

MINUTES

The Alabama Real Estate Commission met January 19, 2006 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill E. Poole; Vice Chair Sheila Hodges; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Gordon Henderson, Bobby Hewes, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Assistant Counsel Chris Booth; Education Specialist Ryan Adair; Special Investigators David Erfman and Chuck Kelly; Auditor Denise Blevins and Assistant Attorney General Tori Adams-Burk.

Chairman Poole called the meeting to order and declared a quorum present at 1:00 p.m.

Commissioner Bragg moved to approve the Minutes from the December 9 meeting as presented. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Commissioner Henderson is now present.

The Chairman called upon the Executive Director to make a report. The Financial Report from November 2005 was reviewed with no action taken. The out-of-state travel approval forms for the mid-year ARELLO meeting in Jacksonville, Florida were distributed.

A preliminary outline for a final phase of office renovation utilizing Capital Outlay funds was presented and generally reviewed.

General Counsel Charles Sowell reported on the Appeal Order on Martha Cochran. The judge upheld the Commission's finding but reduced the suspension to 5 days and the fine to \$100.

Kiet Minh Ho, Denied Applicant for Determination of Licensing Eligibility, I-11,730

Upon consideration of the evidence and testimony presented by Mr. Kiet Minh Ho, Commissioner Hodges moved to deny the licensing eligibility of Mr. Minh Ho. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Christopher A. Cummings, Formal Complaint No. 2880

Upon discussion of the evidence and testimony presented in the matter of Christopher A. Cummings, Qualifying Broker, Orange Beach Realty, LLC, Orange Beach, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-3-.01 in that Respondent failed to notify the Commission within thirty (30) days that he had changed the address of his place of business; Count 2: Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-3-.13 in that Respondent failed to provide the Real Estate Consumers Agency and Disclosure Act form to consumers; Count 3: Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.04 in that Respondent failed to provide a closing statement to the consumers; Count 4: Section 34-27-36(a)(19) by failing to comply with Rule 790-X-3-.14 in that Respondent did not have an Agency Disclosure Office Policy, Commissioner Hodges moved to find Mr. Cummings guilty on all 4 counts and to fine him \$1500 per count. Commissioner Henderson seconded the motion. Upon further discussion Commissioner Henderson moved to amend the motion to fine \$1000 on each of the 4 counts and to suspend his license 6 months staying the suspension pending completion of a RECAD and License Law course which will not count for Continuing Education in this license period and that a follow up audit be conducted after the 6 month period. This was accepted as a friendly amendment and seconded by Commissioner Hodges. The amended motion passed 8-1 with Commissioner Hays voting no.

Cynthia L. Toney, Applicant for Determination of Licensing Eligibility, I-11,825

Upon consideration of the evidence and testimony presented by Ms. Toney, Commissioner Hodges moved to approve the license eligibility of Ms. Toney. Commissioner Henderson seconded the motion and it passed unanimously 9-0.

Eric H. Fraser, Application for Determination of Licensing Eligibility, I-11,846

Upon consideration of the evidence and testimony presented by Mr. Fraser, Commissioner Lovejoy moved to approve the license eligibility of Mr. Fraser. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Carlos Demetrius Peterson, Applicant for Determination of Licensing Eligibility, I-11,823

Upon consideration of the evidence and testimony presented by Mr. Peterson, Commissioner Buford moved to deny the license eligibility of Mr. Peterson. Commission Hodges seconded the motion and it passed unanimously 9-0.

Kesha Kamaria Baltimore, Denied Application for Temporary Salesperson's License, I-11,832

Upon consideration of the evidence and testimony presented by Ms. Baltimore, Commissioner Hewes moved to approve the license eligibility of Ms. Baltimore. Commissioner Hays seconded the motion and it passed unanimously 9-0.

Rhett J. Barry, Application to Renew Lapsed License, I-11,859

Upon consideration of the evidence presented from Mr. Barry, Commissioner Henderson moved to deny the request to renew a lapsed license under hardship waiver. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Patricia M. Pearman, Request to Renew Lapsed License, I-11,868

Upon consideration of the evidence and testimony presented by Ms. Pearman (Pressley) in her request to renew a lapsed license under the hardship waiver, Commissioner Hodges moved to deny the request. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Renee L. Ellis, Request for Extension for Obtaining an Original Salesperson's License

Upon consideration of the evidence and testimony presented by Ms. Ellis in her medical hardship request for an extension to complete the post license course, Commissioner Hays moved to approve a six month extension. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Alabama Real Estate Commission vs. Crystal Berry, Formal Complaint No. 2897

Upon discussion of the evidence and testimony presented in the matter of Crystal Berry, Salesperson, JRHBW Realty, Inc., d/b/a RealtySouth, Birmingham, Alabama, and the alleged violation of the Code of Alabama 34-27-36(a)(16), by

presenting to the 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. Berry guilty and to fine her \$250. Commissioner Hewes seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Michael Elcott, Applicant for Determination for Licensing Eligibility, I-11,849

Upon discussion of Mr. Elcott's eligibility for licensure, Commissioner Hodges moved to approve the license eligibility of Mr. Elcott. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Ruth Anne Luker, Formal Complaint No. 2899

Upon discussion of the evidence and testimony presented in the matter of Ruth Anne Luker, Salesperson, 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 Hewes moved to find Ms. Luker guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 8-0 with Commissioner Mallory abstaining.

Philip D. Brown, Applicant for Determination of Licensing Eligibility, I-11,800

Upon review of Mr. Brown's application for determination of licensing eligibility, Commissioner Hodges moved to deny the license eligibility of Mr. Brown. Commissioner Lovejoy seconded the motion and it passed 8-1 with Commissioner Hays voting no.

Alabama Real Estate Commission vs. Steven C. Morgan, Formal Complaint No. 3890

Upon discussion of the evidence and testimony presented in the matter of Steven C. Morgan, Salesperson, Real T. Quest, 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 Hewes moved to dismiss formal complaint #2890. Commissioner Buford seconded the motion and it passed unanimously 9-0.

Michael Hatcher, Request for Extension to Complete Post License Course, I-11,870

Upon review of Mr. Hatcher's post license course completion hardship, Commissioner Hewes moved to approve the hardship request for a 90 day extension to complete the post license course. Commissioner Hodges seconded the motion and it passed unanimously 9-0.

Tammy Norris, Request for Renewal of Lapsed License, I-11,871

Upon review of Ms. Norris' request to renew her lapsed license, Commissioner Hodges moved to deny her hardship renewal request. Commissioner Hays seconded the motion and it passed unanimously 9-0.

George R. Dreher, Request for Renewal of Lapsed License, I-11,872

Upon review of Mr. Dreher's renewal request, Commissioner Hodges moved to deny the request of Mr. Dreher to renew a lapsed license under a hardship waiver. Commissioner Mallory seconded the motion and it passed unanimously 9-0.

Denise E. Long, Applicant for Temporary Salesperson's License, I-11,862

Upon review of Ms. Long's application for temporary salesperson's license, Commissioner Hodges moved to deny the license eligibility of Ms. Long. Commissioner Buford seconded the motion and it passed 8-1 with Commissioner Hays voting no.

There being no further business the meeting was adjourned at 3:35 p.m.

Done this 19th day of January 2006.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary