

MINUTES

A meeting of the Alabama Real Estate Commission was held August 20, 2020 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 Danny Sharp at 9:00 a.m.

Chairman Sharp called the roll and the following Commissioners indicated their presence with a spoken "present": Vice Chairman Carole Harrison; Commissioners Emmette Barran, Reid Cummings, Melody Davis, Joyce Harris, Terri May, Susan Smith, Bill Watts and Chairman Danny Sharp. A quorum was declared. Commissioners Cummings, Harris and Watts actively participated via VTC during the meeting.

Chairman Sharp expressed his huge appreciation to the Commission staff for an effective meeting that allows online participation by those who cannot attend in person.

Commission staff members in attendance or participating via VTC were Executive Director Vaughn Poe; Assistant Executive Director Teresa Hoffman; General Counsel Starla Van Steenis, Investigators K.C. Baldwin, David Erfman, Rickey Fennie and Marshall Simons; Public Relations Director Vernita Oliver-Lane; Public Relations Specialist Lori Moneyham; Public Relations Intern Jess Sparks; Education Director Ryan Adair; Education Specialist Julie Norris; Accounting and Personnel Director Molli Jones; Auditor Anthony Brown; Information Technology Director Brett Scott; Information Technology Systems Specialist Steven Brown; Information Technology Programmer Analyst Eric Aldridge; Licensing Director Anthony Griffin and Executive Assistant Barbi Lee. The Hearing Officer was Jim Hampton.

Members of the public also attended via video teleconference.

Commissioner Watts made a motion to approve the minutes from the July 23, 2020 Commission meeting. Commissioner May seconded the motion and it passed unanimously 9-0.

Executive Director Vaughn Poe welcomed Commission members back to Montgomery and expressed his appreciation to Commissioners for their participation in the first hybrid meeting encompassing all members of the Commission in person and by VTC. He presented the June and July 2020 financial reports and gave Commissioners an update on revenues and expenditures in the operating and recovery fund accounts. He also shared with Commissioners that staff members are doing well and precautions are being taken to protect everyone.

Mr. Poe advised Commissioners that 15,000 renewals had been received with 14,000 of those processed online. An additional 20,000 could be received by the August 31 deadline. He further explained that only 4,275 renewed licensees had fully met the continuing education requirement and the remaining of those renewed had not completed their CE obligation. The

CE deadline was extended to December 31, 2020, but he emphasized that the deadline to submit license renewal fees would not be changed.

Commissioner Smith asked about the possible confusion of the renewal fee deadline versus the continuing education deadline. She indicated there were issues in her area. Mr. Poe explained that all announcements on the Commission's website and emails sent from the Commission regarding renewals have been very clear regarding each deadline.

Director Poe advised Commissioners that Governor Kay Ivey had signed the salary ranges approved by the State Personnel Board for the Executive Director and Assistant Executive Director positions. These ranges are now "set in stone" going forward. He also announced that the Sunset Committee review went well and there were no issues. A final vote will be taken in October and presented in the next legislative session.

Director Poe, General Counsel Starla Van Steenis and Education Director Ryan Adair attended the Montgomery Area Association of REALTORS® luncheon on August 19, 2020. Mr. Poe was the guest speaker and addressed questions that had been provided beforehand by members.

Mr. Poe reminded Commissioners the Annual ARELLO® Conference will be held September 21-29. This year's conference will be virtual and the registration fee is \$75. Assistant Executive Director Teresa Hoffman stated the fee will be refundable for the first time ever if you are not able to participate. She discussed speakers of special importance and topics that would be of interest to everyone. The deadline to register is August 30.

COMMISSIONER DISCUSSION

Proposed Meeting Dates for 2021

Chairman Sharp asked Commissioners if anyone had conflicts with the proposed 2021 meeting dates as presented. Commissioner Cummings indicated he had a conflict with the January meeting date. No other conflicts were discussed. Vice Chairman Harrison made a motion to approve the proposed meeting dates for calendar year 2021. Commissioner Davis seconded the motion and it passed unanimously 9-0.

The 2021 Commission meeting dates are: January 21, February 18, March 18, April 22, May 20, June 17, July 22, August 19, September 23, October 21 and November 18.

Commissioner Smith 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

Monica R. Hatcher, Hardship Application for Renewal of Lapsed Salesperson License, Investigative File I-20,019

Upon discussion of the evidence and testimony presented in the matter regarding her hardship application for renewal of a lapsed salesperson license, Commissioner Watts made a motion to approve her application subject to payment of all fees due and completion of all continuing education. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Alabama Real Estate Commission vs. Bradley Chambers, Formal Complaint No. 3516

Commissioner Harris recused herself.

Bradley Chambers, Salesperson, Foley, Alabama, was charged with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(14) by, as a real estate salesperson, accepting a commission or other valuable consideration for performing any act for which a license is required from any person except his or her qualifying broker.

Upon discussion of the evidence and testimony presented in the matter, Commissioner Cummings made a motion to find him guilty. Commissioner Barran seconded the motion and it passed 8-0. Commissioner Watts made a motion to fine him \$2,500 and revoke his license. Commissioner Cummings seconded the motion and it passed 8-0.

Steve Hodge, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,019

Upon discussion of the evidence and testimony presented in the matter regarding his request for approval to hold a real estate license after license was previously revoked, Commissioner Cummings made a motion to deny his application. Commissioner Barran seconded the motion and it passed 8-1 with Vice Chairman Harrison voting against the motion.

Alabama Real Estate Commission vs. Barbi Jo Carroll and Property Rental One Shop, Formal Complaint No. 3518

Barbi Jo Carroll and Property Rental One Shop, Phenix City, Alabama, were charged on **Count 1** in their positions as qualifying broker and as a real estate company with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)a. by commingling personal funds and paying for personal accounts with the trust fund account that was being held for others. Both respondents were charged on **Count 2** in their positions as qualifying broker and as a real estate company with violating the *Code of Alabama* 1975, as amended, Section 34-27-36(a)(8)b. 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, by having a shortage of funds in the amount of \$402.68 in the security deposits trust account during the 2020 audit.

Upon discussion of the evidence and testimony presented in the matter regarding **Count 1**, Commissioner Smith made a motion to find Ms. Carroll and Property One Rental Shop guilty. Commissioner Harris seconded the motion and it passed unanimously 9-0. Commissioner Smith made a motion to fine Ms. Carroll and Property One Rental Shop \$2,500 each. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

Regarding **Count 2**, Commissioner Watts made a motion to find Ms. Carroll and Property Rental One Shop guilty, fine them \$2,500 each and require Ms. Carroll to take *Risk Management for Property Managers* within 60-days. Commissioner Barran seconded the motion and it passed unanimously 9-0.

Michael Lee Langston, Request for Approval to Hold a Real Estate License after License was Previously Revoked, Investigative File I-20,106

Upon discussion of the evidence and testimony presented in the matter regarding his request for approval to hold a real estate license after license was previously revoked, Vice Chairman Harrison made a motion to deny his application. Commissioner Cummings seconded the motion and it passed unanimously 9-0.

NOT APPEARINGS

Regina Smith, Hardship Request for Extension to Pass the Salesperson License Examination, Education File ED2020-006

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

Confirm October Meeting Date and Location for the Record: October 22, 2020, 9:00 a.m. in Montgomery, Alabama

Commissioner Smith made a motion to confirm the October meeting for October 22, 2020 at 9:00 a.m. in Montgomery, Alabama. Commissioner Harris seconded the motion and it passed unanimously 9-0. A determination will be made as to an in-person meeting or video teleconference.

Next Commission Meeting: Thursday, September 17, 2020, 9:00 a.m. in Montgomery.

There being no further business, Commissioner Smith made a motion to adjourn the meeting at 1:00 p.m. Commissioner Davis seconded the motion and it passed unanimously 9-0.

Done this 20th day of August 2020.

Danny Sharp, Chairman

Barbi Lee, Recording Secretary