

MINUTES

A meeting of the Alabama Real Estate Commission was held Thursday, March 21, 2013, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Jewel Buford, Steve Cawthon, Reid Cummings, Carole Harrison, Clif Miller, and Danny Sharp; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; General Counsel Chris Booth; Assistant Attorney General Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Phillip Bunch, Chuck Kelly, and K. C. Baldwin. Tori Adams served as Hearing Officer. Commissioner Dorothy Riggins-Allen was absent with notice.

Other staff members in attendance for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Information Technology Manager Brett Scott, and IT Systems Specialist Steven Brown.

The meeting having been duly noticed according to the Open Meetings Act, was called to order at 9:00 a.m. by Chairman Bill Watts.

Commissioner Wright made a motion to approve the February minutes as presented. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

In the Executive Director's Report, Mr. Lasater reviewed and explained the investments on the February Financial Summary sheet. He noted that the FY 13 renewal money previously shown under investments has been moved on this statement to more accurately reflect that it is not invested but rather is available for use in FY 13 and now appears under Revenues. Total investments now stand at \$4,893,629 with the anticipation of the \$2.1 million in FY 14 renewal money and some of the FY 13 renewal money being moved to investments and will be reflected on the March financial statement. The cash balance in the operating fund as of February 28, 2013, is \$865,382. The remaining FY 13 renewal money will be moved to this fund shortly and will be reflected on the March financial statement.

Mr. Lasater introduced and welcomed the Commission's new Assistant Attorney General Mandy Lynn. She joined the staff on March 16 and will assist Chris Booth in the legal division. Ms. Lynn most recently worked as an attorney and hearing officer in the Department of Labor where she heard unemployment claims.

Chairman Watts called on Advertising Task Force Chair Nancy Wright to give a report of the task force meeting held just prior to the Commission meeting. Commissioner Wright reported that the task force, with the assistance of General Counsel Chris Booth, is looking into a possible rule to clarify the requirement for nicknames on licenses as well as whether licensees should be required to put their license numbers on all advertising. These matters will be researched and studied further.

Mr. Booth made a few comments on the Recovery Fund case report provided in the Commissioner packets. He made note that not only have the number of cases increased over the last few years but also the seriousness of cases has become more severe.

Chairman Watts asked Education Director Ryan Adair to give a report on the pass/fail statistics for the licensing examinations. Mr. Adair reported that there has been a slight increase in the passing percentage to 48% for this year but rates still are not where they should be. Education Auditors are working with instructors and schools that consistently have low pass rates.

Commissioner Cummings inquired about the course being developed for the June meeting that includes attendance at a Commission hearing. Mr. Adair reported that the Education Advisory Committee, as well as course instructor Bob McMillan, is still working on it. He will have additional information available at the April Commission meeting.

Commissioner Buford made a motion that Commissioners conduct hearing disposition discussions and decisions in open meeting. Commissioner Wright seconded the motion and it passed unanimously 8-0.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Kimberly R. Knowles, Formal Complaint No. 3306

Upon discussion of the evidence and testimony presented in the matter of Kimberly R. Knowles, Qualifying Broker, Knowles Development Group, Mobile, Alabama, and the alleged violation of the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(26) by demonstrating dishonest dealings, bad faith or untrustworthiness during a real estate transaction, Commissioner Cawthon made a motion to find Ms. Knowles guilty, fine her \$2,500 and suspend her license until June 30, 2013, but stay the suspension pending completion of the Commission-prescribed three hour continuing education course in *Risk Management for Brokers*. Failure to meet the course requirement by June 30, 2013, will result in suspension of Ms. Knowles' real estate license. Commissioner Cummings seconded the motion and it passed unanimously 8-0.

Donald Adam Manning, Applicant for Approval to Hold a Real Estate License after Previous Revocation

Upon discussion of the evidence and testimony presented by Donald Adam Manning, Daphne, Alabama, regarding his request for Commission approval for re-licensure after previous revocation, Commissioner Miller made a motion to approve Mr. Manning's request. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

Christopher Heathe Day, Applicant for Real Estate Salesperson's Temporary License, I-14,053

Upon discussion of the evidence and testimony presented by Mr. Day, Madison, Alabama, regarding his request for Commission approval of his temporary license application, Commissioner Wright made a motion of approve Mr. Day's request. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Gloria G. Hood, Shirley E. Boyd, and S&G Properties, LLC, an Unlicensed Company, Formal Complaint No. 3307

This hearing was continued until the April meeting at the request of respondents.

NOT APPEARING ITEMS FOR RULING

Jennifer Poss, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3299

Upon review of the evidence and testimony presented in the matter of Jennifer Cleveland Poss, Salesperson, Renaissance Realty Inc., d/b/a Gold Realty, Florence, 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 an electronic check as payment for a real estate license transfer fee which was returned unpaid, Commissioner Buford made a motion to find her guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Latanatha T. (Tan) Maddox, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3303

Upon review of the evidence and testimony presented by Latanatha T. (Tan) Maddox, Salesperson, Premier Trussville LLC d/b/a Keller Williams, Trussville, 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 Buford made a motion to find her guilty and fine her \$250. Commissioner Miller seconded the motion and it passed unanimously 8-0.

REQUESTS FOR RULING

Confirm Next Meeting Date and Location for the Record: April 18, 2013, 9:00 a.m. – Montgomery

Commissioner Wright made a motion to approve the Commission meeting date and location for April 18, 2013, at 9:00 a.m. in Montgomery, Alabama. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

There being no further business, the Commission adjourned at 11:40 a.m.

Done this 21st day of March 2013.

Bill Watts, Chairman

Patricia Anderson, Recording Secretary