifying brokers how to check which licensees under their company and/or branch offices have renewed their licenses and have licenses available to print.
- **How to Check Continuing Education Credit** shows licensees how to check current and archived continuing education credit.

To access these videos go to the Commission’s website, arec.alabama.gov, and select Videos from the Media menu. We are still developing resources for our website, so stay tuned for more videos.

The Commission welcomes your feedback and questions about our branding and other Commission-related issues through our website, Facebook, and Twitter.
CONNECT: Connecting the real estate professional and consumer to the resources they need.

EDUCATE: Educating the real estate professional and the consumer.

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The Update is published for the benefit of the Alabama Real Estate Industry by the Alabama Real Estate Commission.

Commission Meetings Open to the Public
All Commission meetings are open to the public and that includes real estate licensees. Commissioners welcome and encourage attendance and observation by any licensee in any location. Locations, dates, and times can be found on the Commission’s website at arec.alabama.gov.

Real Estate Licenses Expire September 30, 2014
Remember to renew all broker, salesperson, and company licenses in every even-numbered year.

License Renewal Update  As of November 9, 2012

Salespersons Renewed
Total Salespersons Renewed: 13,475
Active: 8,015
Inactive: 5,460

Brokers Renewed
Total Brokers Renewed: 7,974
Active: 6,412
Inactive: 1,562

Companies/Branches Renewed
Total Companies/Branches: 3,598
Active: 3,573
Inactive: 25