

MINUTES

A meeting of the Alabama Real Estate Commission was held April 25, 2019, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Danny Sharp; Commissioners Emmette Barran, Reid Cummings, Cindy Denney, Joyce Harris, Carole Harrison, Vaughn Poe, and Susan Smith; Executive Director Patricia Anderson; Assistant Executive Director Teresa Hoffman; General Counsel Mandy Lynn; Investigators David Erfman, K.C. Baldwin, Rickey Fennie and Marshall Simons. The Hearing Officer was Jim Hampton.

Other staff members in attendance for all or part of the meeting were Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Education Director Ryan Adair, Education Specialist Julie Norris; Accounting and Personnel Director Molli Jones; Information Technology Director Brett Scott, Information Technology Systems Specialist Steven Brown, Programmer Analyst Eric Aldridge; Licensing Administrator Anthony Griffin and Executive Assistant Barbi Lee.

The meeting, having been duly noticed according to the Alabama Open Meetings Act, was called to order at 9:00 a.m. and a quorum was declared.

Vice Chairman Sharp made a motion to approve the minutes from the March 21, 2019 meeting. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Chairman Watts requested adoption of the proposed amendment to Rule 790-X-1-.18(13) titled Reciprocal License Requirements. A public hearing on the amendment was held on March 21, 2019 and no one appeared to offer comments. There were also no written comments submitted. Vice Chairman Sharp made a motion to approve the proposed rule amendment. Commissioner Harrison seconded the motion and it passed unanimously 9-0.

Executive Director Patricia Anderson presented the March 2019 financial report. She gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts.

Ms. Anderson advised Commissioners that the Examiners of Public Accounts have completed their legal compliance audit for fiscal years 2017-2018 and the Sunset Audit for fiscal years 2015-2018. She also reminded Commissioners that the Statement of Economic Interests forms are due to the Ethics Commission on or before April 30.

Commissioner Smith commented that the licensees from her area have appreciated the email communications from the Commission staff. Some of the other Commissioners concurred.

Executive Director Anderson and IT Director Brett Scott introduced Eric Aldridge, the new Programmer Analyst in the Commission's IT Division.

General Counsel Mandy Lynn provided an appeals update and stated another appeal has been filed and two payments have been processed from the Recovery Fund.

Commissioner Barran provided an update on the RECAD Task Force meeting. He stated the meeting was a good start and there is a lot of work to be done.

COMMISSIONER DISCUSSION

Steve Windom, AREC Consultant, provided a legislative update to the Commission. He informed the Commission he had met with Bill Garrett of the Attorney General's Office. Mr. Garrett agreed that the Commission staff could communicate with licensees regarding legislation that affect them directly. Mr. Windom explained there are three categories of bills of interest: (1) taking the Commission's money; (2) taking the Commission's licensing authority, and (3) creating red tape. Bills that are currently being watched are SB 126, SB 233 and SB 237.

Chairman Watts shared he had just attended a CE course on License Portability taught by James Hochman. He commended General Counsel Mandy Speirs for her assistance in providing information for this class.

A discussion was held regarding the programming for posting disciplinary actions on the Commission's website. The consensus was to begin with current disciplinary actions and go forward.

Vice Chairman Sharp made a motion that Commissioners conduct disciplinary hearing disposition discussions in an Open Meeting. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

HEARINGS AND APPEARINGS

Sunday Hosch, Application for Determination of License Eligibility, Investigative File I-15,479

Ms. Hosch requested and was granted a continuance.

Soneakqua Jones, Application for Real Estate Salesperson Temporary License, Investigative File I-15,490

Upon discussion of the evidence and testimony presented in the matter regarding her application for a real estate salesperson temporary license, Commissioner Cummings made a motion to approve her application. Commissioner Harris seconded the motion and it passed unanimously 9-0.

Milagros Esther Matthais, Application for Determination of License Eligibility, Investigative File I-15,505

Upon discussion of the evidence and testimony presented in the matter regarding her application for determination of license eligibility, Commissioner Harrison made a motion to approve her application. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Gwendolyn Woods, Formal Complaint No. 3474

Gwendolyn Woods was not present for this hearing. Proper notice was given as she was personally served. The hearing was conducted in Ms. Woods' absence.

Gwendolyn Woods, Salesperson, Berkshire Hathaway Home Services Rise Real Estate, Huntsville, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment to the Alabama Real Estate Commission, as payment for a fee or fine, which was returned unpaid by the bank upon which it was drawn.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty and fine her \$1,500. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Raymond Jackson Woods, Request for Extension of Deadline to Complete Post License Course, Investigative File I-15,496

Upon discussion of the evidence and testimony presented in the matter regarding his request for extension of deadline to complete the post license course, Commissioner Smith made a motion to deny his request. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Deborah F. Lumpkin, Request Approval for Licensure After Revocation, Investigative File I-15,317

Upon discussion of the evidence and testimony presented in the matter regarding her request for approval for licensure after revocation, Commissioner Cummings made a motion to approve her request subject to all restitution being paid in full. Commissioner Poe seconded the motion and it passed 8-0-1 with one abstention from Chairman Watts.

Dominic Gil, Application for Broker's License; Failed to Meet Broker Experience Requirements, Investigative File I-15,516

Upon discussion of the evidence and testimony presented in the matter regarding his application for a broker's license and failure to meet broker experience requirements,

Commissioner Cummings made a motion to deny his application. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Cassandra Yvonne Langford, Formal Complaint No. 3471

Cassandra Yvonne Langford was not present for this hearing. Proper notice was given as she was personally served. The hearing was conducted in Ms. Langford's absence.

Cassandra Yvonne Langford, Inactive Salesperson, Huntsville, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by submitting an online electronic check payment to the Alabama Real Estate Commission, as payment for a fee or fine, which was returned unpaid by the bank upon which it was drawn.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find her guilty and fine her \$1,000. Commissioner Harris seconded the motion and it passed unanimously 9-0.

Larry B. Read, Previously Denied Applicant for Prelicense and Post License Instructor Status, Investigative File I-15,542

Commissioner Denney recused herself.

Upon discussion of the evidence and testimony presented in the matter regarding his application for prelicense and post license instructor status, Vice Chairman Sharp made a motion to approve his application. Commissioner Barran seconded the motion and it passed 6-1-1 with Commissioner Harrison voting against the motion and one abstention from Chairman Watts. Commissioner Denney did not vote on the motion.

NOT APPEARINGS

Ali Michelle Wilburn, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3481

Ali Michelle Wilburn, Qualifying Broker, Urban Commercial Realty LLC, Arley, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(16) by presenting a check to the Alabama Real Estate Commission, as payment for a fee or fine, which was returned unpaid by the bank upon which it was drawn.

Commissioner Cummings made a motion to find Ms. Wilburn guilty and fine her \$250. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Lillar Broaden, Request for Extension of Deadline to Pass Salesperson License Examination, Investigative File I-15,541

Upon review of the request from Ms. Broaden for an extension of the deadline to pass the salesperson license examination, Commissioner Barran made a motion to grant a 60-day extension. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Loretha Smith, Request for Extension of Deadline to Pass Broker License Examination, Investigative File I-15,552

Upon review of the request from Ms. Smith for an extension of the deadline to pass the broker license examination, Commissioner Smith made a motion to grant her extension until May 28, 2019 as requested. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Erica Diane Curtin, Request for Extension of Deadline to Submit Original Salesperson Application and Fee, Investigative File I-15,536

Upon review of the request from Ms. Curtin for an extension of the deadline to submit her original salesperson application and fee, Commissioner Smith made a motion to grant the extension. Commissioner Harris seconded the motion and it passed 8-1. Commissioner Harrison voted against the motion.

Reid Anderson, Request for Extension of 90-Day Deadline to Submit Application for Temporary Salesperson License, Investigative File I-15,515

Upon review of the request from Mr. Anderson for an extension of the 90-day deadline to submit his application for temporary salesperson license, Commissioner Cummings made a motion to approve his request. Commissioner Harris seconded the motion and it passed 6-3. Vice Chairman Sharp and Commissioners Barran and Harrison voted against the motion.

Donnis Palmer, Hardship Request for Time Extension for ARELLO® Recertification for Distance Education Courses, Investigative File I-15,544

Upon review of the request from Ms. Palmer for a time extension for ARELLO® recertification for distance education courses, Commissioner Barran made a motion to grant her a one-year extension so that she can continue offering courses pending ARELLO recertification. Vice Chairman Sharp seconded the motion and it passed unanimously 9-0.

Confirm June Meeting Date and Location for the Record: June 20, 2019, 9:00 a.m. in Montgomery, Alabama

Commissioner Barran made a motion to approve the June meeting for June 20, 2019 at 9:00 a.m. in Montgomery, Alabama. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Next Commission Meeting: Thursday, May 23, 2019, 9:00 a.m. in Montgomery, Alabama

There being no further business, the meeting adjourned at 12:35 p.m.

Done this 25th day of April 2019.

Bill Watts, Chairman

Barbi Lee, Recording Secretary