Revised Continuing Education Requirements…

SPREAD THE WORD

By Ryan Adair, Education Director

The change in continuing education (CE) requirements has already been advertised but the message has not reached all licensees. Therefore, this article is an effort to continue spreading the word of new CE requirements for all licensees. All qualifying brokers are encouraged to share this with licensees in your company to make sure everyone understands. Previously, all licensees taking courses in Alabama have been required to complete a three-hour course in Risk Management and 12 additional hours of approved courses. A decision was made by our commissioners to approve a rule amendment that now requires six hours of Risk Management and nine hours of other approved courses for license renewal and/or activation. 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

An easy way to remember the new Risk Management requirements is to recognize the icons representing the coursework. You will see the icons with either a 1 or a 2 identifying the level of the coursework. All licensees must have both Level 1 and Level 2 in their CE record in order to activate a 2013-2014 license for the first time or earn credit to renew a 2015-2016 license.

Level 1:
for Risk Management includes the Risk Management: Avoiding Violations course required for all licensees… both salespersons and brokers.

Level 2:
for Risk Management also includes the Risk Management for Brokers course which is required for all brokers… associate and qualifying.

Level 2:
for Risk Management includes the Risk Management for Salespersons course or an industry-specific Risk Management course approved by the Commission.

IMPORTANT
All licensees who complete the 15 hours of CE to activate their 2013-2014 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 was recently amended to explain the activation of inactive licenses and the CE required afterward. You can read the amended rule on the Commission’s website. Click License Law and choose the Online View under Online Edition. Scroll down the page to locate the rule.

The UPDATE IN THIS ISSUE

- Anti-Money Laundering Guidelines for Real Estate Professionals ………... 2
- BRIEFLY LEGAL:
  - Post Office Box as Residence Address … 3
  - Self-help to Trust Funds ………... 3
  - Licensees Dealing in Their Own Property … 3
- Commission Welcomes New Attorney Mandy Lynn ………... 3
- LICENSING REVIEW: Not Sure What Forms or Fees to Submit? ………... 4
- Qualifying Brokers: Review New Licensee Applications Before You Sign … 4
- The Commission Cannot Take Payments Over the Phone ………... 4
- DISCIPLINARY ACTIONS:
  - August 2012 - February 2013 ………... 5
  - Other Administrative Actions ………... 7
- Newest Website Upgrades Designed to Boost User Experience ………... 7
- Commission Meeting Dates for 2013 ………... 8
Overview

The crime of money laundering continues to be a growing area of concern in the United States. Therefore, law enforcement agencies and the financial sector devote considerable time and resources to combating these illegal financial activities. However, many non-financial businesses and professions are also vulnerable to potential money laundering schemes.

Real estate professionals are a category of the non-financial business sector that may encounter persons engaging in money laundering activities. The purpose of this fact sheet and suggested voluntary guidelines is to increase real estate professionals’ awareness, knowledge, and understanding of the potential money laundering risks surrounding real estate and enable them to identify practical measures to mitigate the risks.

What Is Money Laundering?

Money laundering is the process criminals use to disguise the illegal origin of their funds. Certain criminal activities generate substantial proceeds. Legitimizing, or “laundering” this money through the financial system, is a critical component for criminals to hide their activities and not draw attention to their illegally derived proceeds.

The actual process of money laundering is a three step process that is initiated by introducing the illegal proceeds into the financial system, e.g., breaking up large amounts into small deposits or by purchasing financial instruments, such as money orders, which is referred to as placement. This is typically followed by distancing the illegal proceeds from the source of the funds through layers of financial transactions, referred to as layering, and finally by returning the illegally derived proceeds to the criminal from what appears to be a legitimate source, known as integration.

A real estate transaction can be used in any one of the three stages of money laundering. For example, if an individual purchases a home and uses illegal funds as part of the down payment, this would be considered integration.

Generally speaking, most money laundering activities are concentrated in the financial sectors. Therefore, banks and other financial institutions are subject to anti-money laundering/counter-terrorist financing (AML) laws and regulations, primarily the Bank Secrecy Act (BSA), and have safeguards in place to help detect and mitigate money laundering activity. But other industries, such as real estate, can also be exposed to questionable business practices and be utilized as a vehicle for money laundering activities.

The Role of Real Estate Agents

As a general matter, the real estate agent’s AML risk is substantially mitigated by the fact that the great majority of real estate transactions involve regulated entities such as banks and non-bank mortgage companies, which have BSA obligations. However, when a transaction steps outside the norm or in cases where certain risk factors are present, as detailed below, a real estate agent faces an elevated chance of encountering a possible money-laundering scheme and should consider taking measures to address the risk.

As a real estate professional, knowledge of how real estate transactions normally progress and the resulting ability to recognize and evaluate whether variances from the norm may signify an enhanced AML risk is an important way real estate agents can help to mitigate AML risk in real estate transactions. This requires brokers and agents to be aware of how real estate transactions may be used in illegal financing schemes and what steps should be taken to detect and deter those activities.

Being familiar with the signs of money laundering activity in the real estate market will help real estate agents to:

1. Identify potential money laundering activities;
2. Take appropriate steps to mitigate the money laundering risk; and
3. If necessary, alert the proper authorities to help deter and mitigate the use of real estate in money laundering schemes.

Guidelines

Law enforcement and financial experts have identified some of the warning signs of money laundering activity in connection with real estate. By familiarizing oneself with these voluntary guidelines, real estate agents can assist and help minimize the risk of real estate becoming a vehicle for money laundering activities.

Know Your Business

Every broker and agent should be aware of certain characteristics of a real estate transaction that may be indicative of illegal financing activities. A real estate agent’s familiarity with the normal course of business will help them to identify any unusual or suspicious patterns. Law enforcement, regulators and the international community have identified multiple money laundering risk factors. In general, these risk factors (red flags) can be grouped in the three categories: country/geographic, customer, and transaction risk.

Post Office Box as Residence Address

The Commission’s Online Services are a great convenience both to you as a licensee and to the Commission in that these services allow licensees to make some immediate licensing changes and reduce handling and mailing of forms. One of these services, which requires no fee, allows licensees to notify the Commission when their residence address has changed as is required under Section 34-27-35(h). However, it has come to our attention that some licensees have entered a post office box as a residence address.

Once you log in to Online Services, you will see your current home address under your name with a link to change your home address. Under your licensure information you will see a link to change your mailing address. Please make sure that your proper home address is reflected under your name and if you wish to use a mailing address, which can be a P.O. Box, then use the link under your license information to enter that information. If your current home address is listed as a P.O. Box, it must be changed to a physical address.

Self-help to Trust Funds

As you can imagine we get lots of phone calls and emails questioning the activities of licensees during their brokering of transactions. There has been a recent spate of calls involving licensees trying to protect their self-interest through unlawful retention of trust funds. Basically, the licensee is trying to self-help themselves to trust funds when they believe themselves to be owed some payment. These attempts have taken place in both sales and property management transactions.

Licensees Dealing in Their Own Property — Correction

I need to correct a statement made during a recent appearance at an Alabama Associations of REALTORS® meeting. We were discussing licensees dealing in their own property. Anytime licensees deal in their property then all aspects of license law still apply. This includes RECAD, file maintenance for three years, and trust fund accounting among other requirements. Instead of rewriting two of Charles Sowell’s old articles I am just going to refer you to his Briefly Legal articles: Risk Management 101: You and YOUR Real Estate from the Fall 1998 Update newsletter and Advertising Property You Own from the Spring/Summer 2011 Update newsletter. You can access these articles on the Commission’s website, arec.alabama.gov, under the Media link.

Commission Welcomes New Attorney
Mandy Lynn

We are pleased to announce the addition of attorney Mandy Chambliss Lynn to our Legal Division. Mandy graduated from Auburn University with a Bachelor of Arts degree in political science with a concentration in American government. She received her law degree from the Faulkner University, Thomas Goode Jones School of Law in Montgomery, Alabama.

Mandy interned with the U.S. Department of Justice, Narcotics and Dangerous Drugs Section in 2007. She has worked with the Elmore County District Attorney’s office where she participated in all aspects of criminal prosecution, including assisting the Deputy District Attorneys with presentation of case files/evidence to the Grand Jury for indictment, preparing trial dockets, and drafting motions. Mandy most recently worked as an attorney and hearing officer with the Alabama Department of Labor, Hearings and Appeals.

Mandy will be working with our General Counsel, Chris Booth, and will be available to answer licensees’ questions regarding legal issues pertaining to Alabama License Law. Welcome to the Commission team, Mandy!
Submittng the correct completed forms and fees is important. Many licensing transaction requests can be quickly performed by accessing the Online Services Login on the Commission’s website. Licensing requests that are mailed to the Commission office are also processed quickly, in the Commission’s effort to allow licensees to continue or start working right away. We attempt to issue new licenses for requests, such as transfers, name changes, and company address changes, by the next business day provided the request is complete when received. In order to help the Commission expedite issuing license please make sure:

- you use the proper form;
- the form is completed correctly;
- any required documents are included and;
- the correct fees are submitted and payable to the Alabama Real Estate Commission.

If you have any questions regarding the form(s) and fees you need to submit please contact the Commission for assistance.

All forms are available from the Commission’s website under “Forms” or contact the Commission office and we will be glad to provide you with the needed form by fax, email, or mail. Electronic versions of our forms can be filled out online and printed. We highly recommend licensees utilize this option to increase the likelihood that the Commission staff will be able to read all the information on your form. If you need to complete a form by handwriting it, please ensure that everything is legible. Forms that are not legible can cause a delay in processing or are subject to being returned by the Commission.

Additionally, sending all documents and payments in one package will also help expedite your transaction. Never send a check or other payment without the appropriate form to ensure your payment is appropriately applied. Help us to better serve you and avoid mistakes that may delay your license issuance.

ATTENTION QUALIFYING BROKERS:

Review New Licensee Applications Before You Sign

When individuals pass a licensing examination, such as the Temporary Salesperson exam, Reciprocal exam, or Broker exam and they ask you to sign their application to be their Qualifying Broker, please help the Commission and the applicant by reviewing the application with them and ensuring that they have completed it correctly and have attached all the required documentation and fees requested on the instruction pages. Applications received incomplete or missing required documentation will cause a delay in processing and are subject to being returned by the Commission.

Also, when Temporary Salespersons ask you to sign their applications for their Original Salesperson’s license, please ensure that they have completed the 30 hour post license course and have attached the correct fees as indicated on the application.

The Commission Cannot Take Payments Over the Phone

We have received several requests from licensees who have submitted forms to the Commission with incorrect fee amounts. Licensees often request to pay the fee difference over the phone; however, the Commission does not accept payments over the phone.

Any fees to complete transactions processed in the Commission office must be mailed and received by us or hand-delivered to our office for processing to be completed. Electronic payments, such as credit card and e-check, can only be performed for licensing transactions that can be completed by accessing the Online Services Login on the Commission’s website.

For Licensing Information or to Download Forms Visit Our Website arec.alabama.gov
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.

Melissa S. Bailey
License No. 000022940
Salesperson; Sylacauga, Alabama
Date of Hearing: October 25, 2012
Fined $250

Russell Barrett
License No. 000096356
Salesperson; Wetumpka, Alabama
Date of Hearing: October 25, 2012
Fined $250

James E. Brown
License No. 000111597
Qualifying Broker; Montgomery, Alabama
Date of Hearing: October 25, 2012
Fined $250

Terri Turner Kennedy
License No. 000701096
Salesperson; Northport, Alabama
Date of Hearing: October 25, 2012
Fined $250

Cheryl D. Prewitt
License No. 000076907
Qualifying Broker; Gardendale, Alabama
Date of Hearing: October 25, 2012
Fined $250

Theodoshie Williams
License No. 000083026
Qualifying Broker; Tuskegee, Alabama
Date of Hearing: October 25, 2012
Fined $250

Susan G. Cooper
License No. 000094306
Qualifying Broker; Columbus, Georgia
Date of Hearing: November 29, 2012
Fined $250

Mark Christopher Hess
License No. 000093316
Associate Broker; Enterprise, Alabama
Date of Hearing: November 29, 2012
Fined $250

Kanaa Aaliya Zaina Amani
License No. 000098946
Salesperson; Birmingham, Alabama
Date of Hearing: January 24, 2013
Fined $250

Todd Ferguson Blanton
License No. 000093035
Qualifying Broker; Memphis, Tennessee
Date of Hearing: January 24, 2013
Fined $250

Marlon Jermaine King
License No. 000097755
Salesperson; Birmingham, Alabama
Date of Hearing: January 24, 2013
Fined $250

Anne Miller
License No. 000076033
Salesperson; Trussville, Alabama
Date of Hearing: January 24, 2013
Fined $250

Stacy Ward
License No. 000068097
Salesperson; Huntsville, Alabama
Date of Hearing: January 24, 2013
Fined $250

Andrea Leigh Whitworth
License No. 000091628
Salesperson; Fultondale, Alabama
AND
William Lloyd Whitworth, Jr.
License No. 000094359
Salesperson; Birmingham, Alabama
Date of Hearing: January 24, 2013
Jointly Fined $250

Cicely Johnson Brewer
License No. 000091378
Salesperson; Pinson, Alabama
Date of Hearing: February 21, 2013
Fined $250

Michael Brian Bowe
License No. 000076774
Salesperson; Hazel Green, Alabama
Date of Hearing: February 17, 2012
License Revoked

Harzo, Inc.
dba L A Real Estate Services
License No. 000069810
Company; Gulf Shores, Alabama
Date of Hearing: March 23, 2012
Count #1 - Fined $2,500;
Count #2 - License Revoked

Jody Beth Varden
License No. 000077608
Qualifying Broker; Gulf Shores, Alabama
Date of Hearing: March 23, 2012
Count #1 - Fined $2,500;
Count #2 - License Revoked

Hugh T. Praytor, III
License No. 000009221-2
Qualifying Broker; Mobile, Alabama
Date of Hearing: February 21, 2013
Count #1 - Fined $2,500 (fined jointly with Praytor Realty Company, Inc.);
Count #2 - Fined $2,500 (fined jointly with Praytor Realty Company, Inc.)

(Disciplinary Actions continued on page 6.)
DISCIPLINARY ACTIONS
Continued from page 5

Praytor Realty Company, Inc.
License No. 000009190
Company; Mobile, Alabama
Date of Hearing: February 21, 2013
Count #1 - Fined $2,500 (fined jointly with Hugh T. Praytor, III); Count #2 - Fined $2,500 (fined jointly with Hugh T. Praytor, III)

DISPOSITION
The below were found guilty of violating Section 34-27-31(e)(6) through Section 34-27-36(a)(19) by violating or disregarding a Commission order by failing to pay an ordered fine.

Walter Whitlow
License No. 000081306
Associate Broker; Montgomery, Alabama
Date of Hearing: September 27, 2012
License suspended pending payment of the prior fine. The suspension was stayed for a maximum of thirty (30) days.

DISPOSITION
The below was found guilty of violating Section 34-27-31(j) for failing to notify the Commission within 10 days after notice to him of the institution of a criminal prosecution against him and Section 34-27-36(a)(23)a. by failing to deposit a felony.

Jack W. Hines, Jr.
License No. 00016890
Associate Broker; Brewton, Alabama
Date of Hearing: October 25, 2012
License Revoked

DISPOSITION
The below were found guilty of violating Section 34-27-36(a)(8)b. by failing to deposit a federally insured account or accounts in a financial institution located in Alabama.

William T. Stanton, III
License No. 000011299
Qualifying Broker; Gulf Shores, Alabama
Date of Hearing: March 23, 2012
Fined $2,500 and license revoked with revocation stayed until December 31, 2012, pending completion of CE courses.

TSKC LLC
dba Exit Realty Gulf Shores
License No. 000071311
Company; Gulf Shores, Alabama
Date of Hearing: March 23, 2012
Fined $2,500

Robert Jackson Belcher
License No. 000061264
Qualifying Broker; Montgomery, Alabama
Date of Hearing: May 24, 2012
License Revoked; Fined $2,500 (fined jointly with J. M. Harrison Agency LLC)

J. M. Harrison Agency LLC
License No. 000011319
Company; Montgomery, Alabama
Date of Hearing: May 24, 2012
License Revoked; Fined $2,500 (fined jointly with Robert Jackson Belcher)

J. King Realty, LLC
License No. 000067422
Company; Athens, Alabama
Date of Hearing: September 27, 2012
Fined $500 (fined jointly with Jan A. King); License suspended for one year with suspension stayed pending completion of continuing education course Risk Management for Property Managers by Qualifying Broker Jan A. King.

Jan A. King
License No. 000057301
Qualifying Broker; Athens, Alabama
Date of Hearing: September 27, 2012
Fined $500 (fined jointly with J King Realty, LLC); License suspended for one year with suspension stayed pending completion of continuing education course Risk Management for Property Managers.

Hines Realty Company
A Corporation
License No. 000016887
Company; Brewton, Alabama
Date of Hearing: October 25, 2012
Fined $1,000

Jack W. Hines, Jr.
License No. 00016890
Associate Broker; Brewton, Alabama
Date of Hearing: October 25, 2012
License Revoked

Jack W. Hines, III
License No. 000069208
Qualifying Broker; Brewton, Alabama
Date of Hearing: October 25, 2012
Fined $1,000

Steve N. Humphries
License No. 000078523
Associate Broker; Florence, Alabama
Date of Hearing: November 29, 2012
Fined $2,000 (fined jointly with Kevin James Knight and Humphries, Inc.); License suspended for six months with suspension stayed pending completion of continuing education course Risk Management for Property Managers.

Kevin James Knight
License No. 000067469
Qualifying Broker; Florence, Alabama
Date of Hearing: November 29, 2012
Fined $2,000 (fined jointly with Steve N. Humphries and Knight and Humphries, Inc.); License suspended for six months with suspension stayed pending completion of continuing education course Risk Management for Property Managers.

Knight and Humphries, Inc.
dba Real Property Management
License No. 000080718
Company; Florence, Alabama
Date of Hearing: November 29, 2012
Fined $2,000 (fined jointly with Kevin James Knight and Steve N. Humphries)

Rob S. Copeland
License No. 000068521-2
Qualifying Broker; Fairhope, Alabama
Date of Hearing: February 21, 2013
Fined $2,500 (fined jointly with Rob Copeland Property Management, LLC)

Rob Copeland Property Management, LLC
License No. 000089602
Company; Fairhope, Alabama
Date of Hearing: February 21, 2013
Fined $2,500 (fined jointly with Rob S. Copeland)

(Disciplinary Actions continued on page 7.)
DISPOSITION
The below was found guilty of violating Section 34-27-34(a)(2) through Section 34-27-36(a)(19) for failing, as qualifying broker, to notify the Commission of the institution of criminal prosecution against Jack W. Hines, Jr.

Jack W. Hines III
License No. 000068208
Qualifying Broker; Brewton, Alabama
Date of Hearing: October 25, 2012
Fined $500

DISPOSITION
The below was found guilty of violating Section 34-27-36(a)(27) for acting negligently or incompetently in performing an act for which a person is required to hold a real estate license.

Cathy P. Hutchinson
License No. 000071396
Salesperson; McCalla, Alabama
Date of Hearing: September 27, 2012
Fined $1,000

DISPOSITION
The below was found guilty of violating Section 34-27-36(a)(19) for failing to notify the Commission in writing within thirty (30) days after changing their place of business as set out on their numbered license certificate.

Kenneth M. Turner
License No. 000083152
Qualifying Broker; Montgomery, Alabama
Date of Hearing: October 25, 2012
Fined $500

DISPOSITION
The below surrendered their licenses for alleged license law violations in lieu of a formal complaint and hearing.

Phillip D. Ledbetter
License No. 000014815
Qualifying Broker; Anniston, Alabama
Date of Hearing: February 21, 2013
Fined $500

G. B. Daniel Realty Company
License No. 000014726
Company; Anniston, Alabama
Date of Hearing: February 21, 2013
Fined $500

Newest Website Upgrades Designed to Boost User Experience

The Commission’s website, arec.alabama.gov, has been upgraded—a little more. We are continuing to assist you as you are on-the-go and away from your office computer. The upgrades are designed to boost your user experience by making the website menu navigation easier and faster. The navigation is enhanced for use with your mobile devices, such as smartphones and tablets. The navigation is also designed to function in older versions of Web browsers, including Internet Explorer and other browsers.

The Online Services login and the License Law are more prominent on the website navigation to get you to these options more quickly. Also, the news from the Commission’s Twitter feed (@ARECalabamagov) has been added in a social media dashboard to provide our latest tweets. There are more upgrades coming as we increase our website content and make the site more intuitive and interactive.

Comments we have received from you helped to direct us in making some of these enhancements. Therefore, as we continue striving to make the Commission website more valuable for you, we appreciate your feedback (the good, the bad, and the ugly). Please send us more comments using the Contact Us web form, by emailing us (arec@arec.alabama.gov), or through one of our social media sites.
Commission Meeting Dates for 2013

Below are the upcoming 2013 meeting dates for the Alabama Real Estate Commission. The Montgomery meetings are usually held at the Commission offices at 1201 Carmichael Way. The meeting dates and locations are subject to change. Please check the Commission’s website, arec.alabama.gov, for current information. Meeting information can also be found on the Commission’s Facebook and Twitter sites.

All meeting dates are posted on the Secretary of State’s website at sos.alabama.gov in accordance with the Alabama Open Meetings Act. Commission meetings are always open to licensees and the public.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Time</th>
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<tbody>
<tr>
<td>May 23</td>
<td>Montgomery</td>
<td>9:00 a.m.</td>
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<tr>
<td>June 11</td>
<td>Orange Beach</td>
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<td>July 19</td>
<td>Montgomery</td>
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<td>August 23</td>
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<td>September 26</td>
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<td>October 24</td>
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<td>November 21</td>
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