

MINUTES

A meeting of the Alabama Real Estate Commission was held April 22, 2021 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama. This meeting was also available by video teleconference (VTC).

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

Chairman Harrison called the roll and the following Commissioners indicated their presence with a spoken "present": Commissioners Emmette Barran, Jimmie Ann Campbell, Reid Cummings, Joyce Harris, Terri May and Susan Smith. A quorum was declared. The seats from the Sixth and Seventh Congressional Districts are currently vacant.

Commission staff members in attendance or participating via VTC were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis; Assistant General Counsel Zack Burr; Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Communications and Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham and State Professional Trainee Jess Sparks; Education Director Ryan Adair; Education Specialist Pam Oates; Accounting and Personnel Director Molli Jones; Auditors Denise Blevins and Vickie Shackelford; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Licensing Director Anthony Griffin; Licensing Assistant Amber Green and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner May made a motion to approve the minutes from the February 18, 2021 Commission meeting. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Commissioner Barran made a motion to approve the minutes from the February 26, 2021 Special Called Commission meeting. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Executive Director Vaughn Poe welcomed commissioners to Montgomery. He asked for attendees to observe a moment of silence and offered sincere condolences to the following: Commissioner Jimmie Ann Campbell in the loss of her mother, Mrs. Nathalene Graham Guest; Assistant Executive Director Teresa Hoffman in the loss of her mother-in-law, Mrs. Mary Fern Hoffman and Executive Director Vaughn Poe in the loss of a young brother, Roderick Singleton.

Director Poe reminded commissioners that the Commission is an open book agency and meetings are live streamed and broadcast to the world. Chairman Harrison asked when

meetings would be moved back to the regular Commission hearing room. Mr. Poe stated moving back could possibly happen this summer, depending on the governor's orders.

Director Poe stated for the record that Commissioner Bill Watts submitted his letter of resignation effective March 2, 2021. Mr. Watts represented the 6th Congressional District. Mr. Poe also stated for the record that the March 18, 2021 Commission meeting was canceled due to forecasted inclement weather and a state of emergency declared by Governor Ivey. He stated it is never the intention of the Commission to place commissioners, staff or licensees in danger by requiring travel to Montgomery in this situation.

Director Poe presented the February and March 2021 financial reports and gave commissioners an update on revenues and expenditures in the operating and recovery fund accounts. He indicated projected revenue is still on course for the fiscal year. Other state agencies have been paid \$342,396.37 and there have been no payments from the recovery fund. The Commission has taken full advantage of state-provided COVID-19 funding in the amount of \$96,155.33. New IT assets were purchased to allow staff members to telework and a new air purification system was installed to replace an outdated system that required costly repairs.

Director Poe stated that the Commission has issued 38,419 licenses. To date, there are 4,138 non-renewed licenses out of 34,055 licenses eligible to be renewed. Since October 1, 2020 the Commission has issued 4,225 new licenses of all types. There were 44 general audits completed in March averaging 1.5 audits per workday by the auditors. There were eight education audits performed over the past month. He reminded everyone the Commission is still experiencing the impact of COVID-19. Several staff members have tested positive in the past and a staff member is currently quarantined due to the virus.

Director Poe presented the legislative report and announced the 2021 legislative session is in its final days. An active presence has been maintained at the Alabama State House and the plan is to continue as necessary. Considering the legislation that was introduced and supported by one of the trade associations this session, the Commission staff is in the process of creating several proposed statutory rules to submit for consideration and approval in the coming months. He concluded by stating any license law initiatives that can legally be enacted by rule will be done so. Mr. Poe also announced appointments to the Commission are currently open and a notice regarding commissioner duties and responsibilities has been published. In coordination with the largest Alabama real estate trade association, all licensees have been notified of the proper way to apply for a commissioner appointment. Commissioner May asked if applications are given to commissioners for review. Director Poe stated a review by commissioners is not currently allowed in license law.

Director Poe reported an education task force is being formed for the purpose of considering necessary standards for the delivery of synchronous distance education and to consider whether the Commission has the capacity to evaluate such courses using those standards. Finally, to assess whether the Commission could offer a legitimate alternative to

certification by the Association of Real Estate License Law Officials (ARELLO®) and/or the International Distance Education Certification Center (IDECC). Additional information will be provided at the next meeting.

Director Poe announced the legal compliance audit for fiscal years 2019 and 2020 by the Alabama Examiners of Public Accounts had been completed. He indicated there was only one finding during this audit and plans are being made to correct it by amending an administrative rule. The final report will be available in the coming weeks. The 2021 Sunset Review has also been completed by the Examiners of Public Accounts and the final report will be submitted to the Sunset Committee legislators next fall. Also documented in the Sunset Report is a list of individuals completing the 2021 Board/Commission Member Training. Barbi Lee sent an email with all the pertinent information and commissioners were asked for their urgent participation in concluding this training before the May 31, 2021 deadline.

Director Poe reminded commissioners that the annual Statement of Economic Interests form is due to the Alabama Ethics Commission by April 30, 2021.

Director Poe presented a request to commissioners from the Marshall County Board of REALTORS® to hold a future Commission meeting in their area. Mr. Poe asked commissioners if they were interested in entertaining requests from local REALTOR® boards to include travel, considering COVID-19. Chairman Harrison stated she was not opposed to holding Commission meetings off-site. Vice Chairman Cummings stated he was not opposed, but was not in a hurry to do so. Commissioner Smith stated holding Commission meetings away from Montgomery provides a tremendous learning experience for licensees in that area. Mr. Poe will be speaking to the AAR Marshall County Board members on June 10, 2021 and will discuss holding a future Commission meeting in their area.

Director Poe announced the Commission is already looking to the next renewal cycle in 2022. It is an election year and the legislature will be in session beginning in January. It is important that we plan accordingly.

COMMISSIONER DISCUSSION

Executive Director Poe presented a summary of the following new rule and rule amendments.

1. Request for Approval to File Rule Amendment – Rule 790-X-1-.06 Prelicense and Post License School Approval and Requirements. Director Poe stated this amendment is made due to Act 2013-350 regarding occupational licenses based on military education, training or service. This amendment allows that approval be granted by the Commission for professional real estate courses offered by the U.S. armed forces or reserves, the National Guard of any state, the military reserves of any state or the naval militia of any state. Vice Chairman Cummings made a motion

to approve the proposed amendment to Rule 790-x-1-.06 as presented. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

2. Request for Approval to File New Administrative Rule – Rule 790-X-1-.22 Prohibition Against Contract Lobbyist. Mr. Poe discussed the need for this new rule going forward. Vice Chairman Cummings asked Mr. Poe to confirm this rule would not prohibit commissioners and Commission staff from performing the duties of a lobbyist. Mr. Poe stated information received from the Alabama attorney general’s office and the Alabama Ethics Commission have confirmed these functions can be performed by commissioners and Commission staff. Vice Chairman Cummings made a motion to approve proposed new Rule 790-X-1-.22 as presented. Commissioner Smith seconded the motion and it passed unanimously 7-0.
3. Request for Approval to File New Administrative Rule – Rule 790-X-1-.23 Misuse of Agency Name, Initials, Logo, or Seal. Director Poe stated this new rule was drafted at the request of Commissioners. Vice Chairman Cummings made a motion to approve proposed new Rule 790-X-1-.23 as presented. Commissioner Campbell seconded the motion and it passed unanimously 7-0.
4. Request for Approval to File New Administrative Rule – Rule 790-X-2-.26 Renewals During Military Deployment. Director Poe stated this new rule is also in response to Act 2013-350. The proposed new rule allows for licensees who are deployed during license renewal to have their renewal deferred and CE waived for the period of the deployment. A licensee will have until December 31 of the following year after deployment to complete the required CE and complete the license renewal process. Vice Chairman Cummings made a motion to approve proposed new rule 790-X-2-.26 as presented. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Commissioner Smith made a motion that Commissioners conduct disciplinary hearing disposition discussions in an open meeting. Commissioner May seconded the motion and it passed unanimously 7-0.

HEARINGS

Alabama Real Estate Commission VS. Beau Bevis and ARC Realty Inc., Formal Complaint No. 3517

Beau Bevis, Qualifying Broker, ARC Realty, Inc. and ARC Realty Inc., Birmingham, Alabama, in their positions as qualifying broker and real estate company were charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. by failing within a reasonable time, to properly account for or remit money coming into his possession which belongs to others.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to find Mr. Beavis and ARC Realty Inc. guilty. Commissioner Smith seconded the motion and it passed 6-1 with Commissioner May abstaining from the vote. Vice Chairman Cummings made a motion to fine Mr. Beavis and ARC Realty Inc. \$1,000 each. Commissioner Campbell seconded the motion. An amendment was offered by Commissioner Smith to fine Mr. Beavis and ARC Realty \$500 each. The amendment was seconded by Commissioner Campbell. Vice Chairman Cummings made a final motion to fine Mr. Beavis and ARC Realty, Inc. \$500 each. Commissioner Harris seconded the motion and it passed 6-1 with Commissioner May abstaining from the vote.

Alabama Real Estate Commission VS. Robert Scott, Formal Complaint No. 3539

General Counsel Starla Van Steenis advised Commissioners this hearing was continued until May 20, 2021.

James Hill, Jr., Application for Determination of Licensing Eligibility, Investigative File I-21,081

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Hill's application for determination of licensing eligibility, Commissioner May made a motion to approve his application. Commissioner Harris seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Quandesa Young, Formal Complaint No. 3541

General Counsel Starla Van Steenis advised Commissioners this hearing was continued until May 20, 2021.

Alabama Real Estate Commission VS. Martha Parson, Formal Complaint No. 3537

General Counsel Starla Van Steenis advised Commissioners that Ms. Parson submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Martha Parson, Qualifying Broker, Birmingham, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Ms. Parson's guilty plea and fine her \$250. Commissioner May seconded the motion and it passed unanimously 7-0.

Nicole La Rue Leland, Application for Determination of Licensing Eligibility, Investigative File I-20,205

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Leland's application for determination of licensing eligibility, Commissioner May made a motion to approve her application. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Carl Sheets, Formal Complaint No. 3540

General Counsel Starla Van Steenis advised Commissioners that Mr. Sheets submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Carl Sheets, Temporary Salesperson, Anniston, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Mr. Sheets' guilty plea and fine him \$250. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Maridith White, Application for Real Estate Salesperson's Temporary License, Investigative File I-20,209

Upon discussion of the evidence and testimony presented in the matter regarding Ms. White's application for a real estate salesperson's temporary license, Commissioner May made a motion to approve her application. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Jeremy Miller, Formal Complaint No. 3538

General Counsel Starla Van Steenis advised Commissioners that Mr. Miller submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Jeremy Miller, Salesperson, Morris, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Mr. Miller's guilty plea and fine him \$150. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Johnelia Langham, Application for Real Estate Salesperson's Temporary License, Investigative File I-21,020

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Langham's application for a real estate salesperson's temporary license, Commissioner Smith made a motion to approve her application. Commissioner Harris seconded the motion and it passed 5-2 with Vice Chairman Cummings and Commissioner May voting against the motion.

Alabama Real Estate Commission VS. Leanne Denise (Annie) Gilham, Formal Complaint No. 3536

General Counsel Starla Van Steenis advised Commissioners that Ms. Gilham submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Leanne Denise (Annie) Gilham, Associate Broker, Gadsden, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Ms. Gilham's guilty plea and fine her \$480. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Robert Smith, Application for Real Estate Salesperson's Temporary License, Investigative File I-21,026

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Smith's application for a real estate salesperson's temporary license, Commissioner May made a motion to approve his application. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Alabama Real Estate Commission VS. Melanie A. Brown, Formal Complaint No. 3535

General Counsel Starla Van Steenis advised Commissioners that Ms. Brown submitted an executed Not Appearing waiver and entered a guilty plea. The facts of the case were presented.

Melanie A. Brown, Inactive Salesperson, Huntsville, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by the 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.

Upon discussion of the evidence and testimony presented in the matter, Vice Chairman Cummings made a motion to accept Ms. Brown's guilty plea and fine her \$250. Commissioner Barran seconded the motion and it passed unanimously 7-0.

Darian J. Payne, Request for Extension to Apply for Salesperson's License, Licensing File LC2021-002

Upon discussion of the evidence and testimony presented in the matter regarding Mr. Payne's request for an extension to apply for a salesperson's license, Vice Chairman Cummings made a motion to grant a 30-day extension to submit his salesperson application. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Shauntan Henry, Application for Real Estate Salesperson's Temporary License, Investigative File I-21,071

Upon discussion of the evidence and testimony presented in the matter regarding Ms. Henry's application for a real estate salesperson's temporary license, Commissioner Smith made a motion to approve her application. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

NOT APPEARINGS

Delora Pate, Hardship Request for Home Office Operation, Investigative File I-21-149

Upon review of Ms. Pate's hardship request for home office operation, Commissioner Harris made a motion to approve her request. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Robin Unger, Application for Determination of Licensing Eligibility, Investigative File I-21-067

Upon review of Ms. Unger's application for determination of licensing eligibility, Commissioner Smith made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Jared Elliott, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-060

Upon review of Mr. Elliott's application for a real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve his application. Commissioner Smith seconded the motion and it passed unanimously 7-0.

Casady Johnson, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-079

Upon review of Ms. Johnson's application for a real estate salesperson's temporary license, Vice Chairman Cummings made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Lakasha Dotson, Application for Determination of Licensing Eligibility, Investigative File I-21-097

Upon review of Ms. Dotson's application for determination of licensing eligibility, Commissioner Campbell made a motion to approve her application. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Leah Willis, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-091

Upon review of Mr. Willis' application for a real estate salesperson's temporary license, Commissioner May made a motion to approve his application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Lacie Miller, Application for Determination of Licensing Eligibility, Investigative File I-21-089

Upon review of Ms. Miller's application for determination of licensing eligibility, Vice Chairman Cummings made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Angela Kennamore, Application for Real Estate Salesperson's Temporary License, Investigative File I-21-050

Upon review of Ms. Kennamore's application for a real estate salesperson's temporary license, Commissioner May made a motion to approve her application. Commissioner Campbell seconded the motion and it passed unanimously 7-0.

Confirm May and June Meeting Dates and Location for the Record: May 20, 2021, 9:00 a.m. in Montgomery, Alabama, and June 17, 2021, 9:00 a.m. with location to be determined.

Commissioner Barran made a motion to confirm the May meeting for May 20, 2021 at 9:00 a.m. in Montgomery, Alabama and confirm the June meeting for June 17, 2021 with the location to be determined. Vice Chairman Cummings seconded the motion and it passed unanimously 7-0.

Next Commission Meeting: Thursday, May 20, 2021, 9:00 a.m. in Montgomery.

There being no further business, Commissioner Smith made a motion to adjourn the meeting at 2:49 p.m. Commissioner May seconded the motion and it passed unanimously 7-0.

Done this 22nd day of April 2021.

Carole Harrison, Chairman

Barbi Lee, Recording Secretary