

## MINUTES

The Alabama Real Estate Commission met January 18, 2007, in Montgomery, Alabama, in the Hearing Room of the Alabama Real Estate Commission.

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; Assistant Counsel Chris Booth; Investigators David Erfman, Phillip Bunch and Chuck Kelly. Hearing Officer was Tori Adams.

Chairman Poole called the meeting to order at 1:00 p.m. and, the meeting having been properly noticed in accordance with the Open Meetings Act, declared a quorum present.

Commissioner Morris moved to approve the minutes from the December 8, 2006 meeting. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Having distributed the December financial statements, Executive Director Philip Lasater highlighted fund balances and updated revenue and expenditure reports. The report was received by Commissioners and no action was taken.

Commissioner Hodges moved approval of a resolution to request an attorney general's opinion on the matter of compensation as advised by Examiners of Public Accounts for Commission member Dorothy Riggins as per the prepared written request for same. Commissioner Morris seconded the motion and it passed 9-0.

Commissioner Bragg moved that proposed rule amendments be submitted to Legislative Reference to begin the rule making process called for under the Administrative Procedure Act. Commissioner Hewes seconded the motion and it passed unanimously 9-0.

Subsequent to performance appraisal evaluations and salary reviews for its Executive Director Philip Lasater and Assistant Executive Director Patricia Anderson, Commissioner Hodges made a motion to approve a 5% pay increase for each. Commissioner Henderson seconded the motion and it passed 8-0. Commissioner Morris recused herself from voting.

NOTE: Commissioner Henderson had to leave the meeting and was not available to vote on the disposition of Hearings.

## HEARINGS

### **Alabama Real Estate Commission vs. Perry G. Evans, Formal Complaint No. 2342**

Upon discussion of the evidence and testimony presented in the matter of Perry Gene Evans, Inactive Salesperson, Eatonton, Georgia, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with the Commission's ORDER, in that Respondent failed to pay a fine within 30 days, Commissioner Hodges moved to require Mr. Evans to pay the fine and meet all other stipulations for licensure. Commissioner Buford seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. Ross Auction and Real Estate Agency, Milburn R. Long, Jonathan R. Long, Formal Complaint No. 2669**

Upon discussion of the evidence and testimony presented in the matter of Ross Auction and Real Estate Agency, Qualifying Broker Milburn R. Long and Salesperson Jonathan R. Long, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-27-36(a)(19) and Section 34-27-35(k) by allowing Jonathan R. Long to perform activities that require an active real estate license under Section 34-27-30(8); Count 2: Section 34-27-35(a)(19) and Section 34-27-35(k) by violating Section 34-27-30(8) in that Respondent Jonathan R. Long procured or assisted in procuring prospects for the purpose of effecting the sale, exchange, lease or rental of real estate while holding an inactive license, Commissioner Hodges moved to find the respondents guilty and to reprimand and fine Milburn R. Long and Ross Auction and Real

Estate Agency \$1000. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Commissioner Hodges moved to find the respondent guilty on count # 1 and 2 and to suspend Jonathan R. Long's license for 90 days and require completion of the mandated license law continuing education suspending his license an additional 90 days staying the suspension pending his completion of the course. Commissioner Morris seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Jennifer Eilene Middleton, Formal Complaint No. 2985**

Upon discussion of the evidence and testimony presented in the matter of Jennifer Eilene Middleton, Inactive Salesperson, Belle Chasse, Louisiana, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by violating or disregarding the Commission ORDER to pay a fine within 30 days, Commissioner Hodges moved to find the respondent guilty and to revoke the license of Ms. Middleton. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

**Terence Moore, License Status, Temporary Salesperson, I-12,146**

Upon review of matters related to Mr. Moore's eligibility for a temporary salesperson's license and in consideration of annulment or withdrawal, Commissioner Morris moved to approve licensure for Mr. Moore. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Pamela Martin-Lynch and Martin-Lynch Realty LLC, Formal Complaint No. 2987**

Upon discussion of the evidence and testimony presented in the matter of Pamela Martin-Lynch and Martin-Lynch Realty, LLC, and the alleged violation of the Code of Alabama 1975, as amended, Count 1: Section 34-37-36(a)(19) in that Respondent submitted an on-line payment for renewal fees which was returned unpaid and had licenses issued without paying the required fees in violation of Section 34-27-35(c)(2); Count 2: Section 34-27-35(a)(8)a. & Section 34-27-36(a)(8)b. in that Respondent failed within a reasonable time to properly account for or remit money coming into their possession which belonged to another and gave that person a check that was returned unpaid; Count 3: Section 34-27-31(j) in that Respondent failed to notify the Commission within ten days of the institution of the civil summons and complaint against her involving a real estate transaction; Count 4: Section 34-27-31(k) in that Respondent failed within ten days to notify the Commission of a judgment being rendered against her; Count 5: Section 34-27-36(a)(23)b. in that Respondent had a final money judgment rendered against her and the unlicensed real estate company known as Tiger Properties, LLC.

Count 1: Commissioner Hodges moved to find Mrs. Martin-Lynch guilty and to fine her \$1000. Commissioner Morris seconded the motion and it passed unanimously 8-0.

Count 2: Commissioner Morris moved to find the respondents guilty and to suspend the licenses of Pamela Martin-Lynch and Martin-Lynch Realty, LLC for 90 days and require completion of six hours of continuing education consisting of three hours of Trust Funds or License Law and three hours of Risk Management which may not be used for continuing education toward the next licensing period. Further, the continuing education must be completed within the 90 day license suspension period. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

Count 3: Commissioner Hodges moved to find the respondent guilty and to reprimand Pamela Martin-Lynch. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Count 4: Commissioner Hodges moved to find Ms. Martin-Lynch guilty and to fine her \$1000. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

Count 5: Commissioner Hodges moved to dismiss Count 5. Commissioner Morris seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Michael C. Harris, Formal Complaint No. 2988**

Upon discussion of the evidence and testimony presented in the matter of Michael C. Harris, JRHBW Realty, Inc., d/b/a RealtySouth Shelby Office, Pelham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(23)a. in that Respondent entered a plea of guilty or nolo contendere to, or was found guilty of or convicted of a felony or a crime involving moral turpitude, Commissioner Hodges moved to approve the license application of Mr. Harris. Commissioner Bragg seconded the motion and it passed 7-1 with Commissioner Morris voting no.

NOT APPEARINGS

**Clifford Joseph Glansen, Applicant for Reciprocal Broker's License, I-12,167**

Upon review of Mr. Glansen's application for reciprocal broker license, Commissioner Hodges moved to approve the application of Mr. Glansen. Commissioner Bragg seconded the motion and it passed 8-0.

**Alabama Real Estate Commission vs. Elizabeth C. Dunn, Formal Complaint No. 2984**

Upon consideration of the evidence and testimony presented in the matter of Elizabeth C. Dunn, Qualifying Broker, Fine Homes and Country Estates, Pike Road, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that Respondent presented 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. Dunn guilty and to fine her \$250. Commissioner Hodges seconded the motion and it passed 7-1 with Commissioner Mallory abstaining.

**Alabama Real Estate Commission vs. Billy R. Brown, Jr., I-File #11,994, Surrender of Right to Hold Broker's License**

Upon review of the voluntary surrender of Mr. Brown's broker license, Commissioner Hodges moved to accept the surrender. Commissioner Bragg seconded the motion and it passed 8-0.

**Levy C. Turner, Hardship Home Operation Request, I-12,169**

Upon consideration of Mr. Levy's hardship request to operate his real estate company from his home, Commissioner Hodges moved to approve Mr. Levy's request. Commissioner Hewes seconded the motion and the motion passed 8-0.

**Alabama Real Estate Commission vs. Michelle Baker, Formal Complaint No. 2980**

Upon discussion of the evidence and testimony presented in the matter of Michelle Baker, Salesperson, ABC Realty, LLC, Decatur, 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. Baker guilty and reprimanded. Commissioner Mallory seconded the motion and it passed 6-1 with Commissioner Bragg voting no and Commissioner Morris abstaining.

**Alabama Real Estate Commission vs. Kelly V. Rumley, Formal Complaint No. 2989**

Upon discussion of the evidence and testimony presented in the matter of Kelly V. Rumley, Associate Broker, Coldwell Banker Alfred Saliba Realty Corporation, Dothan, 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 of a fee or fine, a check which was returned unpaid by the bank upon which it was drawn, Commissioner Hodges moved to find Mr. Rumley guilty and that he be reprimanded. Commissioner Morris seconded

the motion and it passed 6-0 with Commission Bragg abstaining and Commission Hewes being recused.

**Alabama Real Estate Commission vs. William Gary Pritchett, Formal Complaint No. 2991**

Upon discussion of the evidence and testimony presented in the matter of William Gary Pritchett, Salesperson, JRHBW Realty, Inc., d/b/a RealtySouth Chelsea Branch, Chelsea, 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 Mr. Pritchett guilty and to fine him \$100. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

**Happy Gregg, Jr., Hardship Request to Issue Temporary Salesperson's License, I-12,181**

Upon consideration of Mr. Gregg's demonstration of hardship request for temporary license issuance, Commissioner Mallory moved to approve licensure for Mr. Gregg. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Barbara Burrow, Request Additional Licensees Under Hardship Home Operation, I-12,182**

Upon consideration of the circumstances surrounding Ms. Burrow's request for an additional licensee to operate under her in her home, Commissioner Bragg moved to approve Ms. Burrow's request for an additional licensee, provided she moves her office location from her home within six months. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

There being no further discussion, the Commission adjourned at 6:15 p.m.

Done this 18<sup>th</sup> day of January, 2007.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary