

## MINUTES

A meeting of the Alabama Real Estate Commission was held August 21, 2014 at the offices of the Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama.

Those present were Chairman Bill Watts; Vice Chairman Nancy Wright; Commissioners Jewel Buford, Steve Cawthon, Carole Harrison, Clif Miller, Dorothy Riggins-Allen and Danny Sharp; Executive Director Patricia Anderson; General Counsel Chris Booth; Assistant General Counsel Mandy Lynn; Education Director Ryan Adair; Licensing Administrator Anthony Griffin and Investigators David Erfman, Chuck Kelly, Phillip Bunch and K. C. Baldwin. Commissioner Reid Cummings was absent with notice.

Other staff members present for all or part of the meeting were Public Relations Manager Vernita Oliver-Lane, Public Information Specialist Lori Moneyham, IT Manager Brett Scott and IT Systems Specialist Steven Brown.

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

Commissioner Buford made a motion to approve the minutes for the July 24, 2014 meeting and August 6, 2014 meeting with correction. Commissioner Wright seconded the motion and it passed unanimously 8-0.

Executive Director Patricia Anderson presented the financial report. The Commission's cash flow is still good. The remaining money from the FY2014 renewal investments has been moved into the operating account to complete the fiscal year. The trend of Recovery Fund payouts exceeding revenue continues.

Currently, 13,000 active and inactive licensees have renewed their licenses. Of this number, 6,000 licensees have paid renewal fees and completed all of the required continuing education. Of those who have renewed, online renewals accounted for 76.5 percent of renewals and 23.5 percent were in-house renewals.

The Assistant Executive Director position has been offered to and accepted by Teresa Hoffman, who is the Deputy Director at the Nebraska Real Estate Commission. She will start on September 22, 2014.

Molli Jones has returned to the Commission full-time in the Accounting Division. Cathy Taylor, who is also in the Accounting Division, will be retiring after 27 years with the State of Alabama effective September 1, 2014.

Education Director Ryan Adair and IT Manager Brett Scott will be going to Applied Measurement Professionals (AMP) in Kansas. Mr. Adair will attend the Advisory Board meeting and Mr. Scott will meet with a representative from the Georgia Real Estate Commission to discuss the Alabama Real Estate Commission's new login procedures and how they relate to prelicense candidates and AMP.

General Counsel Chris Booth provided an update on pending appeals. There are currently two cases pending in Alabama Circuit Court.

Commissioner Cawthon made a motion to conduct disciplinary disposition discussions and decisions in an open meeting. Commissioner Miller seconded the motion and it passed unanimously 8-0.

## HEARINGS

### **David Herman, Application for Approval to Hold a Real Estate License After Previous Revocation, Investigative File I-14,351**

Upon discussion of Mr. Herman's request for Commission approval for relicensure, Commissioner Cawthon made a motion to deny Mr. Herman's request that his broker's license be reinstated and that his fine be waived. Commissioner Buford seconded the motion and it passed unanimously 8-0. Commissioner Riggins-Allen made a motion to grant Mr. Herman eligibility to become licensed as a salesperson by meeting all licensing requirements and allow him 12 months to pay his \$7500 fine. Commissioner Harrison seconded the motion and it passed unanimously 8-0. Commissioner Cawthon made a motion that the 12-month timeframe for Mr. Herman to pay his fine begin August 21, 2014. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

### **Alabama Real Estate Commission vs. Roe A. Collins, Sr., Formal Complaint No. 3345**

Roe A. Collins, Sr., Associate Broker, Realty Solutions LLC d/b/a Realty Executives Gulf Coast, Gulf Shores, Alabama, was charged on Count 1 of violating *Code of Alabama* Section 34-27-36(a)(19) by failing to comply with Commission Rule 790-X-3-.03(2) in that he failed to immediately pay over to his qualifying broker rent money that came into his possession and deposited these funds into his personal account and on Count 2 of violating *Code of Alabama* Section 34-27-36(a)(14) by accepting a commission or other valuable consideration for performing an act for which a license is required from any person other than his qualifying broker.

Commissioner Sharp made a motion to find Mr. Collins guilty on Count 1 and fine him \$2,500. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0. Commissioner Miller made a motion to find him guilty on Count 2 and fine him \$2,500. Commissioner Sharp seconded the motion and it passed unanimously 8-0.

### **Frank Bennett, Hardship Request for Additional Time to Take Temporary Salesperson's Examination, Investigative File I-14,484**

Upon discussion of Mr. Bennett's request for an extension of time to take the temporary salesperson's examination, Commissioner Riggins-Allen made a motion to grant his request. Commissioner Harrison seconded the motion and it passed 7-1 with Commissioner Buford voting against the motion.

**Tricia Waterton, Application for Determination of Licensing Eligibility, Investigative File I-14,342**

Upon discussion of Ms. Waterton's request for Commission reconsideration of her application for licensing eligibility, Commissioner Cawthon made a motion to approve her application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Marsha Marie Pugh, Application for Determination of Licensing Eligibility, Investigative File I-14,373**

Upon discussion of Ms. Pugh's eligibility for licensure, Commissioner Sharp made a motion to approve her application. Commissioner Riggins-Allen seconded the motion and it passed unanimously 8-0.

**Samuel B. Shea, Application for Determination of Licensing Eligibility, Investigative File I-14,336**

Upon discussion of Mr. Shea's request for Commission reconsideration of his application for licensing eligibility, Commissioner Cawthon made a motion to deny his application. Commissioner Miller seconded the motion and it passed unanimously 8-0.

NOT APPEARING ITEMS FOR RULING

**David (Jake) Arriola, Waiver of Hearing and Guilty Plea for Bad Check, Formal Complaint No. 3348**

Upon review of the evidence presented in the matter of David (Jake) Arriola, Salesperson, Hometown Realty, LLC, Ozark, 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 him guilty and fine him \$250. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Lestreyt D. Samuels, Surrender of License, Investigative File I-14,348**

Upon review of the affidavit of license surrender submitted by Mr. Samuels, Commissioner Miller made a motion to accept his surrender. Commissioner Buford seconded the motion and it passed unanimously 8-0.

**Shirley Boyd and Gloria Hood, Request for Settlement**

Chairman Watts recused himself from this case and Commissioner Wright presided.

Concerning Formal Complaint #3307, Ms. Hood offered to accept revocation of her license and the company will continue to cease and desist from any activity that violates the real estate license law. Ms. Boyd requested to be allowed to retain her Alabama real estate license. Commissioners took no action.

There being no further business, the meeting adjourned at 12:04 p.m.

Done this 21<sup>st</sup> day of August, 2014.

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Bill Watts, Chairman

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Lori Moneyham, Recording Secretary