

MINUTES

A meeting of the Alabama Real Estate Commission was held August 27, 2010, at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Sheila Hodges; Commissioners Steve Cawthon, Bobby Hewes, Clif Miller, Dorothy Riggins-Allen and Nancy Wright; Executive Director Philip Lasater; Assistant Executive Director Patricia Anderson; Deputy Attorney General Charles Sowell; Assistant Attorney General Chris Booth; Education Director Ryan Adair; Licensing Administrator Anthony Griffin; Investigators David Erfman, Chuck Kelly, Phillip Bunch and K.C. Baldwin and Auditor Vickie Shackelford. Tori Adams served as Hearing Officer. Absent with notice were Vice-Chair Jewel Buford and Commissioners Jan Morris and Bill Watts.

Other staff in attendance were Public Relations Manager Vernita Oliver-Lane, Public Relations Specialist Lori Moneyham, Accounting and Personnel Manager Molli Jones, Information Technology Manager Nancy Barfield, Assistant Information Manager Brett Scott and Programmer Analyst Matt Davis.

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

Commissioner Hewes made a motion to approve the July minutes as presented. Commissioner Cawthon seconded the motion and it passed unanimously 6-0.

Executive Director Philip Lasater reported on the July financial statement. He reported that expenditures and revenues are under projection and cash flow is adequate.

Mr. Lasater introduced Susan Hanner from Dearborn Education who was present to observe the meeting. Commissioners welcomed Ms. Hanner as well.

Mr. Lasater discussed an analysis provided to Commissioners regarding the status of renewals four days out from the August 31 deadline. Over 50% of licensees have renewed which we view as positive. Another report will be provided at the September meeting. Out of state travel approvals have been received back from the Governor's office for the AAR annual convention and for the ARELLO annual conference.

Commissioner Hodges asked how we might distribute information about BP claims to all licensees. Mr. Lasater offered that the memo regarding the claims developed by the Alabama Association of Realtors can be placed on our Web site and that we can ask the Alabama Center for Real Estate to post it on their web site as well.

Assistant Attorney General Chris Booth gave Commissioners an updated report on hearing dispositions that are on appeal.

Commissioner Cawthon made a motion that the Commission conduct its disciplinary hearing disposition discussions and decisions in open meeting. Commissioner Miller seconded the motion and it passed unanimously 6-0.

HEARINGS

Cindy Denise Sullivan, Application for Temporary Salesperson's License, I-13,435

Upon discussion of the testimony presented by Ms. Sullivan regarding a felony conviction and her eligibility for licensure, Commissioner Cawthon made a motion to approve her eligibility. Commissioner Hewes seconded the motion and it passed unanimously 6-0.

Joel Henderson Smith, Hardship Application to Obtain Original Salesperson's License After Temporary License Lapsed, I-13,460

Upon discussion of the testimony presented by Mr. Smith regarding his lapsed temporary license and hardship application for an original salesperson's license, Commissioner Hewes made a motion to grant Mr. Smith a 30-day extension to have his license issued. Commissioner Riggins-Allen seconded the motion and it passed 4-2 with Commissioners Hodges and Cawthon voting no.

Christina E. McKinney, Request for 30-day Extension to Complete Post License Course, I-13,442

Upon discussion of Ms. McKinney's request for a 30-day extension for completing the post license course, Commissioner Miller made a motion to approve her request. Commissioner Cawthon seconded the motion and it passed unanimously 6-0.

Elizabeth D. Boyd, Application for Eligibility to be Licensed After Revocation, I-13,398

Upon discussion of the testimony presented by Ms. Boyd regarding her request for re-licensure after revocation of her licenses in 2008, Commissioner Wright made a motion to deny her request. Commissioner Hewes seconded the motion and it passed unanimously 6-0.

Alabama Real Estate Commission vs. Michelle J. Humphrey and Century 21 Town-N-Country Realty, Formal Complaint No. 3194

Upon discussion of the evidence and testimony presented in the matter of Michelle J. Humphrey and Century 21 Town-N-Country Realty, Oneonta, Alabama, and the alleged violation of the Code of Alabama 1975, as amended, Section 34-27-36(a)(8)a. and 34-27-36(a)(8)b. by failing, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others, or commingling money belonging to others with his or her own funds, and by failing to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a

financial institution located in Alabama, Commissioner Wright made a motion to find Ms. Humphrey guilty and fine her \$2,000. Commissioner Hewes seconded the motion. After discussion, Commissioner Wright amended her motion to find Ms. Humphrey guilty and revoke her licenses. Commissioner Hewes accepted the amendment. The motion passed unanimously 6-0.

NOT APPEARING ITEMS FOR RULING

Lee Tolley Harper, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3198

Upon review of the evidence presented in the matter of Lee Tolley Harper, Qualifying Broker, Hudson Commercial LLC d/b/a Grubb and Ellis/Hudson Chattanooga, 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 he did not notify the Commission in writing of a change of business address within thirty (30) days after the change was made, Commissioner Hewes made a motion to find Mr. Harper guilty and fine him \$250. Commissioner Cawthon seconded the motion and it passed unanimously 6-0.

Michael L. Danhour, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3200

Upon review of the evidence presented in the matter of Michael L. Danhour, Qualifying Broker, Southeastern Land Company LLC, Jacksonville, Florida, 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 did not notify the Commission in writing within thirty (30) days after change was made, Commissioner Cawthon made a motion to find Mr. Danhour guilty and fine him \$250. Commissioner Miller seconded the motion and it passed unanimously 6-0.

Lynn S. Geiselhart, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3199

Upon review of the evidence presented in the matter of Lynn S. Geiselhart, Inactive Temporary Salesperson, 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 Cawthon made a motion to find Ms. Geiselhart guilty and fine her \$250. Commissioner Hewes seconded the motion and it passed unanimously 6-0.

Sonya B. Williamson, Waiver of Hearing and Guilty Plea, Formal Complaint No. 3202

Upon review of the evidence presented in the matter of Sonya B. Williamson, Salesperson, Carraway Realty, Inc., d/b/a Weichert Realtors Access Realty, Birmingham, 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 made a motion to find Ms. Williamson guilty and fine her \$250. Commissioner Wright seconded the motion and it passed unanimously 6-0.

Confirm Next Meeting Date and Location for the Record: September 24, 2010, 9:00 a.m. in Montgomery, Alabama

Commissioner Cawthon made a motion to approve the next Commission meeting date and location for September 24, 2010 at 9:00 a.m. in Montgomery, Alabama. Commissioner Miller seconded the motion and it passed unanimously 6-0.

There being no further business, the Commission adjourned at 11:45 a.m.

Done this 27th day of August, 2010.

Sheila Hodges, Chairman

Patricia Anderson, Recording Secretary