

Senate Confirms Two New Commissioners

The Alabama Real Estate Commission is pleased to announce that the Alabama Senate has confirmed Nancy Wright and Clifton Miller to the Commission.

Commissioner Nancy Wright will represent the Fourth Congressional District. She has been with Coldwell Banker Hill Real Estate in Cullman, Alabama since 1993 and is currently an Associate Broker with the company.



Nancy Wright

As an active member of the real estate industry, she is member of the National Association of REALTORS®, the Alabama Association of REALTORS® and the Cullman Association REALTORS®. Commissioner Wright serves on numerous committees, task forces, and advisory groups on the local, state, and national levels. She was named REALTOR® of the Year by the Cullman Association REALTORS®

in 2001 and was the first recipient of the Cullman Association's Spirit Award in 2007. Commissioner Wright is also a member of the Alabama Association of REALTORS® Board of Directors.

Commissioner Wright is an active community leader. She serves as president and as a board member of both Volunteers in Public Schools (VIPS) and the Cullman County Arts Council. She also serves on the board of the Cullman County Chamber of Commerce and Habitat for Humanity of Cullman County. She is an active member of St. John's Evangelical Protestant Church.

Commissioner Wright is married to Larry Wright. They have two sons, Clint and Wes. Their son Wes and his wife Kayce are the parents of their granddaughter, Presley.

Commissioner Clifton Miller joins the Commission as Member-at-Large. He is a broker with Rise Real Estate, Inc. in Huntsville, Alabama.

He was born and raised in the Bay Spring Community of Hale County near Greensboro, Alabama. He served twenty years and thirteen days in the U.S. Army as an infantry and logistics officer in Europe, Korea, Southwest Asia, and the continental United States. He was awarded the Bronze Star for his outstanding service in Saudia Arabia, Kuwait, and Iraq during the Persian Gulf War.

Commissioner Miller began a career in real estate in 1995 after retiring from the Army with the rank of Major. He has been a

member of the Huntsville Area Association of REALTORS® Board of Directors since 2000. He was inducted as the first African-American president of the Huntsville Area Association of REALTORS® in January 2008. He also serves on the Alabama Association of REALTORS® Board of Directors and is a graduate of the 2005 Alabama Association of REALTORS® Leadership Class.



Clifton Miller

In addition to being very active in his church, Saint John A.M.E. Church, Commissioner Miller's community involvement includes membership in 100 Black Men of America-Greater Huntsville Chapter, Phi Beta Sigma Fraternity, Inc.-Graduate Chapter, and the Madison Civitan Club. He served over five years on the board of directors of the Madison Chamber of Commerce where he was the Youth Council chairperson for several years.

Commissioner Miller is married to his college sweetheart Tullie Miller. They have two sons, Bernard and Brian, and one grandson, Jady Bernard Miller. ■

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Meet Your **COMMISSIONERS**



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Nancy Wright
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District 4
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**Commissioners
Henderson and Mallory
Complete Commission Terms**

Alabama Real Estate Commission President Gordon Henderson and Commission Member-at-Large Chester Mallory completed their terms on September 30, 2008. Both have served as Commissioners since 1998.



Gordon Henderson

Commissioner Henderson was appointed to two five-year terms on the Commission. His broad knowledge of brokerage and finance were invaluable during his service as chair of the Finance and Budget Task Force. Under his leadership the Commission has been successful in meeting most of the industry demand for regulatory service. In addition, Commissioner Henderson's leadership experience greatly enhanced the ability of the Commission to achieve its objectives and further the public good.



Chester Mallory

Commissioner Mallory was also appointed to two five-year terms on the Commission. During his tenure, he contributed significantly to the advancement of technological initiatives, promoted quality education offerings and instructor training, and promoted enhanced communication in print and on the Commission's Web site. He also lent his time and expertise to the search for a quality exam provider to administer the salesperson and broker examinations to licensees. He gave an enormous amount of time to the development of requests for proposal and subsequent review to ensure that the best exam provider was selected.

Both commissioners were actively involved with ARELLO. They contributed countless hours making sure that Alabama was well represented on ARELLO committees and at meetings and conferences.

We thank Commissioners Henderson and Mallory for ten years of faithful and diligent service to the consumers and licensees of Alabama. ■

**Thank You Commissioners
Henderson and Mallory for
10 Years of Dedicated Service!**

LICENSING TIDBITS

IMPORTANT NOTICE

To Those Who Renewed **ON OR AFTER October 1, 2008,**
OR Renewed on Inactive Status at Anytime

If you renewed your 2009-2010 license on or after October 1, 2008 it was issued to inactive status regardless of your license status on September 30, 2008. You may activate your license either by mail or online by taking the following steps:

TO ACTIVATE BY MAIL:

1. Submit an *Application for License Activation* form along with the \$25 fee made payable to the Alabama Real Estate Commission.

You can locate the form to print off on the Commission's Web site at www.arec.alabama.gov under "Quick Links", "Forms and Application." If you mail the application and fee by certified mail, you can begin work immediately. If not sent by certified mail, you may not engage in real estate activities until the license has been received by the broker.

2. Meet all of your CE requirements and ensure your credit has been reported to the Commission.

TO ACTIVATE ONLINE:

1. Go to www.arec.alabama.gov.
2. Go to Online Services and log in using your license number, last four digits of your social security number and your date of birth.
3. Once in your record, click on the activate option under "Available Services" and continue steps to activate your license.
4. Meet all of your CE requirements and ensure your credit has been reported to the Commission.
5. NOTE: If you renew your license and then want to activate it, you cannot activate your license until your renewal payment has been processed and posted. It will take at least two days for your renewal payment to be processed and posted online.

IMPORTANT: For those who desire to remain on inactive status, it is *not necessary* to submit the activation form and fee nor complete the 15 hours of continuing education *until you wish to activate your license.*

License Renewal Penalty NOW IN EFFECT!

DEADLINES FOR 2009-2010 LICENSES

■ After August 31

Add \$150 penalty fee

■ September 30, 2008

Last day to renew in order to have license issued to active status on October 1, 2008

■ October 1, 2008

2007-2008 licenses expired.

If not renewed for 2009-2010, you are inactive by operation of law and may not engage in real estate activities that require a license.

■ September 30, 2009

Last day to renew the 2009-2010 licenses. After this date, license will lapse and cannot be renewed.

REMEMBER ALL Licenses Must Be Renewed

▶ INACTIVE LICENSES

- Salesperson licenses (not temporaries)
- Broker licenses

ACTIVE LICENSES

- Salesperson licenses (not temporaries)
- Broker licenses, which includes:
 - First, second, third, fourth, etc. broker licenses
 - All associate brokers
 - All qualifying brokers
 - All temporary brokers
- All company licenses, which includes:
 - Sole Proprietorships
 - Corporations
 - Branch Offices
 - Partnership

EDUCATION CORNER**ONLINE ADVANTAGES***By Ryan Adair, Education Director*

It seems like there are so many people today who are in strong pursuit of convenience to help manage their very busy lifestyles. If you stop and think about it, anything that can make our lives a little easier and simpler is a very welcome addition. Technology has played a major role in making things easier and more convenient. How many times have you accessed a search engine or a Web site to find information that you needed immediately? Well, the Real Estate Commission continues to search for ways to use technology to make the lives of licensees easier. Online renewals and transfers have been available for several years. The Education Division has implemented other online services as discussed below.

Real Estate Course Search

Finding continuing education courses has never been easier for real estate licensees. What should you do when the unavoidable desire to increase your real estate knowledge hits? It's as simple as this:

- Go to the Commission's Web site at www.arec.alabama.gov
- Select **Real Estate Course Search** from the *Quick Links*, the *Instant Access Menu*, or the drop-down menu under *Education* on the home page.
- Search for any kind of course (i.e., salesperson prelicense, post license, broker prelicense, risk management CE, or elective CE) at any time of the day.
- Search by Course Name, Instructor's Last Name, Course Type, Location, or any combination of these options.
- You can instantly see all of the offerings for real estate courses that are currently available. Please note that you must disable your pop-up blocker in order to see the course information when you click on the course name.

Licensee CE Credit

The days of keeping CE certificates after completing courses are gone. The Commission no longer requires licensees to maintain CE certificates and no longer asks licensees to submit those certificates. All credit is electronically submitted to the Commission by the course provider. License law requires this to be done within



three days for prelicense and post license courses and within ten days for continuing education courses. **A good practice is to check your credit on the Commission's Web site two weeks after completing a CE course. If the credit is not displayed after two weeks, you must contact the school or instructor and inquire.** All credit will be displayed until it is used for either license activation or license renewal. It is then automatically removed from the screen and archived.

Course Evaluations

With the exception of the salesperson prelicense course, all courses can be evaluated online after credit has been submitted. This is an easy way for licensees to let the Commission know about the quality of education that is being offered in the state and all licensees are encouraged to take advantage of it. The online evaluation is available for 30 days after the course credit has been entered. During those 30 days, you will see the number of days remaining to evaluate the course in the Course Evaluation column. If you evaluate the course during the 30-day period, the word "Completed" will appear in the Course Evaluation column. If the course is not evaluated within 30 days, the opportunity to complete an online evaluation will end and the course evaluation cell will be blank. **Course credit will not be affected if you do not complete an online evaluation.** ■

Commission Becomes Pilot for **NEW PHONE SYSTEM**

The Commission office is the pilot site for VOIP (Voice Over Internet Protocol), a new telephone system for the State of Alabama. As the pilot site, we do expect to experience some issues simply because it is new to us as well as to the state. Issues are being reported and corrected as they are encountered.

When you call the Commission office during normal business hours, you will usually get one of our attendants. If the attendant is assisting other customers or if it is after business hours, you will reach the **Auto Attendant**. You will hear the following message from the **Auto Attendant** and be prompted to enter the necessary information:

“Thank you for calling the Alabama Real Estate Commission. If you know your party’s extension you may dial it now or make your selection from the following menu. Once you are certain of the division you need to speak with, you may dial it at any time.

You do not have to listen to the entire menu.

- *For Directory Assistance for Real Estate Commission Staff by Name press 1*
- *for Licensing Division press 2*
- *for Education Division, press 3*
- *for Legal and Investigative Division press 4*
- *for Accounting Division press 5*
- *for the Director’s Office press 6*
- *If you do not know which division you need to speak with, press zero (0) to speak with the operator or remain on the line.”*

Dial the Commission’s main number, 334.242.5544, and ask for the staff member by name or by extension number. If the attendant is assisting other customers, you will be prompted to enter the staff member’s extension.

Administrative

D. Philip Lasater	30804
Patricia Anderson	30807

Accounting

Molli Jones	30814
Hattie Thomas	30823
Shontrail Hughes.....	30826

Education

Ryan Adair	30850
David Bowen.....	30848
Julie Norris.....	30813
Pam Oates.....	30873
Connie Rembert	30849

Information Technology

Nancy Barfield	30834
Brett Scott.....	30838
Matt Davis.....	30843
Steve Brown	30841
Codey Cherry	30835

Legal

Charles Sowell	30805
Chris Booth	30859
David Erfman.....	30815
Chuck Kelly	30817
K. C. Baldwin	30867
Phillip Bunch.....	30819
Denise Blevins	30818
Anthony Brown.....	30818
Vickie Shackelford.....	30818
Reginald Foster	30852

Licensing

Marilynn Pressley	30836
Rose Stephens	30830
Princess Scott	30803

Public Relations

Vernita Oliver-Lane.....	30839
Lori Moneyham	30851

Reception

Robina Jenkins	30831
Melissa Floyd.....	30802

BRIEFLY LEGAL

Company License Requirements

By Charles R. Sowell, General Counsel

Believe it or not, this simple subject is not so simple.

This article will deal with state company licenses issued by the Alabama Real Estate Commission, not with local licensing. Real estate companies must purchase city and/or county licenses when required by local law. Our office is not involved with these local licenses.

- **Every qualifying broker and every place of business are required by the Alabama Real Estate License Law to have a company license.** Corporations, LLCs, and sole proprietorships are the most common examples of business organizations comprising companies as defined by our law. Company licenses are applied for by the qualifying broker on a company license application form. This form and many others are available on our Web site. Our Web address is www.arec.alabama.gov so if you have not done so, please take a minute and put it in your "Favorites" or "Bookmark" it in your Web browser. There is a whole lot more information there, too, available for free.
- **The only other kind of company license is a branch office license.** A branch office must have a license designating it as a branch office. The commission has a special form used to apply for a branch office license. This is because the law provides that the branch qualifying broker and the main company qualifying broker both share responsibility for the actions at the branch office. This has more complications than you might think, especially regarding the Real Estate Consumer's Disclosure Act (RECAD). Brokers must consider the RECAD consequences of setting up branch offices. For example, if a salesperson licensed at a branch office becomes an agent of a property owner by entering into an agency listing agree-

ment, then every licensee at every office is an agent for that seller. If a salesperson licensed at a branch office becomes an agent of a buyer by entering into a buyer agency agreement, then every licensee at every office is an agent for the buyer. If company policy provides that all consumers, sellers and buyers, are treated as customers under transaction brokerage, then the company licensees are not an agent of either party. I will not spell out all the possible combinations, but you get the idea. Just like any other company on an in-house sale, relationships must be changed to limited consensual dual agency when a buyer with an agency relationship desires to purchase a listed property with an agency relationship at any of the company's offices. Remember, an in-house sale at a company with branch offices can involve more than one office. The listing might be at the main office or at a branch and the buyer's agency agreement might have been entered into at another branch office.

- **Every activity requiring a real estate license must be conducted in the name of the licensed company under the qualifying broker.** We have received some phone calls where the caller says something like this: "Our qualifying broker got out of the property management business, so some of us agents are going to manage property off the books and our broker says this is OK with them as long as he/she is left out of it." If this is your idea of having fun with me, you need to know every call like that takes about a year off of my life. Licensees have received disciplinary action for running a property management company without a company license. Our law and rules also provide for issuance of multiple broker and company licenses when your business model has this need.

We sometimes get calls from brokers and their attorneys asking about company licensing requirements. There is more to the subject than I have covered. If this article has caused you to be overcome with interest, there is some riveting reading in Section 34-27-32(e) through (i) of the license law. If this is not enough you will be absolutely mesmerized by Rule 790-X-2-.04. If you have questions, our office is easy to contact and ready to help. ■

DISCIPLINARY ACTIONS TAKEN

May through August 2008

DISPOSITION

The below was found guilty for violation of 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.

Gabriel Cherron Henderson

License No. 000093004

Salesperson; Pelham, Alabama
Date of Hearing: August 8, 2008

Fined \$250

DISPOSITION

The below were found guilty of violation of Rule 790-X-3-.01 through Section 34-27-36(a)(19) for failing to notify the Commission in writing within 30 days after changing their place of business as set out on their numbered license certificate.

David Birnbrey

License No. 000060917

Qualifying Broker; Atlanta, Georgia
Date of Hearing: August 8, 2008

Fined \$500

Debbie Kessler

License No. 000085515

Qualifying Broker; Clarkston, Michigan
Date of Hearing: August 8, 2008

Fined \$250

Tammie Simmons

License No. 000086578

Qualifying Broker; Pensacola, Florida
Date of Hearing: August 8, 2008

Fined \$250

DISPOSITION

The below was found guilty of violation of Section 34-27-34(a)(2) through Section 34-27-36(a)(19) by failing to ensure that a licensee of the company for which he is the



qualifying broker complied with Alabama Real Estate License Law.

Alan H. Goode

License No. 000043351

Qualifying Broker; Tuscaloosa, Alabama
Date of Hearing: May 30, 2008

Fined \$1,000

DISPOSITION

The below was found guilty of violation of Section 34-27-84(a)(6) through Section 34-27-36(a)(19) by acting on his own behalf as property owner without providing prior timely written disclosure of this

ownership interest to all parties in the transaction.

Clifton Wesley York

License No. 000080039

Salesperson; Tuscaloosa, Alabama
Date of Hearing: May 30, 2008

Fined \$2,500

DISPOSITION

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

Gary L. Thompson

License No. 000022487

Associate Broker; Talladega, Alabama
Date of Hearing: May 30, 2008

Lisa Rayel Jeffrey

License No. 000092180

Salesperson; Glendale, California
Date of Hearing: August 8, 2008

Young Lee Jones

License No. 000081792

Salesperson; Birmingham, Alabama
Date of Hearing: August 8, 2008

OTHER ADMINISTRATIVE ACTIONS

DETERMINATION OF LICENSURE

Approved.....	12
Denied.....	3

DETERMINATION OF ELIGIBILITY

Approved.....	0
Denied.....	1

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

From Licensees.....	1,747
From Public.....	755
Anonymous.....	23



Real Estate Commission

1201 Carmichael Way • Montgomery, AL 36106

OUR MISSION

To protect the public through the licensing and regulating of Real Estate licensees.

OUR VISION

To insure public confidence in real estate transactions.

OUR VALUES

Effective management of our resources, excellent customer service, innovation, and honesty and integrity.

COMMISSIONERS

Jewel D. Buford, Tuscaloosa

Steve Cawthon, Huntsville

Robert S. Hewes, Dothan

Sheila S. Hodges, Gulf Shores

Clifton Miller, Huntsville

Janet R. Morris, Montgomery

Dorothy P. Riggins-Allen, Montgomery

Bill Watts, Birmingham

Nancy Wright, Cullman

D. Philip Lasater, Executive Director

Patricia Anderson, Asst. Executive Director

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Lori Moneyham, Associate Editor

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

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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 Web site at

www.arec.alabama.gov.

LICENSE RENEWAL DATES

Real Estate licenses expire
September 30, 2010.

Remember to renew all broker, salesperson and company licenses in every even year.

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Save the Date:

Friday, January 30, 2009

**Ninth Annual
ALABAMA COMMERCIAL
REAL ESTATE CONFERENCE**

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Birmingham, Alabama
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2009 Outlook • Tech Trends

**Keynote
Dr. David Bronner
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RSA**