

MINUTES

The Alabama Real Estate Commission met April 15, 2005, in Huntsville at the Huntsville Area Association of Realtors.

Those present were Chairman Bill Poole; Vice Chairman Gordon Henderson; Commissioners Roy Bragg, Jewel Buford, Thomas Hays, Sheila Hodges, Lyman Lovejoy and Chester Mallory. Commissioner Hewes was absent with notice. Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Legal Counsel Charles Sowell; Investigators David Erfman and Chuck Kelly, Auditor Vickie Shackelford, and Hearing Officer Milt Belcher.

Chairman Poole called the meeting to order at 9:00 a.m. and declared a quorum present for the conduct of business. Chairman Poole welcomed all guests, and Ms. Martin in particular. He also expressed appreciation to the Huntsville Association of Realtors for use of their facility.

Commissioner Mallory, on behalf of other Commissioners and staff, expressed deep appreciation to Chairman Poole for his generous hospitality which again was echoed by many.

Commissioner Hodges moved to approve the March 11 meeting minutes as presented. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

The March financial statement was reviewed with no action taken.

Executive Directors Report: Philip Lasater reported that the State Department of Personnel had approved the Commission's request for an Attorney I classification. In follow up to the discussion in Birmingham at the March meeting regarding e-checks and Alabama Interactive, the two things requested of Alabama Interactive had been discussed with them and agreed to. These were to program so that anyone entering an e-check account number would have to enter it the same way twice. There would also be an additional disclosure that Alabama Interactive is a contract agent of the Real Estate Commission and the fee for the license transaction will be reflected on the applicant or licensee's credit card statement as Alabama Interactive. A reminder was provided that April 30 was the filing deadline for the Ethics Commission statements of Economic Interest. General Counsel Charles Sowell provided an overview of the New Open Meetings law that becomes effective October 2005. Assistant Executive Director Pat Anderson gave an advance overview on proposed upcoming education rule amendments.

Upon discussion and in consideration of the need for review and clarification on the place of business requirements, interpretation and enforcement, Chairman Poole appointed Commissioner Bragg who agreed to chair a committee for this purpose. General Counsel Charles Sowell is to work in concert and support to assist in the development of rule proposals that address the needs and concerns of Commissioners and how this regulation should be applied. Any rule proposals or amendments will be subject to the full Commission review and submission to the rule making process.

Following ongoing discussion surrounding concerns about unlicensed activity and the Alabama Commission obtaining jurisdiction and authority to intervene in the practice where cooperation fails and to explore the authority to levy fines and or civil penalties when prosecution has become necessary, the Commission agreed to study alternatives. The parallel issue of “jurisdiction” is also to be reviewed in order to establish a more practicable definition for practice understanding and enforcement. Chairman Poole appointed Commissioner Hodges who agreed to serve as chair of a committee for this purpose. General Counsel Charles Sowell is to work in support providing assistance and necessary legal guidance in the development of proposals the full Commission may consider.

It was agreed the next regular meeting of the Commission would be held in Montgomery on May 20.

HEARINGS AND APPEARINGS

Alabama Real Estate Commission vs. Karen Elaine Glidewell, Formal Complaint No. 2859

Upon discussion of the evidence and testimony presented in the matter of Karen Elaine Glidewell, D.M. Properties, LLC d/b/a Advanced Real Estate Services, Birmingham, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(23)a. by having entered a plea of guilty or nolo contendere to, or having been found guilty of or convicted of a felony or a crime of moral turpitude, Commissioner Buford moved to find Ms. Glidewell guilty and to revoke her license. Commissioner Hodges seconded the motion and it passed 5-3 with Commissioners Hays, Lovejoy and Mallory voting no.

Carmen B. Crutcher, Applicant for Determination of Eligibility to be Licensed, I-11,569

Upon discussion of the application for determination of licensing eligibility submitted by Mr. Crutcher, Commissioner Hodges moved to approve the licensing eligibility of Ms. Crutcher. Commissioner Hays seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. William T. Broglan, Formal Complaint No. 2816

Upon discussion of the evidence and testimony presented in the matter of William T. Broglan, Qualifying Broker, Swords Property Management, Huntsville, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(19) by failing to comply with Section 34-27-32(g) in that he failed to obtain a branch office license and designate a qualifying broker for the office at 3322 South Memorial Parkway, Suite 609, Huntsville, Alabama, Chairman Poole having recused himself in participating or voting in the hearing, turned the gavel to Vice Chair Henderson to preside during this disposition. Commissioner Henderson moved to find Mr. Broglan guilty and revoke his license. The motion failed for lack of a second. Commissioner Hays moved to find Mr. Broglan guilty and to fine him \$250. The motion died for lack of a second. Commissioner Hodges moved to find Mr. Broglan guilty and to fine Swords Property Management \$1000. Commissioner Buford seconded the motion and it passed 5-2 with Commissioners Hays and Mallory voting no and Chairman Poole having recused himself.

Alabama Real Estate Commission vs. Sara L. Whitworth, Formal Complaint No. 2856

Chairman Poole offered to recuse himself from the hearing acknowledging a long term friendship with Ms. Whitworth, unless she believed he could render a fair, impartial decision. She affirmed her belief that he could.

Upon discussion of the evidence and testimony presented in the matter of Sara L. Whitworth, Qualifying Broker, Whitworth Realty, Madison, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36 (a)(8)a. and Section 34-27-36(a)(8)b. by failing within a reasonable time to properly account for money coming into her possession that belonged to others and by failing to deposit and account for, at all times, funds belonging to or being held for others in a separate federally insured account or accounts in a financial institution located in Alabama, Commissioner Hays moved to find Ms. Whitworth guilty and to fine her \$250. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Alabama Real Estate Commission vs. Denise S. Stafford, Formal Complaint No. 2837

Continued until a later date.

Michael Grant Ingram, Applicant or Determination of Licensing Eligibility, I-11,590

Upon discussion of the application for determination of licensing eligibility submitted by Mr. Ingram, Commissioner Hodges moved to approve the licensing eligibility of Mr. Ingram. Commissioner Lovejoy seconded the motion and it passed unanimously 8-0.

Wendy Marie Calma, Applicant for Determination of Licensing Eligibility, I-11,592

Upon discussion of the application for determination of licensing eligibility submitted by Ms. Calma, Commissioner Hays moved to approve the license eligibility of Ms. Calma. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

NOT APPEARING ITEMS FOR RULING

Renae Stacey Bentley, Applicant for Determination of Eligibility to be Licensed, I-11,591

Upon discussion of Ms. Bentley's eligibility for licensure, Commissioner Hodges moved to deny the license application of Ms. Bentley. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Ruby Hughes, Request for Approval of Salesperson's Original Licensure, I-11,604

Upon discussion of Ms. Hughes' request for waiver of the one year rule applying for the original salesperson's license, Commissioner Hays moved to approve the requested extension of Ms. Hughes for the submission of her original salespersons license. Commissioner Henderson seconded the motion and it passed unanimously 8-0.

Pamela H. Parker, Qualifying Broker's Status, I-11,587

Upon discussion of Ms. Parker's request for part-time employment while also maintaining her qualifying broker status, Commissioner Henderson moved to deny the request of Qualifying Broker Pamela Parker to hold other simultaneous employment. Commissioner Buford seconded the motion and it passed 6-1 with Commissioner Hays voting no and Commissioner Hodges abstaining.

Marshea Fields, Applicant for Determination of Licensing Eligibility, I-11,614

Upon discussion of Ms. Fields' application for determination of licensing eligibility, Commissioner Hodges moved to deny the license eligibility of Ms. Fields. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Shirley Comer, Applicant for Determination of Licensing Eligibility, I-11,614

Upon discussion of Ms. Comer's application for determination of licensing eligibility, Commissioner Hodges moved to approve the license eligibility of Ms. Comer. Commissioner Bragg seconded the motion and it passed unanimously 8-0.

Christopher Lamar Pettway, Applicant for Determination of Licensing Eligibility, I-11,613

Upon discussion of Mr. Pettway's application for determination of licensing eligibility, Commissioner Hodges moved to deny the license eligibility of Mr. Pettway. The motion failed for lack of a second. Upon further discussion, Commissioner Hodges again moved to deny the license eligibility of Mr. Pettway. Commissioner Bragg seconded the motion and it passed 6-2 with Commissioners Hays and Mallory voting no.

There being no further business, the Commission adjourned at 1:26 p.m.

Done this 15th day of April, 2005.

Bill E. Poole, Chairman

D. Philip Lasater, Recording Secretary