

MINUTES

The Alabama Real Estate Commission met February 21, 2007, at the University of Alabama, Bryant Conference Center, Tuscaloosa, Alabama.

Chairman Poole called the meeting to order at 1:00 p.m.

Those present were Chairman Bill E. Poole; Vice Chair Sheila Hodges; Commissioners Roy Bragg, Jewel Buford, Gordon Henderson, Bobby Hewes, Chester Mallory, Jan Morris and Dorothy Riggins; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell and Education Director Ryan Adair.

Chairman Poole recognized and welcomed former Commissioner Ruth Whitley, AAR President Tom Owings, AAR Executive Vice President Danny Cooper, AAR Government Affairs Assistant Carl Clark, Susan Hawkins, and Bob McMillan. New AREC Education Specialist Susan Jackson was introduced and welcomed.

Commissioner Mallory moved to approve the January meeting minutes. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

The January 2007 statements were reviewed noting revenue trends and expenditure projections. Revenues continue to exceed projection and expenditures are under and within budget authorization. A graph highlighting exam numbers for the past 30 years was distributed. It is instructive about how revenue can surge through the license applications that result from examinations. It is also predictive that revenues invariably fall to some degree following a high peak. Also distributed was a graph tracking the number legal enforcement inquiries and its correlation to the increase in licensing.

Examination Statistic Review - Commissioner Bragg noted the pass/fail patterns reflected in the examination results.

Upon hearing Commissioner Bragg comment on his involvement with the Commissioners Exam RFP Task Force, Commissioners joined in consensus commending and expressing appreciation for the work of Education Director Ryan Adair.

Education Director Ryan Adair proceeded to provide an overview of the proposed rule amendments for which a public hearing is scheduled at the March meeting.

The Louisiana Real Estate Commission is hosting the Southern/Central District meeting of ARELLO. The date was not set when the Commission's proposed meeting calendar was adopted last fall, they have since set the meeting spanning the proposed July 27 meeting date. Upon discussion of potential adjustments to the calendar, Commissioner Henderson moved to set the July meeting for the 20th. Commissioner Bragg seconded the motion and it passed 9-0.

In consideration of developing a Commission communication and public information plan, Chairman Poole appointed Commissioners Henderson and Riggins to offer guidance and advice to staff in the development of recommendations for all Commissioners.

In consideration of the issue of Community Association Management and its potential for ever widening and emerging implications, Chairman Poole appointed Commissioners Hodges, Henderson and Morris to serve as a Study Task Force authorized to involve other resources and industry input as deemed necessary and beneficial.

The Sunset Audit and Hearing process was reviewed. The audit currently underway, the Hearing for the Commission is projected to be scheduled sometime this fall. It was emphasized how important it is to members of the joint legislative committee that Commissioners respond to the questionnaire and attend the Hearing.

Information regarding the Commission Strategic Planning session scheduled for the afternoon of March 15 was provided. Commissioner Buford reported that she would be unable to attend the March meetings.

Assistant Executive Director Pat Anderson provided information about the administration of the Private School Act which appears to be shifting from Post Secondary to Commission on Higher Education and the relationship the Private School Act has to approved Real Estate Schools.

The Executive Director's written report reminded Commissioners about the filing deadline for the Statement of Economic Interests, provided an update on the status of the building modification project, reported on the completion of the building security projects and completion of the hearing room sound system.

NOT APPEARING ITEMS FOR DISCUSSION

Alabama Real Estate Commission vs. James Ryan Jackson, Formal Complaint No. 2993, Requesting Additional Time to Pay ORDERED Fine

Upon discussion of Mr. Jackson's failure to pay the ORDERED fine of \$250 by the allotted time, Commissioner Bragg moved to deny his request for an extension of time to pay his fine. Commissioner Hewes seconded the motion and it passed 8-1 with Commissioner Mallory voting no.

Alabama Real Estate Commission vs. Vickie M. Watson, Formal Complaint No. 2994

Upon discussion of the evidence and testimony presented in the matter of Vickie M. Watson, salesperson, JRHBW Realty, Inc., d/b/a RealtySouth Trussville Crossings, Birmingham, Alabama, 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 Hodges

moved to find Ms. Watson guilty and to fine her \$250. Commissioner Morris seconded the motion and it passed 7-0 with Commissioners Mallory and Riggins abstaining.

Alabama Real Estate Commission vs. Darlene Green Hamm, Applicant for Reciprocal Broker's License, I-12,191

Upon review of matters related to Ms. Hamm's eligibility for reciprocal licensure, Commissioner Hodges moved to deny the application of Ms. Hamm. Commissioner Bragg seconded the motion and it passed 8-1 with Commissioner Mallory voting no.

Report on Appeals of Commission Decisions

Commissioner Henderson moved to reject the settlement offer on behalf of Ms. Martin-Lynch by Mr. Northcutt and to let the Commission's initial order stand. Commissioner Bragg seconded the motion and it passed 9-0.

Alabama Real Estate Commission vs. Scott Dan Micklewright, Formal Complaint No. 2986

Upon review of the evidence and testimony presented in the matter of Scott Dan Micklewright, Inactive Temporary Salesperson, Madison, Alabama, 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 Bragg moved to find Mr. Micklewright guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Allison Harwell, Formal Complaint No. 2974

Upon discussion of the evidence and testimony presented in the matter of Allison Harwell, Salesperson, Montgomery Metro Realty, Inc., Montgomery, Alabama, 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. Harwell guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Alabama Real Estate Commission vs. Christina W. Weems, Formal Complaint No. 2982, Requesting Additional Time to Pay Ordered Fine

Upon review of the request by Ms. Weems for additional time to pay the ORDERED fine, Commissioner Hodges moved to approve Ms. Weem's request. Commissioner Bragg seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Rebecca B. Harris, Formal Complaint No. 2979

Upon discussion of the evidence and testimony presented in the matter of Rebecca B. Harris, Qualifying Broker, Bradley-Harris Real Estate, Pelham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating Commission Rule 790-X-3-.01 by changing the address of his place of business and failing to notify the Commission in writing within thirty (30) days, Commissioner Bragg moved to find Ms. Harris guilty and to reprimand her. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Cassandra Patrice Williams, Applicant for Temporary Salesperson's License, I-12,203

Upon review of Ms. Williams' application for temporary salesperson's license, Commissioner Bragg moved to approve the license application of Ms. Williams. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

April Commission Meeting Setting

Commissioner Henderson moved to set the April meeting of the Commission in Huntsville. Commissioner Mallory seconded the motion and it passed 7-2 with Commissioners Bragg and Hewes voting no.

Ronnie A. Price, Applicant for Determination of Licensing Eligibility, I-12,180

Upon review of Mr. Price's eligibility for licensure, Commissioner Hodges moved to deny the license eligibility of Mr. Price. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Annie M. Collins, Requesting Additional Time for Having License Issued, I-12,206

Upon review of the information submitted by Ms. Collins in her application for salespersons temporary license, Commissioner Hodges moved to approve her application. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Laura Kay Trawick (Obarr), Applicant for Determination of Licensing Eligibility, I-12,162

Upon consideration of the application for determination of licensing eligibility submitted by Ms. Trawick, Commissioner Henderson moved to approve her eligibility for licensure. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Gerald L. Roberson, Applicant for Determination of Licensing Eligibility, I-12,196

Upon consideration of the application for determination of licensing eligibility submitted by Mr. Roberson, Commissioner Hodges moved to deny his eligibility for licensure. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

Giles O. Ham, Jr., Applicant for Determination of Licensing Eligibility, I-12,189

Upon consideration of the application for determination of licensing eligibility submitted by Mr. Ham, Commissioner Mallory moved to deny his eligibility for licensure. Commissioner Riggins seconded the motion and it passed unanimously 9-0.

Willie James Simmons, Applicant for Real Estate Salesperson's Temporary License, I-12,209

Upon review of the information submitted by Mr. Simmons in his application for temporary salespersons license, Commissioner Bragg moved to deny licensure for Mr. Simmons. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Larry Ernest Reid, Applicant for Determination of Licensing Eligibility, I-12,220

Upon review of the application for determination of licensing eligibility submitted by Mr. Reid, Commissioner Hodges moved to deny his eligibility for licensure. Commissioner Morris seconded the motion and it passed unanimously 9-0.

Uta Regenia Sealey, Requesting Extension for Having License Issued, I-12,223

Upon review of the circumstances regarding Ms. Sealey's failure to meet the application deadline, Commissioner Buford moved to approve the temporary sales license of Ms. Sealey. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

There being no further business, the Commission adjourned at 2:40 p.m.

Done this 21st day of February, 2007.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary