

## MINUTES

A meeting of the Alabama Real Estate Commission was held February 19, 2008, at the University of Alabama, Alston Hall - Conference Room 400, Tuscaloosa, Alabama.

Those present were Chairman Gordon Henderson; Commissioners Jewel Buford, Steve Cawthon, Bobby Hewes, Chester Mallory, Jan Morris, and Bill Watts; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Education Director Ryan Adair; Public Information Manager Vernita Oliver-Lane, Public Information Specialist Lori Moneyham and Information Technology Assistant Manager Brett Scott. Vice Chair Shelia Hodges, Commissioner Dorothy Riggins, and Executive Director Philip Lasater were absent with prior notice.

Commissioner Henderson asked for 30 seconds of silence to remember Executive Director Philip Lasater and his family during this time of loss of Mr. Lasater's father-in-law.

Commissioner Mallory moved to approve the January 2008 meeting Minutes as presented. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

The January financial statements were reviewed with no action taken.

Assistant Executive Director Pat Anderson read a card sent to commissioners by recently retired Chief Accountant Janie Jordan expressing gratitude to commissioners for their recognition of her service and the gift they presented to her at the January meeting.

After discussion of the request made to commissioners in the morning meeting of the ACRE Trustees, Commissioner Watts made a motion to support the resolution passed by the Trustees for utilization of available funds to move forward with expansion of the real estate curriculum at the University of Alabama. Commissioner Morris seconded the motion and it passed unanimously 7-0. Additionally there was a question again generated from the prior ACRE Trustee meeting as to whether the Commission had any discretion in when it transmits funds it receipt for the center.

Commissioners reviewed the following legislation: HB 331, SB 183, and HB 301. Note was made that the Commission's Sunset bill (SB 183) contains language to eliminate the citizenship requirement. Regarding HB 301 and how it affects the licensing of certain individuals with criminal records, Commissioner Watts made a motion to oppose this bill. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

Education Director Ryan Adair provided a handout and explanation regarding the number of schools now offering the 60 hour broker prelicense course and the anticipated market dates of the distance education courses. He also provided a chart of exam pass rates from 2001 – present.

Commissioners were given information regarding the ARELLO mid-year meeting scheduled in April in Pasadena and asked to sign travel forms. Also discussed were ENotes, the generic travel form through which staff will secure information for future travel, new

commissioner web-site and text messaging to get commissioners important information from staff quickly. Commissioners responded positively to the new methods of communication.

Commissioners received information that wireless internet requested by the Commission committee for their laptops will be ready for the June 27 meeting. Brett Scott, Assistant IT Manager, asked commissioners to let him know exactly what they want to see in that meeting and he will let commissioners know if we will use their laptops or Commission laptops.

A detailed status report and chart of the Communications project provided by Sharleen Smith of the Alabama Training Institute of AUM was distributed and briefly reviewed. Commissioners were asked to complete and return their commissioner customer service assessment surveys to Ms. Smith as soon as possible.

An updated 2008 calendar was distributed and commissioners were made aware that it would be placed on their web site in the future. Commissioners were reminded of the March 10 meeting date and were made aware that travel forms for Summer Splash will be ready at the March meeting for signature.

Under "Other Commissioner Discussion" Commissioner Watts inquired about the following items:

- 1) What constitutes confidential information for commissioners? General Counsel Charles Sowell responded that if licensees or persons are talking to a commissioner, they have no confidentiality because they are talking to a public official.
- 2) Does the Commission have an archive of web site snap shots as indicated by Examiners? He was assured that we do.
- 3) What is the rule regarding soliciting funds specifically as it applies to being on the board of charitable organizations? Pat Anderson responded that our understanding under Ethics Law is that we cannot approach real estate licensees for donations in fund raising efforts. More examples were cited by commissioners such as a commissioner's office being used for fund raising but it is an agent coordinating the function and a reception being given for a public official at one's home. Charles Sowell said while those general understandings are a good guideline, only the Ethics Commission can provide specific answers to specific questions.
- 4) What is the status regarding enforcement of License Law as it relates to residential property managers and the issues under Landlord/Tenant Act? Commissioner Watts was particularly interested in its application regarding security deposits and escrow deposits. Does Landlord/Tenant Act take precedence over License Law? Charles Sowell reported he had not read anything in it that conflicts with License Law but he will look at it again.

Commissioner Morris asked about Strategic Planning this year and expressed how much it helped her. The Chair explained that we will be spending this year implementing what we developed last year and will not have another one until next year. Also there will be two new commissioners by next year and this would give them an opportunity to be involved.

## **NOT APPEARING ITEMS FOR RULING**

### **Debra Ann Williams, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3034**

Upon review of the evidence and testimony presented in the matter of Debra Ann Williams, a/k/a Debra A. Cook, Inactive Salesperson, Coaling, 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 Morris moved to find Ms. Williams guilty and to fine her \$250. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

### **Kimmie Sue Dempsey, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3052**

Upon review of the evidence and testimony presented in the matter of Kimmie Sue Dempsey, temporary salesperson, Dabwood 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. Dempsey guilty and to fine her \$250. Commissioner Cawthon seconded the motion and it passed unanimously 7-0.

### **Lawrence Edward Haynes, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3055**

Upon review of the evidence and testimony presented in the matter of Lawrence Edward Haynes, Qualifying Broker, Goshen Property and Lending, Atlanta, Georgia, 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 Morris moved to find Mr. Haynes guilty and to fine him \$250. Commissioner Watts seconded the motion and it passed unanimously 7-0.

### **Oscar Larry Chambers, Applicant for Determination of Licensing Eligibility, I-12,587**

Upon discussion of the licensing eligibility of Mr. Chambers, Commissioner Morris moved to approve the license eligibility of Mr. Chambers. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Lamarr Gullap, Applicant for Salesperson's License, I-12,603**

Upon review of the temporary salesperson's application submitted by Mr. Gullap, Commissioner Hewes moved to deny the salesperson application of Ms. Gallup. Commissioner Morris seconded the motion and it passed unanimously 7-0.

**Chastity Henderson Coney, Request for Extension to Take Post-License Course and File for Original Salesperson License, I-12,615**

Upon discussion of Ms. Coney's request for additional time to complete the post-license course and file for an original salesperson's license, Commissioner Cawthon moved to deny the request for an extension to Ms. Coney. Commissioner Watts seconded the motion and it passed unanimously 7-0.

**Donna M. Byrne, Request for Extension of 90-Day Deadline for License Issuance, I-12,617**

Upon consideration of Ms. Byrne's request to submit application for temporary salesperson license after failing to meet the 90-day deadline, Commissioner Cawthon moved to deny the request for an extension to Ms. Byrne. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Camille K. Ryan, Request for Extension of 90-Day Deadline for License Issuance, I-12,611**

Upon consideration of Ms. Ryan's request to submit application for broker license after failing to meet the 90-day deadline, Commissioner Morris moved to deny the request for an extension to Ms. Ryan. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Philip M. (Matt) Sankey, Request for Extension of 90-Day Deadline for License Issuance, I-12,616**

Upon consideration of Mr. Sankey's request to submit application for a broker's license after failing to meet the 90-day deadline, Commissioner Watts moved to deny the request for an extension to Mr. Sankey. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

**Tim Ingram, Request for Hardship Renewal of Lapsed Salesperson's License, I-12,602**

Upon review and consideration of Mr. Ingram's hardship resulting in his failure to renew his license, Commissioner Hewes moved to deny the hardship request for renewal from Mr. Ingram. Commissioner Mallory seconded the motion and it passed unanimously 7-0.

**Leon Fortune, Surrender of License, I-12,551**

Upon discussion of the surrender of license by Mr. Fortune, Commissioner Morris moved to accept the affidavit of surrender from Mr. Fortune. Commissioner Watts seconded the motion and it passed unanimously 7-0.

**Cherisse Nicole Andrews, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3033**

Upon review of the evidence and testimony presented in the matter of Cherisse Nicole Andrews, Inactive Salesperson, Ardmore, Tennessee, 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 Buford moved to find Ms. Andrews guilty and to fine her \$250. Commissioner Morris seconded the motion and it passed unanimously 7-0.

**Tony Russo, Request for Extension of 90-Day Deadline for License Issuance, I-12,625**

Upon consideration of Mr. Russo's request to submit application for a temporary salespersons license after failing to meet the 90-day deadline, Commissioner Morris moved to deny the request for an extension from Mr. Russo. Commissioner Buford seconded the motion and it passed unanimously 7-0.

**Susan Rolan, Request to Dismiss Formal Complaint No. 3057**

Upon discussion and review of the evidence submitted by Regions Bank stating the bank's error in returning a check submitted by Ms. Rolan, Commissioner Mallory moved to dismiss formal complaint #3057. Commissioner Morris seconded the motion and it passed unanimously 7-0.

**Brandon K. McCravy, Application for Determination of Licensing Eligibility, I-12,626**

Upon discussion of Mr. McCravy's eligibility for licensure, Commissioner Watts moved to deny the license eligibility of Mr. McCravy. Commissioner Hewes seconded the motion and it passed unanimously 7-0.

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

Done this 19<sup>th</sup> day of February, 2008.

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Gordon Henderson, Chairman

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Patricia A. Anderson, Recording Secretary