

## MINUTES

The Alabama Real Estate Commission met September 15, 2006, in the Hearing Room at 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, Bobby Hewes, Lyman Lovejoy and Chester Mallory; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Education Director Ryan Adair; Assistant Counsel Chris Booth; Special Investigators David Erfman and Chuck Kelly; Hearing Officer was Tori Adams. Commissioner Henderson was absent with notice.

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

Chairman Poole received a motion from Commissioner Hodges which was seconded by Commissioner Bragg to adopt the resolutions commemorating the term and tenure of Commissioners Hays and Lovejoy. The motion passed unanimously 8-0. On behalf of Commissioners and Commission Directors, Chairman Poole then presented engraved marble nameplates to Commissioners Hays and Lovejoy signifying their distinction of service and friendship.

Having come to observe, Chairman Poole recognized and welcomed Jan Morris and Dorothy Riggins whose terms will begin October 1.

Commissioner Bragg moved to approve the minutes from the August meeting as presented. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

Having distributed August financial statements, Executive Director Philip Lasater highlighted fund balances and updated revenue and expenditure reports noting previous year to date comparisons with current numbers. There was no action taken. He further reported that Examiners were beginning the two year compliance audit to be followed by the Sunset audit beginning in January 2007. The previously approved Broker Pre-license Education Task Force is scheduled to meet at the Commission the following Thursday.

Due to Investigators and Auditors participating in the annual ARELLO Investigators Seminar, an adjustment in our previously scheduled November meeting was necessary. Upon discussion and review of several alternatives, it was the consensus of the Commission to meet on December 8 in Montgomery.

Pat Anderson, Assistant Executive Director, was recognized to provide a renewal to date report particularly outlining measures taken to facilitate CE compliance via CMAP.

On behalf of the Building and Grounds Committee, comprised of Commissioners Hewes, Hodges and Lovejoy, Commissioner Hewes reported and moved the recommendation of the committee that the Commission authorize its Executive Director to have the architectural firm of

Barganier, Davis and Sims to prepare a bid package on miscellaneous interior and exterior upgrades. Upon receipt of the bids, the project will be further reviewed and will require Commission approval for any bid to be accepted and any work to commence. Commissioner Poole seconded the motion and it passed unanimously 8-0.

In consideration of the Place of Business and Signage rule becoming effective October 1 and being incorporated in our audit check list, it was the consensus of the Commission that any non-compliance be initially noted and the licensee given an opportunity to bring the signage into compliance before any formal action is initiated by the Commission.

Chairman Poole requested Philip Lasater to obtain information on the working timeline for the joint AAR/AREC Legislative Task Force, established primarily to review "the size of letters" in advertising regulation.

**Alabama Real Estate Commission vs. Bobbie J. Spitler, Formal Complaint No. 2937**

Continuance granted.

**Donna Black, Denied Applicant for Determination of Licensing Eligibility, I-12,048**

Upon consideration of the testimony from and evidence presented by Ms. Black, Commissioner Hays moved to approve her license eligibility. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Jeffrey L. Stinson, Formal Complaint No. 2939**

Upon establishing proof of adequate service as prescribed by statute in the absence of any response, the Hearing Officer approved a hearing in default and permitted the Commission to make a prima facie case. Commissioner Hodges moved to find Mr. Stinson guilty and to revoke his license. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Marie Knight, Formal Complaint No. 2951**

On April 12, 2006, Formal Complaint No. 2923 was filed charging Marie Knight with violation of the Code of Alabama 1975, as amended, Section 34-27-35(a)(16) in that she presented a check to the Alabama Real Estate Commission that was returned unpaid by the bank upon which it was drawn. Respondent violated the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) in that she disregarded the Order of the Commission to pay a fine of \$250 within 30 days of receipt of the Order. Commissioner Hays moved to find Ms. Knight guilty and to reprimand her. The motion failed for lack of a second. Commissioner Hodges moved to find Ms. Knight guilty and to suspend her license for 60 days. Commissioner Buford seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

**Alabama Real Estate Commission vs. Linda M. Bartlett, Formal Complaint No. 2949**

On March 13, 2006, Formal Complaint No. 2908 was filed charging Linda M. Bartlett with violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(16) in that she presented a check to the Alabama Real Estate Commission that was returned unpaid by the bank upon which it was drawn. Respondent violated the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by disregarding the Order to pay a fine that was due June, 2006. Commissioner Hodges moved to find Ms. Bartlett guilty and to suspend her license one year. Commissioner Hewes seconded the motion and it passed 8-0.

**Stephanie R. Braxton, Applicant for Real Estate Salesperson's License, I-12,087**

Upon consideration of the testimony from Ms. Braxton, Commissioner Lovejoy moved to approve issuance of her temporary salesperson's license. Commissioner Hays seconded the motion and it passed unanimously 8-0.

**Jada McElroy, Applicant for Temporary Salesperson's License, I-12,087**

Upon consideration of the testimony presented by Ms. McElroy, Commissioner Hays moved to approve her temporary salesperson hardship license application. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Juanita Pendleton, Applicant for Temporary Salesperson's License, I-12,088**

Upon discussion of the testimony of Ms. Pendleton, Commissioner Hays moved to approve the temporary salesperson hardship license application. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

NOT APPEARINGS

**Alabama Real Estate Commission vs. Kim S. Robinson, Formal Complaint No. 2950**

Upon consideration of the evidence and testimony presented in the matter of Kim S. Robinson, Salesperson, JRHBW d/b/a RealtySouth Chilton Branch, Clanton, 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. Robinson guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 6-1 with Commissioner Hays voting no and Commissioner Mallory abstaining.

**Allen Wilkinson, II, Request for Home Office Operation, I-12,074**

Upon discussion of Mr. Wilkinson's hardship request for home operation, Commissioner Hodges moved to deny his home operation request. Commissioner Mallory seconded the motion and it passed 7-1 with Commissioner Hays voting no.

**Alabama Real Estate Commission vs. Harry P. Corley, I-12,051**

In lieu of having a formal complaint filed against him and the Commission holding a hearing on the complaint, Mr. Corley voluntarily surrendered his license. Commissioner Bragg moved to accept the affidavit of surrender from Mr. Corley. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

**Trina Lacial Edwards, Applicant for Determination of Licensing Eligibility, I-12,079**

Upon discussion of Ms. Edwards' eligibility for licensure, Commissioner Hewes moved to deny her licensing eligibility. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Jason S. Gravier, Formal Complaint No. 2943**

Upon discussion of the evidence and testimony presented in the matter of Jason S. Gravier, Temporary Salesperson, Alabama Realty Group Huntsville LLC, Huntsville, 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. Gravier guilty and to fine him \$250. Commissioner Buford seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

**Lola Jenelle Rearden, Applicant for Determination of Licensing Eligibility, I-12,082**

Upon consideration of the licensing eligibility of Lola J. Rearden, Commissioner Hays moved to approve her eligibility for licensure. Commissioner Buford seconded the motion and it passed 6-2 with Commissioners Bragg and Hodges voting no.

**Leonard D. Brooks, Sr., Request for Home Operation, I-12,085**

Upon discussion of Mr. Brooks' hardship, Commissioner Lovejoy moved to approve the hardship waiver for home operation. Commissioner Hays seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Karen Shaw-Nichols, Formal Complaint No. 2952**

Upon discussion of the evidence and testimony presented in the matter of Karen Shaw-Nichols, Temporary 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 Hewes moved to find Ms. Shaw-Nichols guilty and to fine her \$250. Commissioner Buford seconded the motion and it passed 6-2 with Commissioner Hays and Mallory voting no.

**Alabama Real Estate Commission vs. Peter B. Jones, Formal Complaint No. 2954**

Upon discussion of the evidence and testimony presented in the matter of Peter B. Jones, Qualifying Broker, Beach House Realty, Dauphin Island, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Rule 790-X-3-.01, in that he failed to notify the Commission of a change of business address within 30 days of relocating, Commissioner Hodges moved to find Mr. Jones guilty and to reprimand him. Commissioner Mallory seconded the motion and it passed unanimously 8-0.

**Karen Ann Ruby, Application for Rehearing, Denial of Salesperson's Application, I-12,031**

Upon discussion of Ms. Ruby's request for rehearing, Commissioner Mallory moved to approve the request for rehearing. Commissioner Hays seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. Wayne A. Sturgis, Formal Complaint No. 2953**

Upon discussion of the evidence and testimony presented in the matter of Wayne A. Sturgis, Qualifying Broker, Hampshire Properties, Inc., Marietta, Georgia, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.01 in that Respondent failed to notify the Commission within 30 days of moving the office location, Commissioner Hodges moved to find him guilty and to fine him \$250. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

**Alabama Real Estate Commission vs. William T. McLemore, Formal Complaint No. 2955**

Upon discussion of the evidence and testimony presented in the matter of William T. McLemore, Qualifying Broker, Ritchie Brothers Auctioneers America, Inc., Lebanon, Tennessee, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Alabama Real Estate Commission Rule 790-X-3-.01, in that Mr. McLemore failed to notify the Commission in writing within 30 days of having moved his office location, Commissioner Hodges moved to find Mr. McLemore guilty and to fine him \$250. Commissioner Hewes seconded the motion and it passed unanimously 8-0.

**Steffanie Huffman, Hardship Request to Waive \$150 Late Penalty, I-12,099**

Upon consideration of Ms. Huffman's medical hardship circumstances, Commissioner Hodges moved to waive the renewal late fee penalty for Ms. Huffman. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

**Hubert Hubbard, Hardship Request to Waive \$150 Late Penalty, I-12,100**

Upon consideration of Mr. Hubbard's medical hardship circumstances, Commissioner Hays moved to waive the renewal late fee penalty for Mr. Hubbard. Commissioner Hodges seconded the motion and it passed unanimously 8-0.

There being no further discussion, the Commission adjourned at 12:15 p.m.

Done this 15<sup>th</sup> day of September, 2006.

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Bill E. Poole, Chairman

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D. Philip Lasater, Recording Secretary