

Senate Confirms Two New Commissioners



Bill Watts



Steve Cawthon

The Alabama Real Estate Commission is pleased to announce the Alabama senate confirmation of **Bill Watts** and **Steve Cawthon** to the Commission.

Bill Watts, a Broker with Watts Realty Co., Inc. in Birmingham, Alabama, represents the Sixth Congressional District. Commissioner Watts was appointed by Governor Bob Riley following the death of Commissioner Roy Bragg.

Commissioner Watts has been actively involved in the real estate industry since the early 1970s and has served in leadership roles on the local, state, and national levels. He is a past president of the Alabama Association of REALTORS®, the Birmingham Association of REALTORS®, and the North Alabama Chapter of the Institute of Real Estate Management. He has also served as a director for the National Association of REALTORS®.

Commissioner Watts has received numerous awards throughout his career. The Birmingham Association of REALTORS® has honored him as Commercial Member of the Year and as REALTOR® of the Year. He has also been honored by the Alabama

Association of REALTORS® as REALTOR® of the Year and as the recipient of the Robert Jemison Award. He was also named Certified Property Manager of the Year by the North Alabama Chapter of the Institute of Real Estate Management.

Commissioner Watts is an active member of his community. He is involved in the Horizon 280 Association, Operation New Birmingham, and the YMCA. He is also a member of First Christian Church.

He has been married to Reverend Janine Watts since 1971 and they have four children and three grandchildren.

Steve Cawthon, a Broker with Century 21 Steele and Associates in Huntsville, Alabama, represents the Fifth Congressional District. Commissioner Cawthon replaced Commissioner Bill Poole, who served on the Commission from 1995-2007.

Commissioner Cawthon has been actively involved in the real estate profession for many years. He is a past president of the Huntsville Board of REALTORS® and the Alabama Association of REALTORS®. He serves as an NAR Political Action Committee trustee, an Alabama REALTORS® Political Action Committee trustee, and a director for the National Association of REALTORS®.

Commissioner Cawthon has received numerous certifications and recognitions during his career. He has been honored as REALTOR® of the Year by the Huntsville Board of REALTORS® and by the Alabama Association of REALTORS®. He has also received the Alabama Association

of REALTORS® David D. Roberts Award and the Century 21 Centurion Production Award.

As an active member of his community, Commissioner Cawthon is involved in the Huntsville/Madison County Chamber of Commerce and serves on the Steering Committee for Homebuilders. He also enjoys traveling, spending time with his family, and participating in various church functions.

Commissioner Cawthon is married to Lynn and they have three daughters and two grandchildren. ■

In This Issue

Licensing Tidbits: Rule Change Effective October 1, 2006	2
Online Reminders	2
Login Properly to Online Services	2
Licensing Questions and Answers	3
Real Estate Community Mourns Loss of Commissioner Roy Bragg	3
Education Corner:	
The 60 Hour Broker Prelicense Test: Putting the Rumors to Rest	4
Check Your CE Credit Online	4
ARELLO Recognizes Commission Education Course	5
Course Evaluations? Why They Are So Important	5
Find Answers Fast: Alabama Real Estate Commission Directory	6
Disciplinary Actions Taken	8
Other Administrative Actions	10
Briefly Legal: How Do We Do It?	11
Briefly Legal Article Index Available on the Web	11
2008 State Holidays	12

Licensing Tidbits

By Annie Hall, Licensing Supervisor

Rule Change Effective October 1, 2006

Rule 790-X-2-.21 was repealed as of October 1, 2006. Paragraph (1) of this rule was repealed because transfer fees are set out in the law. Paragraph (2) was repealed so that license certificates would not have to be returned to accommodate online transfers. It is important to note that this rule does not change the places in the law where license certificates are required to be returned.

Here are the pertinent parts of those two statutes:

Section 34-27-34. Who may serve as qualifying broker; responsibility of qualifying broker; change of broker; termination of qualifying broker's status.

- (c) A person who wishes to terminate his or her status as qualifying broker for a licensee may do so by notifying the licensee and the commission in writing and sending the licensee's license certificate to the commission or verifying in writing to the commission that the certificate has been lost or destroyed.

Section 34-27-35. License certificates generally.

- (f) The license of a salesperson who is subsequently issued a broker's license automatically terminates upon the issuance of his or her broker's license certificate. The salesperson's license certificate shall be returned to the commission in order for a broker's license to be issued. No refund shall be made of any fee or recovery fund deposit pertaining to the salesperson's, broker's or company's license.

In other words, the return of a license certificate is only required in the following instances:

- 1) When a broker wishes to terminate his/her status as qualifying broker for an agent(s) either by
 - Placing an agent(s) on inactive status
 - Closing a company
- 2) When an original salesperson submits an application for an original broker's license

For all other transactions, the license certificate is not required to be returned to the Commission. The broker must destroy the old license certificates once the new licenses have been issued. ■

ONLINE REMINDERS

- **Online Transactions**

Please allow **one business day** for Web site Online Services transactions to be reflected online.

- **Update Your Web Browser**

The Alabama Real Estate Commission's Web site address is **www.arec.alabama.gov**. Please update your Web browser (Internet Explorer, Netscape, etc.), favorites, bookmarks, and contact information.

Login Properly to Online Services

There are areas of the Alabama Real Estate Commission Web site that require you to log in using your license number. Your license number is a nine-digit number, including preceding zeros. There is no need to enter the extension number after the nine digits. For example:

- If a license number is **000099999-0**, then it can be entered as **99999** on the Web site.
- If a license number is **000001999-1**, then it can be entered as **1999** on the Web site.

Your license number is followed by a dash and an extension number, **do not enter these**. If you add more than nine numbers, you will not be able to log in. Also, remember to enter your date of birth using a two-digit month, two-digit day, and four-digit year and include the slash marks, i.e. **00/00/0000**. Make sure the year has four digits.

Licensing Questions and Answers

If you have a licensing question that you would like to have addressed in a future issue of the Update newsletter, send it to Annie Hall by email to annie.hall@arec.alabama.gov, by fax to 334.270.9118, or by mail to Annie Hall, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106.

QUESTION:

What are the steps that must be followed if a licensee desires to retire from real estate and surrender his/her license?

ANSWER:

If a licensee desires to retire from real estate, the following steps must be taken:

- 1) He/she must notify the Commission in writing.
- 2) The license will be placed on inactive status until the end of the license period.
- 3) The licensee will still receive a license renewal notice at his/her home address prior to the end of the license period.
- 4) If the licensee does not wish to maintain the license, disregard the renewal notice. The license will expire at midnight on September 30 of the final year of the license period if not renewed.
- 5) The licensee will receive a notice after the following October 1 that the license has expired due to failure to complete license renewal requirements. The notice will also contain instructions on what to do to bring the license back to "CURRENT" status.

Section 34-27-35(i) of Real Estate License Law states "An expired license may be renewed during the 12-month period following the license period for which the license was current."
- 6) A Final Renewal Notice will be mailed to licensees who have not renewed their licenses during this 12-month period.
- 7) If the license is not renewed by the end of the 12-month period (September 30), the license will lapse and the licensee will receive no further correspondence from the Commission. ■

Real Estate Community Mourns Loss of Commissioner Roy Bragg



Long-time Alabama Real Estate Commissioner Roy Bragg passed away on May 11 at the age of 77. Commissioner Bragg served four terms on the Commission beginning from 1976-1986 and again from 2001 until his death.

As chairman of J.H. Berry and Gilbert, Commissioner

Bragg was a very active member of the real estate community for much of his life. He was a member of the American Society of Real Estate Counselors and past president of the Birmingham Association of REALTORS®. He was named REALTOR® of the Year by the Alabama Association of REALTORS® in 1969 and served as the Association's president in 1974.

Commissioner Bragg served his country as a member of the United States Air Force and continued his service in his community. He was a member of Dawson Memorial Baptist Church where he served on the Board of Deacons. He was a member and past president of the Boys and Girls Club, a member of the Kiwanis Club of Birmingham, a member of the Monday Morning Quarterback Club, and president of the Jefferson County Schools Foundation. He was also a former member and president of the Jefferson County Board of Education.

He was devoted to education and was instrumental in awarding scholarships to deserving graduates. He sponsored the annual "Top Twenty Scholarship Banquet" at Gardendale High School and was honored by having Gardendale's Bragg Middle School bear his name.

Commissioner Bragg's survivors include his wife of fifty-two years, Carolyn Berry Bragg; his children Dr. Lev H. Bragg and his wife Vicki; Dr. D. Taylor Bragg and his wife Vanessa; Ann Bragg Getwan and her husband Nick; and seven grandchildren. He will be greatly missed by his family, friends, and colleagues. ■

EDUCATION CORNER

The 60 Hour Broker Prelicense Course: PUTTING THE RUMORS TO REST

By Ryan Adair, Education Director

A 60 hour broker prelicense course is now required for licensees who wish to take the broker examination.

A task force comprised of brokers and instructors developed the course outline over a period of several months in an effort to assemble a quality course. We have heard a number of rumors circulating in the state containing incorrect information.

Therefore, please refer to the following questions and answers for an explanation of the requirements.

Q: Who has to take the 60 hour broker prelicense course?

A: All applicants who take the broker exam October 1, 2007 and afterward will have to show proof of successful completion of the 60 hour broker prelicense course.

Q: Do I have to take anything with me to the exam test center?

A: All applicants taking the broker exam October 1, 2007 and afterward are required to present a certificate of completion from the 60 hour broker prelicense course before being admitted.

Check Your CE Credit Online

According to Rule 790-X-1-.12(7), all licensees are responsible for confirming continuing education course credit two weeks after course completion and also have the opportunity to complete an electronic course evaluation for the Commission.

To check your course credit and/or evaluate a course you must go to the Commission's Web site at www.arec.alabama.gov and click **Check CE Credit** under the Quick Links. This will take you to the next screen where you click **Online Services** to be taken to a login screen. You must log in to access available services. After logging in you will see a screen with your contact information. If there are no changes to your information, click **Next** to proceed to the screen showing a list of available services. Click the **Licensee CE Credit** link to see a list of all continuing education courses that have been submitted to the Commission for credit. If you are missing any CE credit, the rule mentioned earlier also specifies that it is the responsibility of the licensee to contact the instructor or school and have the correct information sent to the Commission.

Q: Can I take this course if I am already a broker?

A: Yes. Any licensee may take the 60 hour broker prelicense course. Licensees who are currently brokers are not required to take the course but may choose to do so to gain valuable knowledge.

Q: Can I get CE credit for taking this course?

A: Yes. Any licensee who completes the 60 hour broker prelicense course will receive the 15 hours of CE credit prescribed by the Commission for the next license renewal.

Q: How do I know when and where a course is being offered?

A: The Commission's Web site at www.arec.alabama.gov contains a Real Estate Course Search feature that allows individuals to search for courses using criteria such as type of course, location, instructor name, and course name.

Q: What will happen to the 15 hour broker prelicense course?

A: As of October 1, 2007 the 15 hour broker prelicense course is no longer in effect and the only approved broker prelicense course is the 60 hour course. Schools and instructors may choose to continue offering a 15 hour broker cram course after submitting it to the Commission for approval as an elective CE course.

Q: Is active licensure experience still a requirement for a broker's license?

A: Yes. All broker candidates must still be actively licensed 24 months of the 36-month period immediately preceding the date of application. ■

ARELLO Recognizes Commission Education Course

The Alabama Real Estate Commission's 60 Hour Broker Prelicensure Course was honored in the "Prelicensure Education or Course Category" of the Association of Real Estate License Law Officials (ARELLO) Education Awards. Commissioner Chester Mallory accepted the award from ARELLO President Fran Whitley at the 2007 ARELLO Annual Conference in September.

The Education Awards "recognize outstanding educational programs that contribute to the real estate industry and promote the protection of the public and increase awareness among jurisdictions to outstanding educational programs that might be adapted on behalf of that jurisdiction's own licensees and members of the public."

The ARELLO judges assess the award entries on several criteria, including how well the program concept is supported by clearly identified education needs and goals, whether the program information is appropriate for the target audience, and whether the program is timely and current in concept.

The Commission has received past ARELLO Education Awards for the Instructor Development Program, the Total Education Program, CMAP (Course Management Application Program), Agency Disclosure, RECAD, and the 30 Hour Post License Course.

ARELLO is an international organization. In addition to the United States, member organizations are located in Canada, Africa, Europe, Asia, Australia, Latin America, and the Caribbean/Atlantic. ■



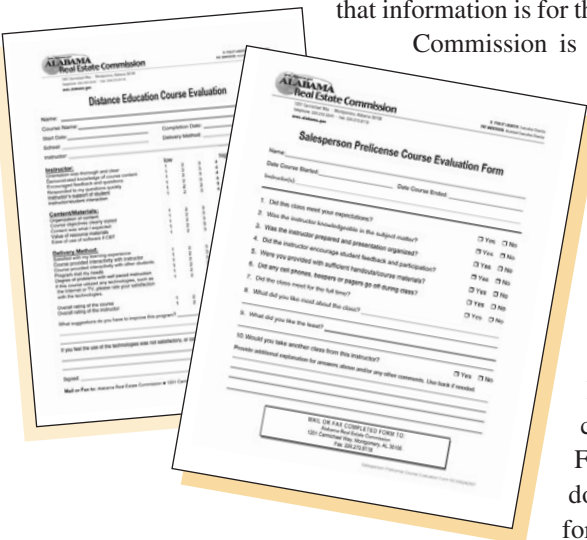
COURSE EVALUATIONS: Why They Are So Important?

Evaluating a course is not required, but the information is of tremendous value to the Commission. Real estate schools may provide their own evaluations for courses and instructors when you complete a course. However, that information is for the exclusive use of the school. The

Commission is very interested in the quality of

instruction being offered in the state. Since a representative from the Commission is not able to attend all classes, you can help by completing the online course evaluation every time you take a course and providing valuable feedback whether it is positive or negative.

Log on to www.arec.alabama.gov, click on Education, and go to Forms and Applications to download the course evaluation forms. ■



IMPORTANT NOTICE Regarding CE Credit

The license period begins October 1 of every even-numbered year. Licensees renewing their real estate license on active status are required to complete continuing education courses prior to the beginning of the new two-year license period. After the Commission uses your CE credit for the renewal of your active license at the beginning of the new license period, all courses are removed from view on the Commission Web site and archived. Licensees may begin accumulating continuing education credit for renewal of their real estate license when the next renewal period comes around. ■



FIND ANSWERS FAST

Many of your questions can be answered on the Alabama Real Estate Commission Web site at www.arec.alabama.gov. If you cannot find your answer on the Web site, you may send an email or dial 334.242.5544 and ask for the staff member's name or telephone extension. We have provided a brief overview of each department to assist you in directing your question to the right person.

Administrative

The Administrative Department oversees all daily operations of the Alabama Real Estate Commission. The Commission is responsible for insuring the protection of the public through the licensing and regulation of Real Estate Licensees. Our vision is insuring public confidence in real estate transactions and effective management of resources, excellent customer service, innovation and honesty and integrity.

D. Philip Lasater, Executive Director	philip.lasater@arec.alabama.gov	402
Pat Anderson, Assistant Executive Director	pat.anderson@arec.alabama.gov	405

Accounting

The Accounting Department is responsible for receiving revenue, paying expenses, administering payroll, handling employee personnel issues in accordance with state law, and overseeing required procedures. Accounting is responsible for the upkeep and maintenance of the building and grounds as well as all furniture and equipment.

Janie Jordan	janie.jordan@arec.alabama.gov	406
Molli Jones	molli.jones@arec.alabama.gov	409
Cullene Sanders	cullene.sanders@arec.alabama.gov	415
Hattie Thomas	hattie.thomas@arec.alabama.gov	414
Floyd Garber, Custodian		447

Education

The Education Department is responsible for the approval and regulation of all real estate instructors, courses, and schools. The Education Department regulates instructors and schools through the use of education auditors who travel to various locations to evaluate real estate instruction and meet with school administrators to guarantee compliance with Alabama Real Estate License Law.

Ryan Adair	ryan.adair@arec.alabama.gov	434
David Bowen	david.bowen@arec.alabama.gov	432
Pam Oates	pam.oates@arec.alabama.gov	455
Julie Norris	julie.norris@arec.alabama.gov	408
Connie Rembert	connie.rembert@arec.alabama.gov	433

Information Technology

The Information Technology Department is responsible for assisting in regulating the real estate industry by providing staff, real estate companies, licensees, and consumers a unified information technology system that provides timely and accurate information and services. The IT staff members install and maintain all Commission computer hardware and software.

Nancy Barfield	nancy.barfield@arec.alabama.gov	423
Brett Scott	brett.scott@arec.alabama.gov	426
Zan Thomas	zan.thomas@arec.alabama.gov	424
Matt Davis	matt.davis@arec.alabama.gov	429
Steve Brown	steven.brown@arec.alabama.gov	428

Legal

The Legal Department consists of auditors, special investigators, and attorneys. The auditors' duties include conducting routine and periodic office inspections of real estate companies licensed by the Commission and time-sharing projects registered by the Commission. The special investigators' duties include monitoring compliance with the Code of Alabama, 1975; establishing and maintaining all investigative files and formal complaint files; fielding and answering questions from the public and from licensees about the Alabama Real Estate License Law; and supervising the conduct of audits by the staff auditors. The attorneys' duties include supervising all activities of the special investigators and auditors; evaluating complaints received about licensees; directing investigations of complaints; and answering license law questions.

Charles Sowell	charles.sowell@arec.alabama.gov	403
Chris Booth	chris.booth@arec.alabama.gov	448
David Erfman	david.erfman@arec.alabama.gov	410
Chuck Kelly	chuck.kelly@arec.alabama.gov	411
Phillip Bunch	phillip.bunch@arec.alabama.gov	413
Denise Blevins	denise.blevins@arec.alabama.gov	412
Anthony Brown	anthony.brown@arec.alabama.gov	412
Vickie Shackelford	vickie.shackelford@arec.alabama.gov	412
Reginald Foster	reginald.foster@arec.alabama.gov	442

Licensing

The Licensing Department is responsible for checking eligibility and issuing real estate salesperson, broker, and company licenses. The department is also responsible for issuing reciprocal salesperson and broker licenses; administering the timeshare exam and issuing timeshare licenses; and renewing real estate and timeshare licenses. This department also processes transfers, requests for certifications of licensure and determination of broker eligibility, change of qualifying brokers, and name and address changes for both individual licensees and companies.

Annie Hall	annie.hall@arec.alabama.gov	421
Marilynn Pressley	marilynn.pressley@arec.alabama.gov	425
Rose Stephens	rose.stephens@arec.alabama.gov	418
Princess Scott	princess.scott@arec.alabama.gov	401
Justin McLennan	justin.mclennan@arec.alabama.gov	443

Public Relations

The Public Relations Department oversees all communication to licensees, the public, the media, and the Commission staff. The department manages the Web site content and design and publishes the Update newsletter, which is distributed to all Alabama real estate licensees, and The Educator newsletter, which is distributed to all real estate instructors.

Vernita Oliver-Lane	vernita.oliver-lane@arec.alabama.gov	427
Lori Moneyham	lori.moneyham@arec.alabama.gov	438

Reception

The first impression callers and visitors have of the Alabama Real Estate Commission is made by the receptionists. The Reception Department's main functions are answering and routing calls, greeting visitors, and distributing incoming mail. Additionally, the reception staff answers questions from the general public pertaining to applications, forms and procedures.

Robina Jenkins	robina.jenkins@arec.alabama.gov	420
Melissa Floyd	melissa.floyd@arec.alabama.gov	400

Find It FAST at www.arec.alabama.gov

DISCIPLINARY ACTIONS TAKEN

November 2006 through October 2007

DISPOSITION

The below were found guilty for violation of 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.

Celia D. Butler

License No. 000086512

Salesperson; Columbus, Georgia
Date of Hearing: December 8, 2006
Fined \$250

Melissa T. Thicklin

License No. 000084210

Salesperson; Montgomery, Alabama
Date of Hearing: December 8, 2006
Fined \$250

Tammy R. Smith

License No. 000084095

Salesperson; Birmingham, Alabama
Date of Hearing: December 8, 2006
Fined \$250

April Ham Cagle

License No. 000081524

Salesperson; Decatur, Alabama
Date of Hearing: December 8, 2006
Fined \$250

Steven Ray Mann

License No. 000079249

Qualifying Broker; Acworth, Georgia
Date of Hearing: December 8, 2006
Fined \$50

Jennifer L. Brooks

License No. 000084354

Salesperson; Birmingham, Alabama
Date of Hearing: December 8, 2006
Fined \$250

Christina W. Weems

License No. 000086987

Temporary Salesperson; Foley, Alabama
Date of Hearing: December 8, 2006
Fined \$250



Kistra O. Scott

License No. 000074987

Salesperson; Mobile, Alabama
Date of Hearing: December 8, 2006
Fined \$250

Scott Dan Micklewright

License No. 000087604

Temporary Salesperson; Madison, Alabama
Date of Hearing: February 21, 2007
Fined \$250

Vickie M. Watson

License No. 000087718

Salesperson; Birmingham, Alabama
Date of Hearing: February 21, 2007
Fined \$250

Allison Harwell

License No. 000080916

Salesperson; Montgomery, Alabama
Date of Hearing: February 21, 2007
Fined \$250

Paula D. Ryan

License No. 000085878

Salesperson; Cullman, Alabama
Date of Hearing: March 16, 2007
Fined \$250

Lia Anne Muir

License No. 000085314

Salesperson; Prattville, Alabama
Date of Hearing: March 16, 2007
Reprimanded

Jerald H. Gunter

License No. 000046462

Salesperson; Niceville, Florida
Date of Hearing: March 16, 2007
Fined \$250

Karen M. Poss

License No. 000084778

Salesperson; Tuscumbia, Alabama
Date of Hearing: March 16, 2007
Fined \$250

Delois Slaughter

License No. 000030723

Qualifying Broker; Birmingham, Alabama
Date of Hearing: April 20, 2007
Reprimanded

Robert T. Ashurst IV

License No. 000088942

Salesperson; Montgomery, Alabama
Date of Hearing: May 24, 2007
Fined \$250

Antoinette Robinson

License No. 000089590

Salesperson; Columbus, Georgia
Date of Hearing: July 20, 2007
Fined \$250

Hilary Nicole Swearingin

License No. 000089470

Salesperson; Enterprise, Alabama
Date of Hearing: July 20, 2007
Fined \$250

Charles B. Christian

License No. 000049099

Broker; Orange Beach, Alabama
Date of Hearing: August 24, 2007
Fined \$250

Janibal Vazquez

License No. 000090457

Salesperson; Columbus, Georgia
Date of Hearing: September 28, 2007
Fined \$250

DISPOSITION

The below was found guilty for violation of Section 34-27-36(a)(19) and Section 34-27-35(c)(2) by presenting to the Alabama Real Estate Commission, as payment for a fee or fine, an online payment (eCheck) which was returned for “insufficient funds.”

Loretta Dunham Ables

License No. 000081465

Salesperson; Seymour, Tennessee

Date of Hearing: March 16, 2007

Fined \$250

DISPOSITION

The below was found guilty of Count #2 for violation of Administrative Code 790-X-3.04(2) through Section 34-27-36(a)(19) by failing to prepare and furnish to the seller a complete estimated closing statement and Count #4 for violation of Section 34-27-36(a)(26) by having conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness in his failure to disclose to his client requests for payment or actual payment of the client’s funds.

Earl B. Wise

License No. 000079848

Salesperson; Prattville, Alabama

Date of Hearing: August 24, 2007

Fined \$500 on Count #2 and

\$1,000 on Count #4

DISPOSITION

The below were found guilty for violation of Rule 790-X-3-.01 through Section 34-27-36(a)(19) for failing to notify the Commission in writing within 30 days after changing their place of business as set out on their numbered license certificate.

Myllinda J. Vick

License No. 000078103

Qualifying Broker; Nashville, Tennessee

Date of Hearing: December 8, 2006

Fined \$250

Jerry Cash

License No. 000061225

Qualifying Broker; Lawrenceburg, Tennessee

Date of Hearing: December 8, 2006

Fined \$100

Kent Sherwood Levenson

License No. 000082376

Qualifying Broker; Atlanta, Georgia

Date of Hearing: December 8, 2006

Fined \$100

Rebecca B. Harris

License No. 000005818

Qualifying Broker; Pelham, Alabama

Date of Hearing: February 21, 2007

Reprimanded

DISPOSITION

The below was found guilty for violation of Section 34-27-31(j) through Section 34-27-36(a)(19) for failing to notify the Commission within 10 days of the institution of criminal prosecution; Section 34-27-36 (a)(23)a. for having entered a plea of nol contendere, or having been found guilty of or convicted of a felony or a crime involving moral turpitude.

Justin William Hardy

License No. 000081594

Salesperson; Birmingham, Alabama

Date of Hearing: December 8, 2006

License Revoked

DISPOSITION

The below were found guilty of Count #1 for violation of Section 34-27-31(j) through Section 34-27-36(a)(19) for failing to notify the Commission within 10 days of the institution of criminal prosecution and Count #2 for violation of Section 34-27-36 (a)(23)a. for having entered a plea of guilty or nolo contendere, or having been found guilty of or convicted of a felony or a crime involving moral turpitude.

Kenneth D. Wall

License No. 000012847

Qualifying Broker; Orange Beach, Alabama

Date of Hearing: March 16, 2007

Reprimanded on Count #1;

License suspended for a period of 15 months from the signing of the order on Count #2

Patrick Scott Myrick

License No. 000067458

Inactive Salesperson; Gulf Shores, Alabama

Date of Hearing: August 24, 2007

Fined \$250 on Count #1; License suspended for a period of 6 months from the signing of the order on Count #2

DISPOSITION

The below were found guilty of Count #1 for violation of Section 34-27-2(a)(19) for operating a real estate company outside of the definition of Section 34-27-2(a)(5); Count #2 for violation of Section 34-27-36(a)(8)a. and 34-27-36(a)(8)b. for failure to deposit and account for at all times all funds being held for others by having a shortage of such funds; and Count #3 for violation of Section 34-27-36(a)(28) and (29) through Section 34-27-36(a)(19) for failing or refusing on demand to produce a document, book, or record in their possession concerning a real estate transaction conducted by them and failing within a reasonable time to provide information requested by the commission during an investigation.

Martin-Lynch Realty LLC

License No. 000074206 and

Pamela Martin-Lynch

License No. 000049335

Qualifying Broker; Auburn, Alabama

Date of Hearing: December 8, 2006

Fined \$1000 each respondent for Count #1; Ms. Martin-Lynch fined \$2,500 for Count #2; and each respondent Fined \$1,000 on Count #3.

DISPOSITION

The below was found guilty for violation of Sections 34-27-85(a)(1) and (2) by failing to loyally represent the best interest of his client by not disclosing that another licensee in his office was making an offer on the same property as his client.

Joe P. Harwell

License No. 000011833

Salesperson; Wetumpka, Alabama

Date of Hearing: August 24, 2007

Fined \$500

DISPOSITION

The below was found guilty for violation of Section 41-22-19 and Section 34-27-32 by admitting to a felony conviction on his license application, but failing to include an attachment further explaining his arrest.

David R. Francis
License No. 000078573
 Salesperson; Huntsville, Alabama
 Date of Hearing: July 20, 2007
License withdrawn/suspended for six months

DISPOSITION

The below was found guilty of Count #1 for violation of Section 34-27-35(k) through Section 34-27-36(a)(19) by engaging in activities that require an active license while his licenses were on inactive status; Count #2 for violation of Section 34-27-2(a)(11)(b) through Section 34-27-36(a)(19) for operating a real estate place of business at his home within the city limits or police jurisdiction of a municipality.

David Wilson Steelman
License No. 000066320
 Qualifying Broker; Huntsville, Alabama
 Date of Hearing: June 15, 2007
Fined \$1,000 on Count #1; broker's license and company license of The Home Team Realty suspended for one year on Count #2, but the second six months of this suspension is conditionally stayed if the respondent completes a commission-approved 3-hour risk management course.

DISPOSITION

The below were found guilty of violation of Section 34-27-36(a)(8)a. and 34-27-36(a)(8)b. for failure to deposit and account for at all times all funds being held for others by having a shortage of such funds.

R. W. Smith and Associates, Inc.
d/b/a Smith and Associates, Inc.
License No. 000052389
 and
Rosalyn W. Smith
License No. 000025016
 Qualifying Broker; Montgomery, Alabama
 Date of Hearing: May 24, 2007
Fined \$1,000 and reprimand for each respondent

Robert J. Fedder
License No. 000013322
 Qualifying Broker; Daphne, Alabama
 Date of Hearing: April 20, 2007
Fined \$1,500

DISPOSITION

The below was found guilty of violation of Section 34-27-36(a)(8)b. for failure to deposit and account for at all times all funds being held for others by having a shortage of such funds.

Arthur L. Cole, III
License No. 000046738 and
Cole Properties
License No. 000059713
 Qualifying Broker; Huntsville, Alabama
 Date of Hearing: March 16, 2007
Reprimand for each respondent

DISPOSITION

The below **surrendered their licenses** for alleged license law violations in lieu of filing a formal complaint and having a hearing.

Claudine Ann Arredondo Graf
License No. 000082616
 Salesperson; Birmingham, Alabama
 Date of Hearing: June 23, 2006

Victor E. Vance
License No. 000035704
 Salesperson; Auburn, Alabama
 Date of Hearing: August 18, 2006

Rita J. Parsley
License No. 000053688
 Salesperson; Town Creek, Alabama
 Date of Hearing: August 18, 2006

Harry P. Corley
License No. 000053158
 Salesperson; Gardendale, Alabama
 Date of Hearing: September 15, 2006

Billy Brown
License No. 000066597
 Associate Broker; Mobile, Alabama
 Date of Hearing: January 18, 2007

James Ryan Jackson
License No. 000085399
 Salesperson; Greenville, South Carolina
 Date of Hearing: April 20, 2007

Steven M. Turner
License No. 000045478
 Associate Broker; Montgomery, Alabama
 Date of Hearing: April 20, 2007

Lisa G. Turner
License No. 000045477
 Salesperson; Gulf Shores, Alabama
 Date of Hearing: April 20, 2007

Melissa Gwynn Love
License No. 000076051
 Salesperson; Foley, Alabama
 Date of Hearing: June 15, 2007

Sabrina Suzanne Williams
License No. 000049820
 Salesperson; Northport, Alabama
 Date of Hearing: June 15, 2007

Deborah Hearn
License No. 000010911
 Salesperson; Dothan, Alabama
 Date of Hearing: July 20, 2007

Melissa W. Schroeder
License No. 000079505
 Salesperson; Mobile, Alabama
 Date of Hearing: July 20, 2007

OTHER ADMINISTRATIVE ACTIONS

DETERMINATION OF LICENSURE

Approved.....	39
Denied.....	10

DETERMINATION OF ELIGIBILITY

Approved.....	18
Denied.....	15

COMPLAINTS AND INQUIRIES HANDLED BY LEGAL AND INVESTIGATIVE STAFF

From Licensees.....	4,993
From Public.....	2,526
Anonymous.....	38

BRIEFLY LEGAL**How Do We Do It?***By Charles R. Sowell, General Counsel*

This is going to be a change from the usual commentary about the fast and sexy world of real estate law. Before you get too disappointed, hear me out. How we approach our work is in many ways as important as the result we get. Our commissioners have a strategic plan. A part of that plan is a formal statement of our Mission, Vision, and Values. Here they are:

■ **Mission**

To protect the public through the licensing and regulating of real estate licensees

■ **Vision**

To insure public confidence in real estate transactions

■ **Values**

Effective management of our resources, excellent customer service, innovation, and honesty and integrity

These are not just business slogans. They apply across our office. Here are some thoughts on how we strive to translate them into practice on the legal and investigative side.

Consumers come to us in a variety of ways. Some believe there probably is wrongdoing in the situation in which they are involved. Some are just curious to understand how the law applies to their situation. Some are so frustrated with the process of property buying or selling that they are exasperated, or just plain angry. We do our best to help them understand where they are in their respective situations. We also try to diffuse some of their bad feelings when they are present. After all, we have to proceed in accordance with the law. There is no place for emotion in the process. Common courtesy, civility, manners, and thoughtful diplomacy are still in style. Nerves can get frazzled on both ends, but we try to treat everyone with respect. We are all humans with imperfections.

Licensees are sometimes defensive or frightened when they get an inquiry from us. Every licensee should know that we do not assume that anyone has violated the law. We need to know the facts. Every situation is approached with an open mind and evaluated as objectively as possible. Formal charges will not be filed without giving the licensees involved every opportunity to explain their side. This is only fair, as we have already gotten an earful from the complainant.

Many of our calls and emails are from real estate licensees who want to make sure they understand how to comply with the law in a particular situation. We believe we serve everyone by helping to prevent problems and we spend a whole lot of time doing this. We would prefer to head off potential problems than to deal with the consequences. Consumers are really the winners when things are done right. ■

Briefly Legal Article Index Available on Web*By Chris Booth, Assistant Counsel*

While I enjoy answering license law questions and meeting many of you through your phone calls, we are now providing a new source of answers to many of your questions. Under the legal menu on the Commission's main page you will find a link to the index of prior Briefly Legal articles written for the Update newsletter. These articles can help clarify license law questions twenty-four hours a day seven days a week, while we here in the legal department are only here forty hours a week. Consulting this index should be the first step in answering any question regarding license law. If you need further information or your question is not discussed in prior articles, do not hesitate to contact the legal division for assistance. Briefly Legal articles indexed on the Web site are listed here.

- Earnest Money Disputes
- Commercial Practice Tips
- Act 2006-601 (Unlicensed Activity and Jurisdiction)
- Letter Sizin', Alabama Real Estate Advertising Regulation
- Seller Disclosure in Alabama
- CMA, BPO or Appraisal
- License Law Changes
- Duplicate Company Names
- Minimum Services Law
- Double Dipping (So You Want to Be in the Mortgage Business Too)
- When You Change Companies
- Mortgage Loan Fraud-Don't Do It
- Four Men Charged in HUD Loan Fraud
- Real Estate on Late Night Television
- Companies to Receive Commissions for Licensees
- Buying a Property Listed by Your Company
- A Refresher on Estimated Closing Statements or Net Sheets
- Audit Checklist
- Is That Your Final Answer? Or is it Fraudulent Suppression?
- Sweep Escrow Accounts?
- Random Office Inspections, Audits and Other Stuff
- Commissioners Amend RECAD Form
- Brokers Liens on Commercial Real Estate
- Your Company Trust Accounts
- RECAD in Commercial Deals
- Property Transfer and Underground Storage Tanks
- Risk Management 101: You and YOUR Real Estate
- Questions: RECAD, Megan's Law, Continuing Education
- A Quiz on Getting Paid
- Caveat Emptor vs. Seller Disclosure
- Gifts, Rebates and Kickbacks
- Deposit of Funds Rule Changes
(See current Rule 790-X-3-.03)



ALABAMA Real Estate Commission

1201 Carmichael Way • Montgomery, AL 36106

OUR MISSION

To protect the public through the licensing and regulating of Real Estate licensees.

OUR VISION

To insure public confidence in real estate transactions.

OUR VALUES

Effective management of our resources, excellent customer service, innovation, and honesty and integrity.

COMMISSIONERS

Gordon Henderson, Albertville, *Chairman*

Jewel D. Buford, Tuscaloosa

Steve Cawthon, Huntsville

Robert S. Hewes, Dothan

Sheila S. Hodges, Gulf Shores

Chester Mallory, Montgomery

Janet R. Morris, Montgomery

Dorothy P. Riggins, Montgomery

Bill Watts, Birmingham

D. Philip Lasater, Executive Director

Pat Anderson, Asst. Executive Director

Vernita Oliver-Lane, Editor

The Alabama Real Estate Commission UPDATE is published for the benefit of the Alabama Real Estate Industry by the Alabama Real Estate Commission.

Phone: 334.242.5544

Fax: 334.270.9118

www.arec.alabama.gov

arec@arec.alabama.gov

COMMISSION MEETINGS OPEN TO THE PUBLIC

All Commission meetings are open to the public and that includes real estate licensees. Commissioners welcome and encourage attendance and observation by any licensee in any location.

Locations, dates and times can be found on the Commission's Web site at

www.arec.alabama.gov.

LICENSE RENEWAL DATES

Real Estate licenses expire
September 30, 2008.

Remember to renew all broker, salesperson and company licenses in every even year.

Presort Standard
U.S. Postage
PAID
Montgomery, AL
Permit 286

2008 STATE HOLIDAYS

The Alabama Real Estate Commission will be closed on the following 2008 official state holidays.

Robert E. Lee/Martin Luther King, Jr. Birthdays	January 21
George Washington/Thomas Jefferson Birthdays	February 18
Confederate Memorial Day	April 28
National Memorial Day	May 26
Jefferson Davis' Birthday	June 2
Independence Day	July 4
Labor Day	September 1
Columbus Day/Fraternal Day/American Indian Heritage Day	October 13
Veteran's Day	November 11
Thanksgiving	November 27
Christmas Day	December 25